SUBJECT: Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200509, by 1322285 Ontario Ltd. (Silvestri Investments), owners, to establish a draft plan of subdivision, known as “Heritage Greene,” on lands located on Part of Lot 32, Concession 7 (Saltfleet), as shown on Appendix “B” to Report PED06137, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06137, and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development; and,

(ii) That payment of Cash-in-Lieu of parkland be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the blocks within the plan of subdivision. The payment will be based on a maximum of 5% of the value of the lands on the day prior to the day of the issuance of the building permit for the residential block(s), and 2% for the commercial block(s);

all in accordance with the Financial Policies for Development, and the City's Parkland Dedication By-law, as approved by Council.
SUBJECT: Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9) - Page 2 of 24

(b) That approval be given to the amended application by 1322285 Ontario Ltd. (Silvestri Investments), owners, for Official Plan Amendment No. __, for land located within Part of Lot 32, Concession 7 (Saltfleet), as shown on Appendix "A" to Report PED06137, for a change in designation on Schedule "A" General Land Use Plan, from "Special Policy Area 'C'" to "Shopping Centres" and "Residential", and on Schedule "A3" Secondary Plan, West Mountain Planning District – Heritage Green Section, from "Special Policy Area 'C'" to "District Shopping Centre", "Community Shopping Centre" and "Medium-High Density Residential", of the City of Stoney Creek Official Plan.

(c) That approval be given to City Initiative CI-05-N and amended Zoning Application ZAC-03-93, by 1322285 Ontario Ltd. (Silvestri Investments), owners, for changes in zoning from the Neighbourhood Development "ND" Zone to the Community Shopping Centre (Holding) "SC2-3(H)" Zone, Neighbourhood Shopping Centre (Holding) "SC1-3(H)" Zone, Mixed Use Commercial (Holding) "MUC-1(H)" Zone, Multiple Residential (Holding) "RM3-27(H)", Multiple Residential (Holding) "RM4-5(H)" Zone, and Open Space "OS" Zone, to permit a mixed use development on lands known as Part of Lot 32, Concession 7 (Saltfleet), in the former City of Stoney Creek, shown as Blocks 1 to 6, respectively, on Schedule "A" of Appendix "D" to Report PED06137, on the following basis:

(i) That the attached draft By-law, included as Appendix "D" to Report PED06137, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule "A", Map No. 16 of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, and will conform to the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No.____.

(d) That upon finalization of Official Plan Amendment No. ____ and the implementing Zoning By-law, that the approved Valley Park Neighbourhood Plan be amended to reflect the designations and road pattern.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
SUBJECT: Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9) - Page 3 of 24

EXECUTIVE SUMMARY:

1322285 Ontario Ltd. has submitted a draft plan of subdivision application, and an application to amend the Stoney Creek Official Plan and Zoning By-law for their land holdings within Special Policy Area ‘C’ of the Heritage Green section on the Stoney Creek Mountain. In addition, the City has initiated an application to rezone the remaining residential properties on the east side of Upper Mount Albion Road to a higher density in accordance with the "Medium-High Density Residential" designation proposed in the Official Plan Amendment application. The purpose of the applications is to permit a mixed use development on 20.95 hectares (51.78 acres) of land.

The main issues in reviewing these applications are traffic, amount of commercial floor space, compatibility with adjoining uses, and urban design. Staff recommends approval of the applications as the proposed development is compatible with and complementary to the existing development in the area, it is consistent with the policies of the Provincial Policy Statement, and it conforms with the policies of the Hamilton-Wentworth Official Plan and Stoney Creek Official Plan.

BACKGROUND:

History:

On August 16, 1971, Amendment No. 70 to the Official Plan of the Hamilton-Wentworth Planning Area (Saltfleet Section) was adopted by the Township of Saltfleet. The Amendment was approved, with modifications, by the Minister of Treasury, Economics and Intergovernmental Affairs on February 8, 1973. As indicated on Appendix “E”, all of the lands west of Upper Mount Albion Road and approximately half of the lands east of Upper Mount Albion Road, were designated as “Central Area.” This was envisioned to be a mixed use area consisting of social, commercial, educational and recreational facilities serving the whole community (Stoney Creek Mountain). The floor space for the various types of uses was to be determined by the parking space requirements and the capacity of the access roads, and they were to be in proper relation with each other, but not so as to create an area exclusively for shopping activities. In addition, two collector roads (Winterberry and Paramount) and two arterial roads (Mud and Trinity Church) were proposed. Grade separated interchanges were proposed for Mud and Trinity Church, Mud and Winterberry, and Trinity Church and Paramount.

On July 25, 1989, Amendment No. 23 to the Stoney Creek Official Plan was adopted by the City of Stoney Creek. The Amendment was approved, with modifications, by the Regional Commissioner of Planning and Development on December 15, 1993. As indicated on Appendix “F”, the subject lands were designated as “Special Policy Area ‘C’.” This area was “intended to function as a primary focus for local community activity with a wide range of commercial, residential, office, open space and other community uses.” The area was to be studied by the Province (Ministry of Government Services), or subsequent landowner, to determine the ultimate land use designations and related
policies. Mud Street, Paramount Drive and Trinity Church Road were identified as arterial roads, while Winterberry was identified as a collector road.

Proposal:

The proposed development will consist of approximately 23,225 square metres (250,000 square feet) of “large format” or “warehouse retail” (Costco, Home Depot) uses with associated service/retails uses (restaurants/smaller retail units) on the parcel of land on the west side of Upper Mount Albion (see Appendix “G”). The parcel on the east side of Upper Mount Albion will be developed by plan of subdivision consisting of two blocks divided by a new municipal road connecting Winterberry Drive and Upper Mount Albion Road approximately midway between Paramount Drive and Mud Street (see Appendix “B”). The southerly block will be developed with entertainment, service commercial and office uses, while the northerly block will be developed with low-rise apartments/townhouses with potential ground floor commercial (live/work) units, and a stormwater management pond.

The proposed changes to the Official Plan are to redesignate the west property, and the southerly portion of the east property, from “Special Policy Area ‘C’” to “Shopping Centres”, and the northerly portion of the east property from “Special Policy Area ‘C’” to “Residential”, and to redesignate these lands in the Secondary Plan from “Special Policy Area ‘C’” to “District Shopping Centre”, “Neighbourhood Shopping Centre” and “Medium-High Density Residential”.

The proposed changes to the Zoning By-law are from the Neighbourhood Development “ND” Zone to the Community Shopping Centre (Holding) “SC2-3(H)” Zone, Neighbourhood Shopping Centre (Holding) “SC1-3(H)” Zone, Mixed Use Commercial (Holding) “MUC-1(H)” Zone, Multiple Residential (Holding) “RM3-27(H)” Zone, Multiple Residential (Holding) “RM4-5(H)” Zone, and Open Space “OS” Zone (see Schedule “A” to Appendix “D”).

Location: East and West sides of Upper Mount Albion Road (See Appendix “A”)

Owner: 1322285 Ontario Ltd. (Silvestri Investments)
Effort Trust

Agent: Don May (Planning)
Delcan (Engineering)

Property Size: Area: West - 12.29 hectares (30.38 acres)
                         East - 8.66 hectares (21.4 acres)
                         Total - 20.95 hectares (51.78 acres)
SUBJECT: Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9) - Page 5 of 24

Frontage: West - 348.23m (1,142.5 ft.) along Paramount Drive
- 432.42m (1,418.7 ft.) along Upper Mt. Albion

East - 287.16m (942 ft.) along Paramount Drive
- 378.06m (1,240 ft.) along Winterberry Drive
- 207.14m (679.6 ft.) along Upper Mt. Albion

Servicing: Future municipal water, sanitary and storm sewers

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Land</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North:</td>
<td>Mud Street, Cemetery and Residential</td>
<td>Multiple Residential “RM3-7” and “RM3-23”, Small Scale Institutional “IS”, and Neighbourhood Development “ND” Zones</td>
</tr>
<tr>
<td>West:</td>
<td>Redhill Creek Parkway and Lincoln Alexander Parkway interchange</td>
<td>Neighbourhood Development “ND” Zone</td>
</tr>
<tr>
<td>South:</td>
<td>Janet Lee Elementary School, Multiple Residential (townhouses), and Vacant</td>
<td>Multiple Residential “RM3”, Small Scale Institutional “IS”, and Neighbourhood Development “ND” Zones</td>
</tr>
<tr>
<td>East:</td>
<td>Salvation Army Church and Vacant</td>
<td>Small Scale Institutional “IS” and Neighbourhood Development “ND” Zones</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

The circulation of these applications has generated many comments and lengthy discussion about a wide range of issues, including the following:

- Market Study.
- Transportation.
- Urban Design.
- Proposed Zoning.
- Proposed Draft Plan of Subdivision.
- Public Comments.

A discussion of these issues is set out below.
Market Study

When the initial application was submitted in December 2003, the proposal was for a commercial development consisting of approximately 55,740 square metres (600,000 square feet) of floor space. The applicants submitted a Market Study which concluded that the following could be supported at this location:

<table>
<thead>
<tr>
<th>Use</th>
<th>Sq. M.</th>
<th>Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Store</td>
<td>12,077</td>
<td>130,000</td>
</tr>
<tr>
<td>Department Store Expansion</td>
<td>4,645</td>
<td>50,000</td>
</tr>
<tr>
<td>Specialty DSTM</td>
<td>6,967.5</td>
<td>75,000</td>
</tr>
<tr>
<td>Supermarket</td>
<td>6,503</td>
<td>70,000</td>
</tr>
<tr>
<td>Home &amp; Auto Supply</td>
<td>8,361</td>
<td>90,000</td>
</tr>
<tr>
<td>Home Improvement</td>
<td>12,541.5</td>
<td>135,000</td>
</tr>
<tr>
<td>Restaurants</td>
<td>2,322.5</td>
<td>25,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>2,322.5</td>
<td>25,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>55,740</strong></td>
<td><strong>600,000</strong></td>
</tr>
</tbody>
</table>

The City hired an independent consultant to conduct a Peer Review of the Study, and the Review confirmed that the above-noted floor spaces were warranted.

Since the initial submission, staff has been working with the applicants and their agents to develop a mixed use project more in keeping with the original vision for the lands. Accordingly, the applicants have revised their initial applications with the resulting floor spaces as follows:

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>Large Format</td>
<td>23,690</td>
<td>255,000</td>
<td>Office</td>
<td>1,000</td>
<td>10,765</td>
</tr>
<tr>
<td>Retail</td>
<td>4,645</td>
<td>50,000</td>
<td>Theatre</td>
<td>4,645</td>
<td>50,000</td>
</tr>
<tr>
<td>Miscellaneous</td>
<td>6,033</td>
<td>64,940</td>
<td>Miscellaneous</td>
<td>7,825</td>
<td>84,230</td>
</tr>
<tr>
<td>Bonus retail (maximum), if more than 2,787 sq.m. of office space is built on the east block</td>
<td>2,787</td>
<td>30,000</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total (30% Coverage)</strong></td>
<td><strong>37,155</strong></td>
<td><strong>399,940</strong></td>
<td><strong>Total (30% Coverage)</strong></td>
<td><strong>13,470</strong></td>
<td><strong>144,995</strong></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>50,625</strong></td>
<td><strong>544,935</strong></td>
<td></td>
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</tbody>
</table>

Staff notes that the floor space for the east side represents the maximum ground floor space. The floor space for the office represents the minimum and, depending on the number of floors, the office floor space could double or triple.
While the revised proposal could potentially contain the same amount of floor space as the original submission, there is a significant reduction in the amount of retail floor space. In the initial proposal, over 90% or 550,000 square feet of retail space was proposed, while in the revised proposal, a maximum of 335,000 square feet is proposed, all on the west parcel. This represents approximately 60% of the proposed total floor area. Staff notes that the total floor space represents a coverage of 30%, whereas the actual coverage will probably be around 25% due to parking and other By-law requirements. In addition, the revised floor space figure now includes office space and a theatre. Therefore, the total floor space will more than likely be between 41,805 and 46,450 square metres (450,000 to 500,000 square feet), which represents a 17 to 25% reduction in floor space from the initial submission.

More importantly, there has been a substantial shift in the proposed development form from the traditional “big box” commercial format to a mixed use “main street” commercial development with limited “large format” retail uses, and the introduction of a residential component for approximately 375 units. The proposed residential uses include: block townhouses with some units fronting onto, but not accessing, Winterberry Drive and the proposed new street; stacked townhouses; live/work units; and low to mid-rise apartment dwellings (3 to 8 storeys) (see Appendix “G”). Provision has also been made to incorporate a “transit node” at the southeast corner of Upper Mount Albion Road and the proposed new road (Street “A”).

Transportation

There are three specific issues with respect to transportation.

Traffic

The subject lands are located immediately south and east of where the Lincoln Alexander Parkway will join with the Red Hill Creek Expressway. At this juncture, there is an interchange (on/off ramps) to/from Mud Street and Stone Church Road/Paramount Drive, where an extension of Trinity Church Road is proposed from Stone Church Road/Paramount Drive to Rymal Road. The applicants submitted a Traffic Impact Study with their initial submission, which has subsequently been revised to include the proposed residential uses. The recommendations from this Study are as follows:

1) Provision of an eastbound right turn lane on Mud Street at Winterberry Drive.

2) Upgrades to Stone Church Road/Paramount Drive to an urban standard with:

   a. Left turn lanes at intersections with the future Trinity Church Road extension, proposed Access A and Upper Mount Albion Road.
   b. A westbound right turn lane extending from proposed Access A to the Red Hill Creek Expressway ramp terminals.
c. The installation of traffic signals at the intersection with Upper Mount Albion Road.
d. Provision of bicycle lanes, as requested by the City.

3) Upgrades to Upper Mount Albion Road to an urban standard with left turn lanes at the intersection with Paramount Drive.

4) Addition of a proposed Entrance Road (Street “A”) to the local network, connecting Upper Mount Albion Road and Winterberry Drive.

5) Improvements to Winterberry Drive that include:
   a. Extension of the existing northbound left turn lane at Mud Street to the proposed Entrance Road.
   b. Provision of a southbound right turn lane extending from Mud Street to the proposed Entrance Road.
   c. The installation of traffic signals at the intersection with the proposed Entrance Road.
   d. Co-ordination of the traffic signal operations along Winterberry Drive.

6) Development of a Transit Node, in cooperation with the Hamilton Street Railway (HSR), at the intersection of Upper Mount Albion Road and the proposed Entrance Road.

As indicated in the comments from the Traffic Engineering and Operations Section of Public Works, to ensure that all traffic issues are addressed, specific conditions have been included in the draft plan approval conditions (see Appendix “C”, Public Works Department (Traffic Engineering and Operations Condition No.’s 27 to 31). In addition, a “Holding” provision has been included in the amending By-law to ensure that the development of the lands proceeds in an orderly manner in accordance with improvements to the transportation network, as identified in the Rymal Road Planning Area (ROPA 9 Lands) Master Plan Class Environmental Assessment Study.

Also included in the comments from the Traffic Engineering and Operations Section of Public Works was the suggestion that the applicants pursue an analysis of the installation of a roundabout at Upper Mount Albion Road and Paramount Drive. It is planning staff’s opinion that from a design perspective, a roundabout is not preferred. More specifically, the redesign of this development provides for a “gateway” to the Heritage Green area. Design elements in the Urban Design Guidelines include a “central street” village core along Upper Mount Albion Road, and the creation of a comprehensive pedestrian system linking all buildings to the “central street”, transit node, stormwater management facility, and adjacent neighbourhoods. The inclusion of a roundabout at the gateway to the “central street” could negatively impact the design objectives. Accordingly, planning staff has excluded any references to a roundabout in the conditions of approval.
Both Mud Street and Paramount Drive are identified as “arterial roads” in the Stoney Creek Official Plan, while Winterberry Drive is identified as a “collector road.” These roads are defined as follows in the Official Plan:

“ARTERIAL ROADS are strategic links in the road network, the main functions of which are to carry relatively high volumes of long distance traffic within, between or through the City and surrounding Area Municipalities and/or to provide access past major geographic barriers and to inter-regional highways.

The right-of-way and design of these roads must be adequate to accommodate this longer distance traffic as well as traffic generated in the immediate vicinity of the road. Generally, full or partial control of access to abutting land use shall be provided where new development or redevelopment warrants such action and where alternative access can be provided.

COLLECTOR ROADS will function as connecting road links between Arterial and Local Roads. They generally carry lower traffic volumes than Arterial Roads and may provide direct access to abutting properties. The right-of-way widths for these roads will range from 20 to 26 metres.”

Based on the foregoing, staff is of the opinion that the proposed development is ideally located with respect to the transportation network.

Traffic Safety

The proposed development is located across the street from the existing Janet Lee Public Elementary School. As a result, concerns have been raised by area residents, both through the pre-circulation and at the public open houses, with regard to traffic. The major issue is that there is currently a traffic problem due to the close proximity of the access driveway to the school on Winterberry Drive to the intersection at Paramount Drive. To address this issue, the applicants undertook a Road Safety Audit which was prepared for, and presented to, the Janet Lee Elementary School Parent Council. This Audit was then forwarded on to the Hamilton-Wentworth District School Board. The applicants have agreed to undertake the necessary improvements required on the school property to address this issue. This would be undertaken when the applicants develop their lands.

As noted in the comments from the Hamilton-Wentworth District School Board, the Board requested that a condition be included in the draft plan of subdivision to address this issue. However, planning staff notes that this is an unrelated matter between two property owners that cannot be addressed through a draft plan condition.
Public Transit

Planning staff and the applicants have been working with staff from the Hamilton Street Railway (HSR) to create a “transit node” within the proposed development. To encourage increased use of public transit, a mixed use development is being proposed through the inclusion of residential uses and office space. The “transit node” is proposed at the southeast corner of Upper Mount Albion Road and proposed Street “A” (see Appendix “G”). The HSR could potentially have 2 or 3 routes feeding into this area. Based on existing routes and much needed transit service in the community, it is estimated that at least four 3 metre wide bus bays would be required to accommodate 12.2 metre long buses.

Official Plan/Secondary Plan/Neighbourhood Plan Changes

The subject lands are currently designated “Special Policy Area ‘C’” in the Stoney Creek Official Plan, as amended by Official Plan Amendment No. 23, which was adopted by Stoney Creek Council on July 25, 1989, and approved by the Regional Commissioner of Planning and Development on December 15, 1993. This designation permits the following:

“12.3 SPECIAL POLICY AREA "C" - WEST MOUNTAIN CORE AREA

12.3.1 Special Policy Area "C" as identified on Schedules ‘A’ and ‘A.3’ is intended to function as a primary focus for local community activity with a wide range of commercial, residential, office, open space and other community uses. This area is to be studied by the Ministry of Government Services (MGS) or its successor to determine the ultimate land use designations and related policies. Until a Development Plan for this area is prepared and incorporated into this Plan by means of an Official Plan Amendment, the Open Space Policies of Subsection A.7 along with associated policies in Subsection F.4 and other relevant policies of this Plan shall apply to this area provided that the division of land to create additional lots is precluded. In addition, the Zoning By-law shall restrict the use of land or buildings in order to ensure that the area will be ultimately developed for its intended use.”

To maintain the intent of this policy, staff has encouraged the applicants to develop a “mixed use” development, rather than a stand alone “big box” commercial development as originally submitted (see Appendix “H”). The applicants have taken staff’s advise and are proposing a mix of retail, both large format, as well as small and medium sized units, service commercial (restaurants, personal service), entertainment (movie theatre), office, and residential (townhouses, stacked townhouses, live/work units, apartments). In addition, the proposed development concept includes a bus lay-by area to encourage public transit. Finally, the stormwater management facility will include passive recreational trails to link with the residential neighbourhoods to the east and north.
Urban Design

Urban Design Guidelines have been prepared to address the location of the proposed development as a “gateway” to the Heritage Green area of the former City of Stoney Creek. The key principles of the Guidelines are as follows:

- To create an urban form that is compatible with the adjacent residential neighbourhood.

- To create a strong community image with a “central street” village core, and pedestrian-friendly environment; that will provide a central gathering point and focal point around which development shall be organized.

- To create “gateways” that facilitate connectivity, orientation, and “way finding” to and within the site for both vehicles and pedestrians.

- To create landscape areas that act as screens and buffers to enhance the development while minimizing the visual impacts of service lanes, parking and loading areas.

- To create a comprehensive pedestrian system for the entire site that links all buildings to the “central street”, transit node and adjacent neighbourhoods.

The proposed guidelines are to be read in conjunction with the City’s current Site Plan Guidelines. (Development Planning Condition No. 26)

Proposed Zoning

The proposed Zoning of the subject lands has been developed to encourage street-oriented buildings along Upper Mount Albion Road to create a pedestrian-friendly, “Main Street” design. In addition, site specific provisions are included to: restrict uses, as well as the location of certain uses within a limited distance of the elementary school; require minimum floor areas for individual retail stores, as well as maximum floor spaces for the larger format retail stores, both total and individually; minimum and maximum setbacks from streets; minimum landscaped strips; minimum building elevations along Upper Mount Albion Road; maximum building depth along the west side of Upper Mount Albion Road; and, allowing live/work arrangements (professional offices, personal service shop or retail store) in the residential units along the proposed new street.

The Holding “(H)” provision has been included to ensure development proceeds in an orderly manner in conjunction with upgrades to the transportation network. Accordingly, development of the westerly “large format” retail parcel is intended to coincide with the opening of the Redhill Creek Expressway in the Fall of 2007. Development of the easterly parcels will coincide with the planned road improvements identified in the
Proposed Draft Plan of Subdivision

The proposed draft plan of subdivision is only for the east parcel of land between Upper Mount Albion Road and Winterberry Drive. The proposed plan includes a new east-west road connecting Upper Mount Albion Road and Winterberry Drive, approximately midway between Mud Street and Paramount Drive. There are three main blocks on the proposed plan. Block 1, on the north side of Paramount Drive and south side of the new road, is proposed to be developed with a theatre, offices, personal service establishments, and restaurants. Block 2, on the north side of the new road and south of Mud Street, is proposed to be developed with townhouses, which may include some live/work units, stacked townhouses, and low rise apartment buildings. Block 8 is to be developed as a mixed use residential/commercial block. Block 6, on the south side of Mud Street, is a proposed stormwater management pond which will be deeded to the City.

In addition to the standard conditions of draft plan approval, there are several specific conditions for this proposed subdivision, the majority pertaining to traffic and road improvements (Development Engineering Condition No.’s 13 to 17, 22 and 23, and Public Works Department (Traffic Engineering and Operations) Condition No.’s 27 to 31), and servicing (Development Engineering Condition No.’s 10 and 18 to 21).

In accordance with the City of Hamilton’s Parkland Dedication By-law, the applicant is subject to a parkland dedication, or Cash-in-lieu of parkland dedication payment. The applicant would be subject to a dedication of 5% of the net land area contained within the subdivision plan for residential purposes, and 2% for commercial purposes. Since a park is not included within the lands of the draft plan of subdivision, the applicant will be required to make a cash payment in-lieu of parkland dedication prior to the issuance of building permits.

The City’s Parkland Dedication By-law includes a phase in provision (Section 13) for Cash-in-Lieu payments for parkland for the residential component as follows:

- **2003 to December 31, 2005**: 3 percent of land value determined as of the day before the day of building permit issuance.
- **January 1, 2006 to December 31, 2006**: 4 percent of land value determined as of the day before the day of building permit issuance.
- **As of January 1, 2007**: Full application of the new policy being 5 percent of the land value determined as of the day before the day of building permit issuance.
Public Comments

As indicated in the letters and petition attached as Appendix “I”, area resident have raised concerns with the following issues: traffic (volume, safety and access); compatibility with adjoining elementary school; buffering; property values and taxes; noise and pollution; blasting; and, impact on existing businesses.

The applicants submitted a Traffic Impact Study with the original Official Plan Amendment and Zoning By-law Amendment application, and submitted a revised Study in the Fall of 2005 to reflect the inclusion of residential units in the proposal. These Studies have been reviewed by staff in the Traffic Engineering and Operations Section of the Public Works Department, who support the applications subject to various conditions of draft plan approval and the inclusion of a “Holding” provision in the implementing By-law. While the Traffic Impact Studies address the impacts, and recommended improvements, of the proposed development on the abutting roads, there are also concerns with the broader transportation network (closure of Upper Mount Albion Road at Rymal and the closure of Second Road West), these concerns are being addressed in the Rymal Road Planning Area Master Class Environmental Assessment and Trinity Neighbourhood Plan review.

In addition, to address existing traffic concerns in the area of Janet Lee Elementary School, they undertook a Traffic Safety Audit to determine solutions to a current problem at the school. The applicants and Hamilton-Wentworth District School Board are working on this issue, and the applicants have agreed to assist the Board in making the necessary improvements.

The proposed development is across the street from the existing Janet Lee Elementary School. To ensure the proposed development is more compatible with the existing school, the amending By-law will not only restrict the uses on the east parcel (office, movie theatre, restaurants, personal service shops), it will also restrict certain uses within 110 metres of the corner of Winterberry Drive and Paramount Drive.

Staff is not aware of any studies that have been undertaken that would indicate that property values will be affected by the proposed development. With respect to increased property taxes due to the proposed development, any proposed upgrades to the road system or servicing that are directly attributable to the proposed development, will be at the sole cost of the developer.

Due to the size of the proposed development, a Market Impact Study was required to be submitted with the applications to ensure the proposed development would not have an impact on existing and future businesses in the area, including Downtown Stoney Creek. The Study, and independent Peer Review, confirmed that the proposed development was warranted.
Buffering is addressed through landscape provisions in the proposed By-law as well as the Urban Design Guidelines. Noise and blasting are addressed through draft plan approval conditions (Development Engineering Conditions No.’s 9 and 24).

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are not approved, the lands can continue to be used for their current uses only.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial – N/A.

Staffing – N/A.

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

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement:**

The proposal is within an established urban area with municipal services. Therefore, the application is consistent with Policy 1.1.1 a), which indicates that designated urban areas should be the focus of growth.

**Hamilton-Wentworth Official Plan:**

The Hamilton-Wentworth Official Plan designates the subject land as “Urban Area.” Policy 3.1 states 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. Policy 3.1.6 directs retail/commercial uses to locate in shopping centres and existing planned retail areas. As the applications are to modify the existing Official Plan and Zoning By-law to facilitate the development of new commercial/retail uses, as well as residential units, the proposal conforms to the Official Plan.

**Stoney Creek Official Plan:**

The subject lands are designated “Special Policy Area ‘C’ (West Mountain Core Area)” on Schedule “A” General Land Use Plan and on Schedule “A3” Secondary Plan, West Mountain Planning District – Heritage Green Section in the Stoney Creek Official Plan. An amendment to the Plan is required to redesignate the lands from “Special Policy Area C” to “Shopping Centre” and “Residential” on Schedule “A”, and from “Special Policy Area C” to “District Shopping Centre”, “Community Shopping Centre” and
“Medium-High Density Residential” on Schedule “A3”. This amendment to the Stoney Creek Official Plan is being recommended as part of this report.

Stoney Creek Zoning By-law No. 3692-92:

The subject properties are currently zoned Neighbourhood Development “ND” Zone in Stoney Creek Zoning By-law No. 3692-92. The proposed development requires a zone change from the Neighbourhood Development “ND” Zone to the site-specific Community Shopping Centre (Holding) “SC2-3(H)” Zone, site-specific Neighbourhood Shopping Centre (Holding) “SC1-3(H)” Zone, site-specific Mixed Use Commercial (Holding) “MUC-1(H)” Zone, site-specific Multiple Residential (Holding) “RM3-27(H)” and “RM4-5(H)”, and Open Space “OS” Zones (see Appendix “D”). The Department supports this rezoning.

Valley Park Neighbourhood Plan:

The lands are identified as Special Policy Area “C” on the Valley Park Neighbourhood Plan. Modifications to the Plan will be required to reflect the proposed Official Plan changes and to show the proposed new street.

RELEVANT CONSULTATION:

Capital Planning & Implementation Division, Public Works Department:

We have reviewed the application for Heritage Green Commercial Centre development and provide the following comments.

A Class Environmental Assessment (EA) was completed for Montgomery Creek Stormwater Management in August 1997. This study did address the section of lands that are on the east side of Upper Mount Albion Road. At the time of the EA the land use that was documented was for various residential uses. However, the consultant has advised that during the design stage of this facility consideration was give for the potential for commercial development in the area. On this basis the Montgomery Creek Stormwater Management Facility should be able to accommodate any additional stormwater. Furthermore, with the development of this commercial use, on site stormwater management should be addressed with the proposal.

Given that this is a large commercial development being proposed for this area it is assumed that a traffic study will be required during the planning process and it may reveal the need for road improvements in the area. Reconstruction or widening, where the reconstructed road or other linear paved facilities will not be for the same purpose, use, capacity and at the same location as the facility being constructed, may require a Class Environmental Assessment. The need for other infrastructure improvements may also trigger the need for a Class EA.
SUBJECT: Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9) - Page 16 of 24

In the event that a Class EA is required the applicant should contact this office for more information.

Hamilton Street Railway, Public Works Department:

The Transit Division of Public Works has the following comments:

- HSR currently operates the Route #43 Stonechurch bus within 680 metres of this site with no planned changes in service at the present time.

- HSR supports the inclusion of high quality pedestrian amenities at this development, like sidewalks, lighting etc.

- Street orientation and pedestrian entrances are important. Direct, short walking distances between buildings and transit service are preferable.

- When positioning multiple commercial/retail uses on sites, consideration should be given to situating strictly auto-related facilities away from the main frontage areas at main intersections. This will improve the pedestrian environment.

- The 15% increase in parking ratio will make it difficult to grow public transit ridership, so progress towards achieving Vision 2020 and draft Transportation Master Plan goals will be slowed.

Based on existing routes and much needed transit service in the community, it is estimated that at least four 3 metre wide bus bays would be required to accommodate 12.2 metre long buses. A location on the southeast corner of the proposed local road with a “transit square” on the corner (shelter, benches, litter containers, pay phone, newspaper vending, bike parking, shade trees) would be beneficial.

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

ZONING AND OFFICIAL PLAN COMMENTS:

We recommend as a condition of Zoning amendment approval that the subject lands be placed in a Holding zone until the completion and/or approval of the following:

(i) Completion of all necessary Class EA requirements to the satisfaction of the City.

(ii) Development phasing in accordance with, but not limited to, the recommendations of the City’s Rymal Road Planning Area Master Plan Class EA study and the City’s review/approval of the applicant’s Traffic Impact Study. Phasing considerations would specifically relate to the existing street network capacity, impact on the adjacent residential neighbourhood or construction of a
Trinity Church corridor which we note has been included in the Delcan Traffic Impact Study analysis.

- The Traffic Impact Study report considers that a Trinity Church corridor is constructed and that the majority of traffic to and from the south will use that roadway rather than Upper Mount Albion or Winterberry Drive. At this point in the Rymal EA process we cannot confirm the approval or construction of Trinity Church Road Extension.

(iii) Approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works. The Owner will be responsible for any roadway improvements required on the adjacent road network as a result of the proposed development, work to include design, pavement widening or urbanization, traffic signal installation or roundabout construction, signal hardware upgrades, median construction, pavement markings and signage. Roundabout feasibility analysis is suggested to be undertaken by a consultant well versed in Rodel and roundabout design.

- we note for information that the Traffic Impact Study submitted is based on the following:

  251,000 sq. ft. big box commercial, 176,500 sq. ft. retail
  18,200 sq. ft. restaurant, 54,000 sq. ft. office space
  375 residential units

Traffic Impact Study comments that require confirmation by the Applicant:

The construction of a roundabout at Upper Mount Albion and Paramount Drive, and possibly internal in the site have not been considered. The construction of a roundabout on Paramount Drive would not only provide traffic control for all legs of the intersection but the speed of traffic on Paramount Drive would be significantly reduced 24 hours a day, a gateway feature could be built into the centre island, and a roundabout would be pedestrian friendly. An analysis of roundabout installation needs to be pursued.

Page 4-1 – explanation of the 2nd paragraph for Background Traffic, how the peak hour projections were inflated by 29% (9%/7%).

Page 4-10 to 4-12 Trip Generation – would the ITE use ‘231 Low Rise Residential Condo/Townhouse’ be a more appropriate rate than ‘230 Residential Condo/Townhouse’ for the 3 level units adjacent to Upper Mount Albion Road?

We are of the opinion that some volumes should be generated for the Specialty Retail in both the east and west parcels during the AM peak hour…ITE use 820 Shopping Centre
has 1.03 trips per 1000 sq ft. as an average. Perhaps a rate of 0.5 trips per 1000 sq ft. could be used?

Exhibit 4.5 and 4.6 to 4.7 – on this exhibit I started to review inbound volume numbers and I have counted 317 inbound vehicles, but according to Table 41 there should be 352 vehicles (270 new plus 82 pass-by). Confirmation is required.

We ask that each of Exhibits 4.5 to 4.7 include a ‘Total Vehicles In = ‘ and ‘Total Vehicles Out = ‘ text notation to summarize the new trips plus passer by turning movements for the site for each peak. A summary will assist in confirming the total volume of traffic turning in and out of the site and will assist the review in confirming that the numbers generated in the Tables are represented in the Exhibits.

I note that I only reviewed outbound numbers for Exhibit 4.5 and not all three of the above noted Exhibits as I could not co-relate the inbound volumes for the first one I was checking…..will wait to have Delcan confirm the numbers and provide me with the summary notation on each exhibit.

Please provide an exhibit that shows the percent of total site generated traffic entering and exiting each access or street.

Schedule D provides a visual illustration of the queue lengths that will result during the peaks at each intersection and access in the study area. The electronic Synchro files will more clearly demonstrate the storage lengths required for separate left or right turning lanes, however we suggest that a text chart with the actual lengths be provided instead of the site plan.

DRAFT PLAN OF SUBDIVISION COMMENTS:

As a condition of Draft Plan approval the Traffic Impact Study submitted by Delcan in September, 2005 must receive the approval of the Manager of Traffic Engineering and Operations.

As a condition of Draft Plan approval the Owner will implement the recommendations of the approved Traffic Impact Study, said works may include but are not limited to the following which are to be designed, constructed by and at the expense of the Owner:

- provision of an eastbound right turn lane on Mud Street at Winterberry Drive.
- provision of a southbound right turn lane and northbound left turn lane at Winterberry Drive and Street ‘A’, potential for future signalization.
- provision of 1.8 m bike lanes on the east and west sides of Winterberry Drive between Paramount Drive and Mud Street.
- increase in the storage length of the northbound left turn lane on Winterberry Drive at Mud Street.
- widening of Stone Church Road/Paramount Drive to a minimum three lane cross-section between Winterberry Drive and the Red Hill Creek Expressway (RHCE) ramp including 1.8 m width for on-street bike lanes.
- provision of a westbound right turn lane on Stone Church Road between the development access and the RHCE ramp.
- reconstruction of the intersection of Upper Mount Albion Road at Paramount Drive/Stone Church Road to provide a modern Roundabout, or alternatively, signalization with left turn lanes constructed on all legs.
- upgrading of Upper Mount Albion Road north of Paramount Drive/Stone Church Road to an urban cross-section.
- construction of Street 'A'.
- medians or islands that may be required along the municipal road network to restrict site access.
- hardware or traffic signal upgrades at existing signalized intersections.
  (Included as Public Works Department (Traffic Engineering and Operations) Condition No. 28).

As a condition of Draft Plan approval, the Owner will be financially responsible for any roadway improvements required on the municipal road network as a result of the proposed development. This will include the payment of securities to the City for possible future installation of traffic signals at the intersection of Winterberry Drive at Street ‘A’. (Included as Public Works Department (Traffic Engineering and Operations) Condition No. 29)

As a condition of Draft Plan approval we recommend that the Applicant be responsible for dedicating or securing sufficient lands that may be necessary to facilitate the required road network upgrades determined through the Traffic Impact Study approval process. Potential land dedications above standard intersection daylight triangles may include Paramount Drive at Upper Mount Albion road roundabout construction, and additional lands from the north east corner (Block 12) to construct a right turn lane on Mud Street at Winterberry Drive. (Included as Public Works Department (Traffic Engineering and Operations) Condition No. 30)

As a condition of Draft Plan approval the development of the lands may be phased in accordance with the recommendations of the City’s Rymal Road Planning Area Master Plan Class EA study and the City’s review/approval of the Traffic Impact Study. (Included as Public Works Department (Traffic Engineering and Operations) Condition No. 31)

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

Forestry staff has reviewed the plans for this development and completed an onsite investigation and have the following comments.
An assessment of the application for the above noted development show, that there are Municipal Forestry concerns or conflicts. There appears to be no trees located on the Road Allowance of this proposed development on the Mud Street and Winterberry Drive sides but numerous trees are located on the Upper Mount Albion and Paramount Drive sides that will conflict with the construction in Blocks 8, 9 & 10.

The department would request that all trees within this development area be identified as municipal or private and that a tree preservation removal plan be submitted for all trees on municipal property.

This plan should list all species, d.b.h., proposed grade changes, property lines, proposed removals and trees to be preserved. An example is shown below. A detail showing tree preservation techniques should be included.

<table>
<thead>
<tr>
<th>Tree No.</th>
<th>Common Name</th>
<th>Botanical Name</th>
<th>Dia. (mm)</th>
<th>Condition</th>
<th>Recommendation</th>
<th>Ownership</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>White Ash</td>
<td>Fraxinus americana</td>
<td>100 mm</td>
<td>Good</td>
<td>Retain &amp; Protect</td>
<td>City</td>
</tr>
<tr>
<td>2</td>
<td>Manitoba Maple</td>
<td>Acer negundo</td>
<td>200 mm</td>
<td>Fair</td>
<td>Remove</td>
<td>Private</td>
</tr>
<tr>
<td>3</td>
<td>Chinese Elm</td>
<td>Ulmus pumila</td>
<td>300 mm</td>
<td>Poor</td>
<td>ReLocate</td>
<td>Private</td>
</tr>
</tbody>
</table>

All municipal tree removals will require Council approval and a Removal Replacement fee for each tree will be assigned.

This section will also eventually request that a Landscape plan be submitted by the developer for comments as per the New Development Tree Planting Policy. (included as Development Planning Standard Condition No.’s 12, 13, 16 and 17, and Development Engineering Condition No. 3)

Hamilton Conservation Authority (HCA):

The applicant is proposing to subdivide about 4.95 hectares of vacant land for mixed-use commercial purposes and an additional 3.05 hectares of vacant land for medium-density residential use. The subject lands are bounded by Winterberry Drive on the east, Paramount Drive on the south, Mount Albion Drive on the west and Mud Street on the north, and are located within the Montgomery Creek Watershed, for which a Class Environmental Assessment was prepared to address storm water quantity and quality, and erosion for specific development areas. However, the subject lands are located outside the study area for the Class EA, thus storm water quantity and quality control need to be managed on site.
Authority staff has reviewed several engineering submissions and stormwater management reports prepared by Delcan, the last being the Heritage Greene Commercial Centre Storm Water Management Report, revision August 2004. Subsequent to receipt of additional supporting information received from Delcan on August 16, 2004 and September 9, 2004, HCA advised in a letter to Delcan, dated October 5, 2004, that HCA was satisfied, in principle, with the stormwater management plan as proposed.

For the draft plan of the subdivision, the following conditions are recommended:

1. That the owner prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan should include the following notes:
   (a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated.
   (b) All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff.
   (c) Any disturbed area not scheduled for further construction within forty-five days will be provided with a suitable temporary mulch and seed cover within seven days of the completion of that particular phase of construction.
   (d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

2. That the owner prepares and implements a Stormwater Management Plan for the subject property, to the satisfaction of the Hamilton Region Conservation Authority. The approved plan shall address stormwater quantity and quality issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented.

3. That the applicant prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority.

These are included as Hamilton Conservation Authority standard condition No.'s 1 and 2, and Condition No.'s 32 and 33 in Appendix “C”.

Hamilton-Wentworth District School Board:

In regard to the application for Draft Plan of Subdivision known as Heritage Green, the Board has the following comments.
SUBJECT: Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9) - Page 22 of 24

The Hamilton-Wentworth District School Board has been involved with ongoing dialogue between the City of Hamilton and the developer. Of primary concern is the compounded impact that the Heritage Green development will have on traffic flow around Janet Lee School.

To address community concerns, the developer engaged an independent traffic audit. The findings of the audit confirmed sensitivities attributed to the increased flow of traffic. It is the Board’s understanding that the developer is committed to working towards a satisfactory resolution by making site improvements to the Janet Lee property.

To this end, it is the Board’s request of the City of Hamilton to include as a condition of Draft Plan approval, that the necessary improvements to the Janet Lee site are adequately addressed and paid for by the developer. Prior to release of such a condition, the Board’s Plant Department will need to be satisfied that the site improvements rendered will mitigate the risk associated with increased traffic flow around Janet Lee School. It would be appreciated if the City would draft the requested condition and provide the Board an opportunity to comment prior to submission of staff’s report.

It is anticipated that through the opening of Gatestone Elementary School and altering school catchment areas, that students yielded from the Heritage Green residential development can be adequately accommodated at Janet Lee Elementary School. Therefore, the Board will not be seeking a draft plan condition relating to signage and the notification to potential residents.

Bell Canada:

A detailed review of the Draft Plan of Subdivision has been completed and adequate telecommunication facilities exist within the area, therefore, Bell Canada does not require and easement or lease. The following paragraph(s) are to be included as Conditions of Draft Plan of Subdivision Approval:

1. The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements;

2. The Owner shall be required to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed, the owner shall advise the municipality of the agreement made for such servicing.
3. Bell Canada requires one or more conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

These are included as Bell Canada Standard Condition No.’s 1 and 3, as well as Condition No. 34.

Departments or agencies having no concern or objection to the application:

- Budgets and Taxation Section, Corporate Services Department
- Culture and Recreation, Public Health & Community Services Department
- Open Space Development & Park Planning Section, Capital Planning & Implementation Division, Public Works

PUBLIC CONSULTATION:

In keeping with the new Public Participation Policy that was approved by Council on May 29, 2003, the applications were circulated to all property owners within 120 metres of the subject lands. Notice of the proposed Official Plan and Zoning By-law Amendment applications was originally circulated to 167 residents on August 4, 2004, which included a copy of the proposed Concept Plan (Appendix “H”). Notice of the Public Meeting was circulated to over 200 residents and individuals on April 13, 2006. As a result of these circulations, staff has received many written comments from residents, as well as lawyers and consultants representing other interested parties. In addition, a petition was received from residents living on Upper Mount Albion near Rymal Road. The letters and petition are attached as Appendix “I”. The issues raised in the letters include: traffic (volume, safety and access); compatibility with adjoining elementary school; buffering; property values and taxes; noise and pollution; blasting; and, impact on existing businesses. Many of the issues are addressed in the Analysis/Rationale section of this report and through conditions of draft plan approval.

In addition to the above, the applicants held three separate public information sessions on: May 3, 2004; November 16, 2005; and, February 13, 2006. Following the second session in November 2005, a Citizen’s Advisory Committee was formed, and this Committee met twice on December 13, 2005, and January 10, 2006.

On September 28, 2004, Councillor Bruckler held a Neighbourhood Meeting on the proposed applications. Finally, on September 13, 2005, Development Planning staff held a meeting with the existing residents along the east side of Upper Mount Albion Road to discuss the City initiated rezoning of their properties.
CITY STRATEGIC COMMITMENT:

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

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

Environmental Well-Being is enhanced. ☑ Yes ☐ No
A sustainable transportation network provides many options for people and goods movement; vehicle-dependency is reduced.

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

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

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

:PD
Attachs. (9)
“Heritage Greene” 25T-200509 – Conditions of Draft Approval

1. That this approval apply to “Heritage Greene”, dated October 12, 2005, prepared by Delcan Corporation and certified by David Black, O.L.S, redline revised and as shown on Appendix “B” to Report PED06137, showing one (1) block for commercial development (Block 1), one (1) block for medium-high density residential (Block 2), two (2) blocks for future development (Blocks 7 and 8), one (1) block for a stormwater management pond (Block 6), and three (3) blocks for 0.3 metre reserves (Blocks 3 to 5).

2. That the following standard conditions from Appendix “A” Report PD01184 – Streamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process apply:

   (a) Development Engineering Condition No.’s 1, 2, 3, 7, 8, 10, 11, 12, 14, 15, 17, 21 to 27, 29, 33 and 35;

   (b) Development Planning Condition No.’s 2 to 5, 8, 9, and 16 to 21;

   (c) Social and Public Health Services Department No.’s 1 to 3;

   (d) Bell Canada Condition No.’s 1 and 3; and,

   (e) Hamilton Conservation Authority Condition No.’s 1 and 2.

Development Engineering

3. That the owner agrees in writing that no clearing or grubbing of the subject lands commence until such time as a tree preservation plan has been approved to the satisfaction of the Manager of Forestry, Public Works Department, and all grading plans and siltation and erosion control plans, as part of the engineering submission, have been approved to the satisfaction of the Manager of Development Engineering.

4. That the owner pays to the City any outstanding commutation charges assessed against the lands in the plan.

5. That the owner agree in writing to make a cash payment to the City of Hamilton in lieu of providing Horizontal and Vertical Control Survey Monumentation.

6. That the owner agrees to install a 1.8m high galvanized steel, 9mm gauge, 40mm mesh chainlink fence around the perimeter of the Storm Water Management pond.

7. That the owner provides landscape screening and/or wood fencing as appropriate buffering adjacent to the residential lots known municipally as 188,
190, 196 198, 200, 202, 208, 210 and 214 Upper Mount Albion at the owner’s cost and to the satisfaction of the Manager of Development Engineering.

8. That the owner prepares a geotechnical report and implement the report’s recommendations, to the satisfaction of the Manager of Development Engineering.

9. That the owner, prior to final approval of the plan, shall investigate noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment’s recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the City of Hamilton, and if necessary control measures shall be implemented through the zoning by-law, subdivision agreement or site plan control, to the satisfaction of the City of Hamilton, Manager of Development Engineering. The owner further agrees that any required noise control measure shall consist of a berm/wall combination whereby the wall itself shall not exceed a maximum of height of 2.5m.

10. That the final plan of subdivision for any phase of the draft approved plan not be registered until adequate storm and sanitary sewer outlets and watermain systems have been provided to the limit of each phase proposed for registration, to the satisfaction of the Manager of Development Engineering.

11. That the owner, through a soil consultant or other qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells prior to the commencement of construction; monitor these wells during construction; and check wells for a period of one year after the completion of construction. If any problems arise, they must be appropriately addressed by the owner to the satisfaction of the Manager of Development Engineering.

12. That the Owner agrees, in writing, to investigate and determine whether Karst features exist in relation to the subject lands to the satisfaction of the Manager of Development Engineering, City of Hamilton and the Hamilton Conservation Authority. In the event that a Karst feature or sinkhole is determined to exist or otherwise encountered, appropriate construction techniques to stabilize the area to avoid negative impact shall be undertaken, to the satisfaction of the Manager of Development Engineering, City of Hamilton and the Hamilton Conservation Authority.

13. That the owner dedicates lands to the City of Hamilton for the purpose of 7m by 7m daylight triangles at the intersection of Street “A” and Upper Mount Albion Road and 7m by 7m daylight triangles at the intersection of Street “A” and Winterberry Drive.
14. That the owner dedicates lands to the City of Hamilton for the purpose of a 12m by 12m daylight triangle(s) at the intersection of Winterberry Drive and Paramount Drive.

15. That the owner dedicates lands to the City of Hamilton for the purpose of a 12m by 12m daylight triangle(s) at the intersection of Upper Mount Albion Road and Paramount Drive.

16. That the owner shall, at his expense construct a turning circle of minimum right of way radius R=18.0m with a minimum asphalt pavement radius R=13.0m at the north limit of Upper Mount Albion Road.

17. That the owner agrees to convey lands to the City of Hamilton for the purposes of a Stormwater Management (SWM) Facility and agrees to pay all associated construction costs.

18. That the owner agrees to submit an updated servicing report based on the recommendations of the preferred servicing alternative as identified in the City’s Rymal Road Planning Area Master Plan Class EA and the completion of the City’s Water/Wastewater Master Plan.

19. That the owner agrees to construct underground municipal services and urbanize (including sidewalks on both sides of the street, lighting, signalization and turning lanes) as required on Upper Mount Albion Road, Paramount Drive and Winterberry Drive, all to the satisfaction of the Manager of Development Engineering. All associated costs will be borne by the owner.

20. The owner agrees to install the necessary municipal infrastructure to accommodate future servicing for development lands adjacent to Paramount Drive and Winterberry Drive in accordance with the recommendations of the City’s Rymal Road Planning Area Master Plan Class EA and the City’s Water/Wastewater Master Plan.

21. The owner shall be responsible and pay all associated costs for the upgrading of the existing municipal infrastructure that is required to facilitate this development all to the satisfaction of the Manager of Development Engineering.

22. The owner agrees that the subject lands be placed in a holding zone until the completion and/or approval of the City’s Rymal Road Planning Area Master Plan Class EA and the City’s Water/Wastewater Master Plan.

23. The owner agrees to dedicate or secure sufficient lands that may be necessary to facilitate the required road network upgrades including but not limited to road widenings, turning lanes, bike lanes, signalization etc. The owner further agrees that he shall pay all costs associated with the road improvements as a result of
this development all to the satisfaction of the Manager of Development Engineering and the Manager of Traffic & Operations.

24. That the owner agrees that no blasting will take place without a pre-blast survey completed and adequate monitoring conducted by a qualified consultant.

25. That the Owner agrees in writing to construct sidewalks on both sides of Street “A”.

Development Planning

26. That, at the Owner’s expense, Urban Design Guidelines be prepared and submitted to the satisfaction of the Director of Development and Real Estate prior to the registration of the draft plan of subdivision, and that the Urban Design Guidelines be included as an appendix to the Subdivision Agreement.

Public Works Department (Traffic Engineering and Operations)

27. That the owner receive final approval of the Traffic Impact Study submitted by Delcan in September, 2005, to the satisfaction of the Manager of Traffic Engineering and Operations.

28. That the Owner implement the recommendations of the approved Traffic Impact Study, said works may include but are not limited to the following which are to be designed, constructed by and at the expense of the Owner:

- provision of an eastbound right turn lane on Mud Street at Winterberry Drive;
- provision of a southbound right turn lane and northbound left turn lane at Winterberry Drive and Street ‘A’, potential for future signalization;
- provision of 1.8 m bike lanes on the east and west sides of Winterberry Drive between Paramount Drive and Mud Street;
- increase in the storage length of the northbound left turn lane on Winterberry Drive at Mud Street;
- widening of Stone Church Road/Paramount Drive to a minimum three lane cross-section between Winterberry Drive and the Red Hill Creek Expressway (RHCE) ramp including 1.8 m width for on-street bike lanes;
- provision of a westbound right turn lane on Stone Church Road between the development access and the RHCE ramp;
- reconstruction of the intersection of Upper Mount Albion Road at Paramount Drive/Stone Church Road to provide for signalization with left turn lanes constructed on all legs;
- upgrading of Upper Mount Albion Road north of Paramount Drive/Stone Church Road to an urban cross-section;
- construction of Street ‘A’;
- medians or islands that may be required along the municipal road network to restrict site access; and,
29. That the owner will be financially responsible for any roadway improvements required on the municipal road network as a result of the proposed development. This will include the payment of securities to the City for possible future installation of traffic signals at the intersection of Winterberry Drive at Street ‘A’.

30. That the owner be responsible for dedicating or securing sufficient lands that may be necessary to facilitate the required road network upgrades determined through the Traffic Impact Study approval process.

31. That the owner acknowledges and agrees that the development of the lands may be phased in accordance with the recommendations of the City’s Rymal Road Planning Area Master Plan Class EA study and the City’s review/approval of the Traffic Impact Study.

Hamilton Conservation Authority

32. That the applicant prepare and implement a lot grading plan to the satisfaction of the Hamilton Conservation Authority.

33. That the applicant prepare and implement a landscaping plan for the storm water management facility to the satisfaction of the Hamilton Conservation Authority.

Bell Canada

34. That the owner agrees to provide Bell Canada with one or more conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line.

HSR

35. That the owner agrees to provide for the suitable design and construction of facilities for a transit node at the south-east corner of Upper Mount Albion Road and Street “A”, to the satisfaction of the Director of Transit.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located in Part of Lots 32 and 33, Concession 7 (Saltfleet)

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report 06- of the Planning and Economic Development Committee at its meeting held on the day of , 2006, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986, as amended by Official Plan Amendment No. proposed by the City of Hamilton as By-law No. , but not yet approved in accordance with the provisions of the Planning Act;

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

1. Map No. 10 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended,
(a) by changing the zoning from the Neighbourhood Development “ND" Zone to the Community Shopping Centre (Holding) “SC2-3(H)” Zone, the lands comprised of Block “1”;

(b) by changing the zoning from the Neighbourhood Development “ND" Zone to the Neighbourhood Shopping Centre (Holding) “SC1-3(H)” Zone, the lands comprised of Block “2”;

(c) by changing the zoning from the Neighbourhood Development “ND" Zone to the Mixed Use Commercial (Holding) “MUC-1(H)” Zone, the lands comprised of Block “3”;

(d) by changing the zoning from the Neighbourhood Development “ND" Zone to the Multiple Residential (Holding) “RM3-27(H)” Zone, the lands comprised of Block “4”;

(e) by changing the zoning from the Neighbourhood Development “ND" Zone to the Multiple Residential (Holding) “RM4-5(H)” Zone, the lands comprised of Block “5”; and,

(f) by changing the zoning from the Neighbourhood Development “ND" Zone to the Open Space “OS” Zone, the lands comprised of Block “6”;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That Subsection 8.10.6, “Special Exemptions” of Section 8.10, Community Shopping Centre “SC2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “SC2-3(H)” to include the following:

“SC2-3(H)  Part of Lot 33, Concession 7, Schedule “A”, Map No. 10

Notwithstanding the definition of Lot within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned “SC2-3(H)” by this By-law shall be considered as one lot.

Notwithstanding the uses permitted in Subsection 8.10.2 of the Community Shopping Centre “SC2” Zone, only the following uses shall be permitted:

(a) Banks or Financial Institutions

(b) Building Supply Outlet in an enclosed building

(c) Personal Service Shops

(d) Professional or Business Offices

(e) Restaurants - Convenience, Fast Food, Outdoor Patio and Standard
(f) Retail Store, excluding a food store

(g) Warehouse Membership Club

(h) Wholesale and Retail Warehouse Facility

(i) Uses, buildings or structures accessory to a permitted use

For the purposes of this By-law, a “Wholesale and Retail Warehouse Facility” shall mean a large scale building, with a minimum Gross Floor Area of 4,645 square metres, which distributes a broad range of goods or distributes high volumes of a specific type of merchandise and functions in a warehouse format where most goods are stored, displayed and offered for sale in one and the same area, but excludes department stores and supermarkets.

For the purposes of this By-law, a “Warehouse Membership Club” shall be defined as a building with a minimum Gross Floor Area of 4,645 square metres, occupied by a single user, where the principal use is the sale of food and non-food products which are generally stored, displayed and offered for sale in one and the same area in a warehouse format and where customers, whether retail or wholesale, are generally required to be members of the club, but excludes department stores and supermarkets.

Notwithstanding the provisions of paragraphs (c), (e), (f), (g), (h), (j) and (l) of Section 8.10.3 of the Community Shopping Centre “SC2” Zone, on those lands zoned “SC2-3(H)” by this By-law, the following shall apply:

(c) Maximum Lot Coverage - 30 percent

(e) Wholesale and Retail Warehouse Facility, Warehouse Membership Club, Building Supply Outlet in an enclosed building and Retail Establishments:

(i) Maximum Total Gross Floor Area - 28,335 square metres

(ii) Maximum Gross Floor Area for any individual store - 13,935 square metres

(iii) Minimum Gross Floor Area for any individual store - 1,860 square metres

(iv) Notwithstanding clause (i) above, for every square metre of office space built in excess of 2,272 square metres in the “SC1-3” Zone, an equal amount of retail space will be permitted to a maximum of 2,272 square metres.
(f) Minimum Setback from south lot line - 6 metres
Minimum Setback from east lot line - 6 metres
(Wholesale and Retail Warehouse Facility, Warehouse Membership Club, Building Supply Outlet in an enclosed building)

Maximum Setback from east lot line - 2 metres
(All other uses)

(g) Minimum Setback from north and west lot lines - 10 metres

(h) Maximum Building Height - 12 metres

(j) Minimum Landscaped Open Space – 15 percent of the lot area, a portion which shall include the following where appropriate:

1. A landscaped strip having a minimum width of 6 metres shall be provided adjacent to any public street, except for points of ingress and egress, and between the street and any building along the east lot line; and a minimum width of 7.5 metres shall be provided adjacent to the north and west property lines.

(l) Minimum Parking Requirements

1. 5 spaces per 93 square metres.

2. No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6 metres from the east and south lot lines or closer than 7.5 metres from the north and west lot lines.

In addition to the provisions of Section 8.10.3, on those lands zoned “SC2-3(H)” by this By-law, the following shall apply:

(n) The minimum built frontage along Upper Mount Albion Road shall not be less than 30% of the total distance of the street frontage within 210 metres of Paramount Drive.

(o) The maximum building depth for those buildings facing Upper Mount Albion Road, within 210 metres of Paramount Drive, shall be 25 metres.

(p) Each use, other than an accessory use, shall be contained in a building having all of its customer access doors opening directly outdoors and shall not open onto another store or unenclosed corridor.

On those lands zoned “SC2-3(H)” by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:
(a) the completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study requirements to the satisfaction of the General Manager of Public Works; and,

(b) approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works.

City Council may remove the 'H' symbol and, thereby give effect to the Zone provisions by enactment of an amending by-law once the conditions are fulfilled."

3. That Subsection 8.9.5, “Special Exemptions” of Section 8.9, Neighbourhood Shopping Centre “SC1” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “SC1-3(H)” to include the following:

“SC1-3(H) Part of Lot 32, Concession 7, Schedule “A”, Map No. 10

Notwithstanding the definition of Lot within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned “SC1-3(H)” by this By-law shall be considered as one lot.

Notwithstanding the uses permitted in Subsection 8.9.2 of the Neighbourhood Shopping Centre “SC1” Zone, only the following uses shall be permitted:

(a) Art Galleries
(b) Banks or Financial Institutions
(c) Banquet Halls
(d) Convenience Food Stores
(e) Day Nurseries
(f) Dry Cleaning or Laundering Establishments
(g) Libraries
(h) Medical Clinics
(i) Professional or Business Offices
(j) Personal Service Shops
(k) Places of Recreation or Entertainment
(l) Private or Commercial Clubs
(m) Private or Commercial Schools

(n) Restaurants – Convenience, Fast Food, Outdoor Patio and Standard

(o) Uses, buildings or structures accessory to a permitted use

Notwithstanding the permitted uses noted above, only (a), (b), (e), (f), (g), (h), (i), (j) and (o) shall be permitted within 110 metres of the intersection of Paramount Drive and Winterberry Drive.

Notwithstanding the provisions of paragraphs (c), (d), (f), (g), (h) (l) and (m) 2. of Section 8.9.3 of the Neighbourhood Shopping Centre “SC1” Zone, on those lands zoned “SC1-3(H)” by this By-law, the following shall apply:

(c) Maximum Lot Coverage - 30 percent

(d) Minimum Gross Floor Area (Office) - 1,000 square metres

(f) Maximum Front Yard (Upper Mount Albion Road) - 2 metres

(g) Minimum Side Yard (Paramount Drive) - 6 metres

Maximum Side Yard (Proposed Street) - 3 metres

(h) Minimum Rear Yard (Winterberry Drive) - 6 metres

(l) Minimum Landscaped Open Space – 15 percent of the lot area, a portion of which shall include the following where appropriate:

1. A landscaped strip having a minimum width of 6 metres shall be provided adjacent to any street, except for points of ingress and egress, and between the street and any building along Upper Mount Albion Road and the north limits of the “SC1-3(H)” Zone.

(m) Minimum Parking Requirements

2. No parking space or part thereof shall be located and no land shall be used for the temporary parking or storage of any motor vehicle at a distance of less than 6 metres from any street.

In addition to the provisions of Section 8.9.3, on those lands zoned “SC1-3(H)” by this By-law, the following shall apply:

(o) The minimum built frontage along Upper Mount Albion Road shall be 20% of the total distance of the street frontage in any one block.

(p) Each use, other than an accessory use, shall be contained in a building having all of its customer access doors opening directly outdoors and
shall not open onto another store or unenclosed corridor.

On those lands zoned “SC1-3(H)” by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:

(a) the completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study requirements to the satisfaction of the General Manager of Public Works; and,

(b) approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works.

City Council may remove the ‘H’ symbol and, thereby give effect to the Zone provisions by enactment of an amending by-law once the conditions are fulfilled.”

4. That Section 8.8, Mixed Use Commercial “MUC” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Subsection 8.8.4, “Special Exemptions”, and adding a new special provision “MUC-1(H)” to include the following:

“MUC-1(H) Part of Lot 32, Concession 7, Schedule “A”, Map No. 10

Notwithstanding the uses permitted in Subsection 8.8.2 of the Mixed Use Commercial “MUC” Zone, the following uses shall be permitted:

(a) Banks or Financial Institutions

(b) Day Nurseries

(c) Personal Service Shops

(d) Professional or Business Offices

(e) Restaurants – Standard

(f) Studio

(g) Apartment Dwelling Units and a Home Occupation above commercial uses

(h) Uses accessory to the above permitted uses provided they are part of the comprehensive development.

Notwithstanding the provisions of paragraphs (a), (b), (d), (e), (f), (i) and (l) of Section 8.8.3 of the Mixed Use Commercial “MUC” Zone, on those lands zoned “MUC-1(H)” Zone by this By-law, the following shall apply:
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Measurement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area</td>
<td>1,200 square metres</td>
</tr>
<tr>
<td>Minimum Lot Frontage</td>
<td>20 metres</td>
</tr>
<tr>
<td>Maximum Gross Floor Area</td>
<td>600 square metres</td>
</tr>
<tr>
<td>(Commercial)</td>
<td></td>
</tr>
<tr>
<td>Maximum Front Yard</td>
<td>3 metres</td>
</tr>
<tr>
<td>Side Yard:</td>
<td></td>
</tr>
<tr>
<td>1. Minimum Interior</td>
<td>3 metres</td>
</tr>
<tr>
<td>2. Maximum Exterior</td>
<td>3 metres</td>
</tr>
<tr>
<td>Maximum Building Height</td>
<td>3 storeys</td>
</tr>
<tr>
<td>Minimum Landscaped Open Space</td>
<td></td>
</tr>
</tbody>
</table>

The landscaped strip shall not be less than 50 percent of the lot area of which at least 25 percent shall be in one area other than the front yard. A portion shall also constitute the following:

1. A landscaped strip having a minimum width of 3 metres shall be provided adjacent to any street, except for points of ingress and egress, and between the street and any building along Upper Mount Albion Road and the south lot line.

In addition to the provisions of Section 8.8.3, on those lands zoned “MUC-1(H)” by this By-law, the following shall apply:

(p) No commercial uses are permitted except where contained jointly with apartment dwelling units in the same building.

On those lands zoned “MUC-1(H)” by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:

(a) the completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study requirements to the satisfaction of the General Manager of Public Works; and,

(b) approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works.

City Council may remove the 'H' symbol and, thereby give effect to the Zone provisions by enactment of an amending by-law once the conditions are fulfilled.”
5. That Subsection 6.10.7, “Special Exemptions” of Section 6.10, Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special provision “RM3-27(H)” to include the following:

“RM3-27(H) Part of Lot 32, Concession 7, Schedule “A”, Map No. 10

Notwithstanding the uses permitted in Subsection 6.10.2 of the Multiple Residential “RM3” Zone, the following uses shall be permitted:

(a) A Home Occupation
(b) Apartment Dwellings
(c) Dwelling Groups
(d) Live/Work Units
(e) Maisonettes
(f) Townhouses
(g) Uses, buildings or structures accessory to a permitted use

For the purposes of this By-law, a “Live/Work Unit” shall mean a dwelling unit having a residence and business in the same location which consists of a ground floor commercial unit and an upper level residential unit. Commercial uses in a “Live/Work Unit” shall be limited to a personal service shop, a professional office, and a retail store.

Notwithstanding the provisions of paragraphs (c), (d), (e), (g), (i) and (m) 4. of Section 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-27(H)” by this By-law, the following shall apply:

(c) Maximum Setback from east and south lot lines - 6 metres
(d) Side Yard for Maisonettes, Townhouses and Dwelling Groups:
   1. Minimum Interior - 3 metres
   2. Maximum Exterior - 3 metres
(e) Side Yard for Apartment Buildings
   1. Minimum Interior - 3 metres
   2. Maximum Exterior - 6 metres
(g) Minimum Rear Yard for Apartment Buildings - 9 metres
(i) Maximum Density per hectare - 80 units
(m) Minimum Landscaped Open Space

4. A landscaped strip having a minimum width of 6 metres shall be provided adjacent to any street, except for points of ingress and egress, and between the street and building along Winterberry Drive and the proposed Street.

In addition to the provisions of Section 6.10.3, on those lands zoned "RM3-27(H)" by this By-law, the following shall apply:

(n) No vehicular access shall be permitted on Winterberry Drive.

(o) A minimum of one block of Live/Work Units shall be provided and maintained immediately east of the lands zoned “MUC-1(H)” and fronting onto the south lot line.

On those lands zoned "RM3-27(H)" by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:

(a) the completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study requirements to the satisfaction of the General Manager of Public Works; and,

(b) approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works.

City Council may remove the 'H' symbol and, thereby give effect to the Zone provisions by enactment of an amending by-law once the conditions are fulfilled.”

6. 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 provision “RM4-5(H)” to include the following:

“RM4-5(H) Part of Lot 32, Concession 7, Schedule “A”, Map No. 10

In addition to the uses permitted in Subsection 6.11.2 of the Multiple Residential “RM4” Zone, on those lands zoned "RM4-5(H)" by this By-law, the following shall be permitted:

(d) Stormwater Management Facility

On those lands zoned "RM4-5(H)" by this By-law, the "H" symbol may be removed by a further amendment to this By-law at such time as:

(a) the completion of the Rymal Road Planning Area Master Plan Class Environmental Assessment Study requirements to the satisfaction of the General Manager of Public Works; and,
(b) approval of the Traffic Impact Study submitted by Delcan dated September 2005 by the Manager of Traffic Engineering & Operations, Public Works.

City Council may remove the 'H' symbol and, thereby give effect to the Zone provisions by enactment of an amending by-law once the conditions are fulfilled.”

7. The City 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 , 2006.

MAYOR

CLERK

ZAC-03-93 & CI-05-N
Schedule "A"

Map Forming Part of By-Law No. 06-____ to Amend By-Law No. 3692-92

Subject Property
Lands to be zoned from the Neighbourhood Development "ND" Zone to:

Block 1 - Community Shopping Centre (Holding) "SC2-3(H)" Zone
Block 2 - Neighbourhood Shopping Centre (Holding) "SC1-3(H)" Zone
Block 3 - Mixed Use Commercial (Holding) "MUC-1(H)" Zone
Block 4 - Multiple Residential (Holding) "RM3-27(H)" Zone
Block 5 - Multiple Residential (Holding) "RM4-5(H)" Zone
Block 6 - Open Space "OS" Zone
August 27, 2004

Hi Peter:

I received your letter regarding the rezoning applications for the Heritage Greene Commercial Center @ Upper Mt. Albion Drive, Winterberry Drive/Stone Church Road. I am a homeowner / resident of Hopewell Crescent and my property backs onto Winterberry drive. I am quite excited about this and other development going on around our house. I feel that it can only benefit and increase the value of our property and the surrounding area.

I have only one idea / suggestion regarding this & wondering if you could take this into account as you go about preparing your staff report. I wouldn’t mind to see the existing wall / sound barrier, which already exists behind the residential area at the corner of Winterberry and Mud Street, extended to the edge of the Salvation Army Church property. This would reduce the amount of noise which residents along Winterberry are subjected to from Winterberry drive which will no doubt increase with the development of this commercial center. It will also reduce the amount of noise coming from the commercial center itself.

It would be appreciated if you could consider this request/suggestion as you complete your staff report.

I wish you well with your work.

Thanks

Best regards,

Art Beijes
23 Hopewell Cr.
Stoney Creek, ON.
L8J 1P3
October 4, 2004

FILEs: No. ZAC-03-93

Peter De Iulio, Senior Project Manager
City of Hamilton
Planning & Development Department, Real Estate Division

Dear Mr. De Iulio:

We are sending you our comments/opinions regarding the plan for Big Box development situated close to our property. The letter sent to us by your department advising us regarding the application to amend zoning-by-law was sent when we were on our holiday and therefore it's quite late to respond.

We live in the corner of Winterberry and Paramount Drive across Janet Lee school. Everytime we drive into our driveway, we have to wait for long period of time before we can safely do so. As a consequence, we are causing traffic jam along Winterberry lane from Mud St. and Paramount Drive lane from Stonechurch turning to Winterberry. Winterberry St. has become a main road now for vehicles going into the Linc and Paramount/Stonechurch Road. There is an increased volume of traffic now in Witterberry Drive that we have not seen before. During the school hours, there is even more chaos, traffic, and noise. We have also seen increased accidents happening in intersection of Winterberry and Paramount Drive. If the city will consider and approve the plan for Big Box Development in Upper Mt. Albion Road, Winterberry Drive and Paramount/Stonechurch Road, it will have negative impact and will bring on much bigger problems for the community.

Did the developer consider the following points?
1. The big box development in Ancaster Meadowlands are surrounded by townhouses where mostly senior citizens live. But there was no school in very close proximity to the area.
2. Are the roads in Paramount and Winterberry appropriately prepared to handle increased volume of big trucks delivering the goods to the proposed commercial center? For 5 years now, we have been asking City Hall to fix the road in Paramount across Salvation Army Church because it is causing too much vibrations/shocks in our house. Our foundation has sustained lots of cracks because of construction trucks passing the road everyday.

In preparing your report for Council consideration, we urge you not to support the proposed Big Box development. Recommend to the council in diverting the traffic from Winterberry and Paramount and recommend fixing the road along Paramount Drive and Winterberry to diminish the destruction of our community properties.

We thank you for the interest you will give regarding the above matter. Please provide us a copy of the staff report prior to the public meeting.

Sincerely Yours

Ernesto and Lydia Belita
May 12, 2004

Dear Peter,

Thank you for your assistance during the recent information session for the Heritage Green Project held at Valley Park Community Centre.

I was one of the many members of the local community who had great concerns about the proposed development at the intersection of Winterberry Drive and Paramount Drive and the impact it will have on our lives.

Please include my name, address and email address to receive any changes that have occurred with this project as well as timelines for any future meetings.

My address is: Dale Scott
60 Dalegrove Crescent
Stoney Creek, Ontario
L8J 3R4

I would like, if possible, any information available on the Multi Area Development (De Santis) master plan for the area between Fletchers Rd. and Trinity Church Road on the south side of 53 Hwy. I am specifically interested in any commercial land use in this development.

Also is there a Smart Growth Plan for this area? If so where can find a copy of it.

Thanks again for your help with this matter,

Dale Scott
September 9, 2004

Hi,

Thanks for the map. This is even worse than I feared. I protest this and some of the reasons follow.

1. This kind of commercial development does not belong so close to a school. Traffic is a nightmare on Winterberry when the kids go in and out of school. Even more parents could be expected to drive their kids to school because the walk would be considered unsafe. As it is, there is a problem dealing with the cars, and it could only get worse. How can the students be expected to work and concentrate during all the noise involved with building? After that there would be all the noise (and pollution) from trucks supplying the stores.

2. All the blasting required would be extremely disruptive and creates the risk of considerable damage to homes and buildings in the area. I am under the impression that this area is on top of several large sheets of rock (shale?) so any blasting in one area could have an impact on quite a large area. Who gets to decide if any damage my home sustains is from blasting or other causes? Who pays for proper repairs?

   My home has already endured the blasting for the homes, school and townhouse complex to the west of me. As far as I recall the only time someone came out for a pre blast inspection was for the blasting nearest to me, and only the foundation was inspected. Does the builder or the city do a pre-inspection check? Who decides if an existing crack was made worse by blasting?

3. Where are the customers going to come from? It can only come by luring customers away from already established businesses. For example, I go to the theatre quite often, and quite often the theatre is nearly empty. How can a new theatre be supported? As far as I can see, Hamilton is losing jobs not gaining jobs. If this is the case, then existing businesses would be competing for a shrinking customer base. What happens when businesses fold? Are we then left with abandoned buildings or having less desirable businesses move in?

4. We already have a number of accidents in the area and speeding. If bars are included, wouldn't that increase the likelihood of also having more drunk drivers in the area? Again, I don't see how Winterberry or Paramount could handle the increased traffic.

5. I will also admit that I am not keen on having such a large commercial area so close to me. It is one thing to move into an area when the stores are already there. It is quite another to have the businesses move in afterwards. Wouldn't it make a lot more sense to build more housing in that area instead of building more housing further out?

6. Finally, will there be an environmental impact study done?

7. Just who decided that we need to have all these "amenities" anyway?

Dianne Miller
May 10, 2004

Peter,

I am the principal at Janet Lee School, directly across from the planned development. I would appreciate being informed of any meetings that are planned for public input. I know my community are concerned about the development of adequate traffic safety measures and appropriate road infrastructure in relation to the complex. Thanks and have a great day!

Doug Booth
Principal
Janet Lee School
January 4, 2005

Mr. Peter De Iulio,

As per our phone conversation, if you could please add the following names and contact information to the notification list for the above noted application, it would be appreciated.

FirstPro Shopping Centres
700 Applewood Crescent, Suite 100
Vaughan, ON  L4K 5X3
Ph: 905-760-6200
Fax: 905-760-6202

Best Regards,

Christine Cote
First Pro Shopping Centres
(905) 760-6200 ext. 7862
August 25, 2004

Dear Peter:

I am a resident in a townhouse at 800 Paramount Drive. We presently have two exits/entrances to the complex, onto Paramount Dr. Two of the drawings enclosed with the pkg. show a traffic island at the n.e. corner of Paramount and Upper Mount Albion, which doesn't exist at present. The drawing on the page titled Heritage Green does not show this island, but it does show an entranceway into the proposed development.

It appears to me that the entrance/veer-off, past the traffic island would be centred opposite one of our entrances. This is most unacceptable to me for obvious traffic congestion and safety reasons.

If the Heritage Green drawing is correctly showing the entranceway to the proposed complex, I would hope that it will be staggered and not directly opposite our existing entranceway, for the same congestion and safety reasons, as mentioned above.

I'm sure that this development is well on its way for approval, and I only hope that the added traffic congestion, entrances and exits, to the development, are given due consideration for the safety of all vehicular, pedestrian and school children, presently in the area.

Yours truly,
Gary G. Bodden.
October 5, 2004

City of Hamilton
Planning & Development Department
Development & Real Estate Division
City Hall
71 Main Street West
Hamilton, ON  L8P 4Y5

CC: Councilor Mr. Phil Bruckler
Mayor Larry Di Ianni

Dear: Mr Peter De Iulio

Re: File ZAC-03-93

We, the Parent Council of Janet Lee Elementary school would like to express our concerns regarding the proposed “Heritage Green Commercial Centre” at Winterberry Drive and Paramount Drive in Upper Stoney Creek.

Our major concern is the increase in traffic that will occur should this project be approved. Without significant improvements to the existing roadways, the children attending Janet Lee Elementary will be in grave danger. As a result of the extension of the Lincoln Alexander Expressway, the traffic at this corner has already more than doubled. The school community and staff have been greatly concerned for the safety of the students for many years.

We realize that it is inevitable that development will occur at this corner and may in fact be welcomed by many of the residents. Our concern is the size of the development and the traffic congestion that will ensue. In the updated 1990s plan for the area the proposed site planned for 250,000sqft to service a population of 28,000 residents. Presently the proposed plan is for 600,000sqft while the population has been stabilized at approximately 20,000. The 1990s proposal allowed for a more balanced light commercial/residential development. The present plan has eliminated the residential portion and substantially increased the commercial portion to include such businesses at ‘big box stores’. We realize that the locale is very viable and will draw consumers from all areas of Hamilton and outlying areas. This substantiates our safety and traffic concerns.

With a commercial development of this magnitude the customer traffic will be ‘enormous’. Adding to this would be the inevitable delivery trucks to service such a vast commercial centre. The delivery route of westbound vehicles will take them directly past our JK – grade 8 Elementary School on Paramount Drive. It is our understanding that the entrances to this centre will be located on Winterberry Drive and Paramount Drive, adjacent to Janet Lee Elementary School. Why does this proposed plan not have entrances/exits from the Trinity Church Road extension or from Mud Street? This would appear to be an obvious choice to reduce traffic coming into our neighborhood that both the developer and city planners have overlooked.
Due to the size of the development, comparisons have been made to the Ancaster Power Centre. Such comparisons should not be deemed valid because that commercial centre was developed prior to any residential development taking place. People who reside in that area were well aware of the impact of the commercial development. In our area, the reverse is true. The roadways in our neighborhood cannot support the increased traffic flow and congestion that will be associated with this development. We cannot find a precedent supporting such a major development being built in an existing residential neighborhood directly across from an elementary school.

In closing, we would like to reiterate that our concerns should be of utmost importance prior to any development occurring. We would ask that you respond, in a timely manner, to our School Council, in care of Helen Janzen. We would appreciate this response prior to the rezoning meeting that will be conducted this fall. We thank you for your time and the avenue to express our concerns.

Sincerely,

Janet Lee School Council
August 17, 2004

Dear Peter De Iulio:

My name is Karen Telford and I am the owner of property Unit 13-800 Paramount Drive, Stoney Creek. I am writing this email to you today to voice my concern regarding the application to amend the Stoney Creek official plan and zoning by-law to permit a large scale commercial development (Power Centre).

My concerns are as follows:

1. The concern re: the amount of traffic that will increase in our residential area as a result of this development and concern for the safety of the children attending the Janet Lee Elementary School on the corner of Winterberry and Paramount Drive.

2. There is presently only single lane traffic on Paramount Drive and requires widening to permit turning lanes and avoiding traffic congestion or possible accidents.

3. The concern re: amount of noise and pollution in the residential area during construction.
4. The concern re: amount of noise and pollution in the residential area after construction.
5. The concern re: housing value in the area dropping (due to the congestion of traffic, noise of traffic, possible crime of theft or break and enters into cars in the new development or residential areas.)

6. The concern re: possibility of increase to property taxes in the area due to new development.
7. The elimination of green space in the area and replaced with concrete structures.

I do look forward to your response and also being provided with a copy of the staff report prior to the public meeting to be held by the Planning and Economic development committee of city council.

Best Regards.

Karen Telford.

(mailing address for copy of staff report is as follows):

Unit 29-7120 Gilbert Rd
Richmond, B.C.
V7C 5G6
We would be very interested in getting a copy of the report sent to us please concerning the development project File No. ZAC-03-93 of Paramount and Winterberry.

Kevin Price
800 Paramount Drive, Unit #30
Stoney Creek, ON L8J 3V7

Thank You
Kevin
August 19, 2004

Re: Preliminary Circulation of Official Plan Amendment and Rezoning Applications, "Heritage Green Commercial Centre", Upper Mt. Albion Road, Winterberry Drive and Paramount Drive/Stone Church Road, Stoney Creek, Ward 9

Peter DeIulio, Senior Project Manager
City of Hamilton
Planning & Development Department & Real Estate Division

Thank you for the opportunity to provide input regarding the proposed development specified in the above plan. I further appreciate our recent telephone conversation during which you answered several questions I had stemming from the notice issued by the City of Hamilton Planning & Development Department & Real Estate Division on August 4, 2004.

After reviewing the public notice and speaking with you on two separate occasions I respectfully submit the following comments regarding File No. ZAC-03-93. I have cc'd Ward 9 Councilor Phil Bruckler as well as Mayor Larry DiIanni as I am confident this proposed development will be of keen interest to each of them. Should you have any questions please don't hesitate in contacting me.

Please confirm receipt of this communication. Thank you.

Regards,

Kevin McDonald (Ward 9 resident & homeowner)
6 Benwood Court
Stoney Creek, ON L8J 2K3

Comments Regarding File No. ZAC-03-93

1. Traffic
As a resident of Ward 9 whose property falls is in direct proximity to the proposed development I am very concerned about the dramatic increase in traffic a "Power Centre" would bring to this area of Ward 9. At present Winterberry Drive and Paramount Drive/Stone Church Road witness a high volume of traffic travelling both east/west and north/south. Winterberry Drive now serves as a primary conduit for traffic accessing or exiting the most eastern end of the Lincoln Alexander Expressway (LINC). The proposed development would most certainly increase traffic in this highly residential area and thereby raise safety concerns for pedestrians, specifically children, who reside in this section of Ward 9.

At present Winterberry Drive & Paramount Drive/Stone Church Road exist as two lane roadways. Both roadways also accommodate public transportation routes. Throughout the calendar year these roadways experience a high degree of traffic, especially during the peak rush hour times of 7:00-9:00am and 3:00-5:30pm. The traffic congestion is even more problematic during the winter months when snow becomes a major issue. Further should these two roadways be expanded to four lanes to accommodate increased traffic travelling to and from a "Power Centre" then Janet Lee Public School would be situated on the equivalent of Upper James & Mohawk. In my opinion this is unacceptable due to the safety risks associated with 500+ public school students being in such close proximity to a major intersection.

Should these two roadways be expanded to accommodate four lanes I respectfully submit that transport restrictions and even road closures be proposed to help minimize any potential risks
associated with increased traffic volumes. For example, Lime Ridge Road was closed to through traffic following the opening of the east/west expanse of the LINC. Similarly Paramount Drive @ Marston could be closed to through traffic thereby minimizing traffic volumes. The only traffic travelling this section of roadway would be residents of Gerald, Lyngate or Benwood. Winterberry and Paramount Drive east of Marston could be utilized as routes to and from the Valley Park Community Centre and Power Centre respectively.

2. Proposed “Power Centre’s” proximity to Janet Lee Public School

My wife Kim and I have three children, Taylor (9), Chloe (7) and Hayden (5). All three children attend Janet Lee Public School. The school accommodates over 500 + students from Junior Kindergarten to Grade 8. Students are both “walkers” and “busers”. The Winterberry Heights Salvation Army Church, on the north/east corner of Winterberry Drive & Paramount Drive, is home to a YWCA pre-school and after-school program. I understand that the program has been expanded to include a full-day child care program commencing September 2004. At present there is one Crossing Guard assigned to this intersection.

Please consider my comments above regarding “Traffic” in relation to the school proximity issue.

3. Development

As a resident of Ward 9 for the past four years I acknowledge that Upper Stoney Creek has been under-serviced commercially for many years, specifically in relation to the rate of residential development. In the past four years there has been commercial development taking place at Hwy#53 & Rymal Road, and most recently at Paramount Drive and Mud St. The Summit Park development will result in a significant increase in housing starts south of Rymal Road, to the east of Upper Mount Albion Road.

The proposed File No. Zac-03-93 is situated in a pre-existing residential area. The proposed development is bordered by residential property to the east, north and south (not to mention those residents of Upper Mount Albion Road who would find themselves at the epi-centre of a major commercial area). Earlier reports and indications of a “Power Centre” being developed in the Hwy#53 and Rymal Road area did not come to fruition as I understand the City of Hamilton did not approve the plan. To now “back-door” in a major commercial development in an existing residential area seems to me to be poor planning.

The Ancaster Meadowlands was not developed in direct proximity to a pre-existing residential area nor a public school. Residential development, both neighbourhood development and high-density residential, followed the development of the Meadowlands Power Centre.

I am not opposed to growth and economic development. The latter I see as fundamentally important to the future prosperity and health of our community. However, I favour “smart” growth. To concede that economic development is good, without critical analysis or consideration, would be an error.

To that end I would have preferred to see File No. ZAC 03-93 include a proposal for a greater ratio of residential development with a smaller degree of commercial development.

4. “Other” forward looking issues

- Increased traffic upon completion of the North/South Red Hill Expressway
- Increased noise associated with both the proposed commercial development & the Expressway
- Emissions (pollution) associated with each of the above
- Transport traffic impacting residential neighbourhoods (a situation the Expressway development was supposed to help remedy)
- Parking - potential for increased vehicle parking in adjoining neighbourhoods

Once again thank you for the opportunity to submit my comments regarding the proposed “Heritage Green Commercial Centre”. I look forward to receiving a copy of the staff report prior to the public meeting to be held by the Planning & Economic Development Committee of City Council.

Please confirm receipt of this communication and advise me of the date and time of the public meeting. Thank you.
46-800 Paramount Drive  
Stoney Creek, Ontario L8J 3V8  
August 28, 2004

Mr. Peter Delulio, Senior Project Manager  
City of Hamilton  
Planning & Development Department  
Development & Real Estate Division  
71 Main Street West  
Hamilton, Ontario L8P 4Y5

Dear Sir:

Re: Files ZAC-03-93 & OPA-03-26

I am in receipt of your letter of August 4, 2004 requesting any written comments concerning the proposed Plan Amendment to allow for a “Heritage Green Commercial Centre”.

I understand that there will be an entrance/exit into this development directly across from the entrance into the complex which I live in. I am opposed to this entrance/exit as I believe it will have a negative impact on those of us whose backyards face Stonechurch Road. When I purchased my property, I purchased it in order to enjoy the “parkette” unto which my backyard faces. With an exit from the new mall facing directly into our entrance into this complex, it will have a detrimental impact. The lights from vehicles exiting this mall will shine into our homes at night and will obliterate the little privacy that we currently enjoy. In addition, an entrance at this location will have a significant impact on residents wishing to enter or exit our complex, particularly during the day.

In addition, there are a great number of children in this complex and there is a public school at the corner of Winterberry and Paramount. A complex such as this will need to be constructed in order to ensure the safety of these children. Vehicle entrances from Stonechurch into the mall should be limited to Upper Mount Albion Road and further west of that intersection. I believe that allowing vehicles, especially trucks, to enter the mall east of Upper Mt. Albion Road will have a significant impact on the children in this area and will cause a safety problem.

Furthermore, I believe the owners and developers of the mall have a responsibility to minimize the effect of this development on those people currently living in the area, by resurrecting barriers that will reduce the noise, the emissions from vehicles and the odours from restaurants, etc. These barriers should be aesthetically pleasing and should include trees, shrubs, flowers, etc.

I trust you will take into consideration my concerns and those concerns of any individuals in this area.

Yours truly,
Lillian Ross
Hamilton City Hall  
71 Main Street West  
Hamilton, Ontario, Canada  
L8P 4Y5  

Attention: Tim McCabe, Director of Development and Real Estate  

RE: Official Plan and Zoning By-law amendment Winterberry Road and Paramount Drive Files OPA-03-26 and ZAC-03-93  

Dear Mr. MacCabe:  

I am submitting this email to formally object to the above noted application. The application is intended to change the official plan and Zoning By-law of the Former municipality of Stoney Creek to permit a large scale commercial development. We have been advised that the development will consist of a gross floor area of approximately 600,000 ft². The following are some of my reasons for this objection:  

- The property is designated for Neighbourhood Development and the proposed development is not consistent with a neighbourhood type development.  
- The property is designated for neighbourhoud development and the proposed development plans are of a large scale regional type development not consistent with the neighbourhood designation.  
- The development is out of character with the residential character of the area.  
- The location of the proposed development is within an area that contains a school and townhouse development as well as surrounding residential houses. The location is not conducive to the regional type development that is being proposed.  
- Existing dwellings located on Upper Mount Albion Road will be surrounded by an excessively large commercial development and as such will lose property value.  
- Residents of these dwellings will be forced to move as a result of this horrendous commercial development or face a life of hazards as they try to leave their residence.  
- The traffic that will be generated by the proposed development will adversely affect the residential character of the area. Traffic hazards will be created for the children that attend the elementary school across the street from this proposed development as well as other residents.  
- The area is already experiencing traffic related problems and concerns which will be aggravated by this larger scale development. When the Mud Street/ Linc was closed and traffic and rerouted down Paramount between Winterberry and Mud Street, residents were experiencing 15 to 20 minute waits to exit their street to enter traffic onto Paramount Drive. This suggests that an increase in traffic, as will occur by the large scale commercial development, will adversely affect the residents of the area and endanger the lives of pedestrians and drivers.  
- The development is not required to fulfill the needs of the neighbourhood residents as two commercial plazas exist that provide this commercial component to the area. (Paramount Drive Plaza and Gordon Drummond)  
- Additional commercial lands are being developed at present to provide additional services (located at the corner of Mud and Paramount) to the area residents. This area is conducive to larger scale commercial development as it is readily adjacent to a
major thorough fair and as such does not require customers to navigate through the residential area to gain access. The proposed large scale commercial development will require vehicles to pass through a residential neighbourhood, past a school and church to access this large unneeded commercial development.

- Additional commercial lands are available at the intersection of Hwy 20 and Rymal road to accommodate larger scale commercial development. The proposed commercial development is not located in such a fashion and as such jeopardises a residential area.
- The Official Plan for Stoney Creek requires that a market study be completed to show that this development will not adversely affect existing commercial development in the area. I am of the opinion that this size of development will create a situation whereas the existing commercial plazas will be adversely affected by this large development. The residents enjoy a small plaza that has served our needs faithfully over the years. This plaza and its owners will be subjected to a financial and other hardships as a result of this large scale development.
- The loss of the commercial tenants at the Paramount Plaza will create an abandoned dilapidated appearance to this plaza. The plaza will become a waste land when all of the businesses are closed due to the financial burden that will be created by this large unneeded commercial development.
- This is a partial list of objections as other items may arise out of a general review of the proposed plans and amendments.

In conclusion, I would like to reiterate that the area proposed for this development is not consistent with good planning principles. The proposed location of this type of development will be detrimental to the residential character of the area. Land values will be affected by some of the residents that face or require access along the routes that traffic will take to access this development. Homes located on Gerald Crescent, Benwood Court, Lyngate Court and Winterberry Drive will be affected by the development as access to Paramount Drive will be difficult at the very least. The people who purchased the townhouses behind the elementary school will see traffic problems arise as they try to exit their homes onto Paramount Drive. The children in this townhouse development and the school will be at risk from increased traffic flows.

Is this development worth the risk of one child’s life? I for one do not think that is the case and as such this development must not be permitted to be constructed.

I wish to be notified of any and all approvals, meetings, hearings and other items related to this property including the two above noted applications.

Yours truly,

Lynn Hall
41 Glenhollow Drive
Stoney Creek, Ontario
L8J 3R8

c.c.: Mayor Larry Di Ianni
Councillor Phil Bruckler, Ward 9
Councillor Tom Jackson, Ward 6
Good day Mr. Deiulio,

As discussed, please add myself to the notification list for the Silvestri applications (if I am not already on the list). My contact information can be found in the signature line below.

Also, I understand at this time that you are anticipating a public meeting on May 2, 2006. Please let me know when/if the staff report will be available online for viewing.

Thank you very much for your assistance.

Yours truly,

Margaret R. Rudolph, BES
7050 Weston Road, Suite #230
Woodbridge, ON, L4L 8G7
www.mhbcplan.com
City Hall
71 Main Street West
Hamilton, Ontario, Canada
L8P 4Y5

Attention: Tim McCabe, Director of Development and Real Estate

RE: Official Plan and Zoning By-law amendment Winterberry Road and Paramount Drive Files OPA-03-26 and ZAC-03-93

Dear Mr. MaCabe:

I am submitting this email to formally object to the above noted application. The application is intended to change the official plan and Zoning By-law of the Former municipality of Stoney Creek to permit a large scale commercial development. We have been advised that the development will consist of a gross floor area of approximately 600,000 ft². The following are some of my reasons for this objection:

- The property is designated for Neighbourhood Development and the proposed development is not consistent with a neighbourhood type development.
- The property is designated for neighbourhood development and the proposed development plans are of a large scale regional type development not consistent with the neighbourhood designation.
- The development is out of character with the residential character of the area.
- The location of the proposed development is within an area that contains a school and townhouse development as well as surrounding residential houses. The location is not conducive to the regional type development that is being proposed.
- Existing dwellings located on Upper Mount Albion Road will be surrounded by an excessively large commercial development and as such will lose property value.
- Residents of these dwellings will be forced to move as a result of this horrendous commercial development or face a life of hazards as they try to leave their residence.
- The traffic that will be generated by the proposed development will adversely affect the residential character of the area. Traffic hazards will be created for the children that attend the elementary school across the street from this proposed development as well as other residents.
- The area is already experiencing traffic related problems and concerns which will be aggravated by this larger scale development. When the Mud Street/ Linc was closed and traffic and rerouted down Paramount between Winterberry and Mud Street, residents were experiencing 15 to 20 minute waits to exit their street to enter traffic onto Paramount Drive. This suggests that an increase in traffic, as will occur by the large scale commercial development, will adversely affect the residents of the area and endanger the lives of pedestrians and drivers.
- The development is not required to fulfill the needs of the neighbourhood residents as two commercial plazas exist that provide this commercial component to the area. (Paramount Drive Plaza and Gordon Drummond)
- Additional commercial lands are being developed at present to provide additional services (located at the corner of Mud and Paramount) to the area residents. This area is conducive to larger scale commercial development as it is readily adjacent to a
major thorough fair and as such does not require customers to navigate through the residential area to gain access. The proposed large scale commercial development will require vehicles to pass through a residential neighbourhood, past a school and church to access this large unneeded commercial development.

- Additional commercial lands are available at the intersection of Hwy 20 and Rymal road to accommodate larger scale commercial development. The proposed commercial development is not located in such a fashion and as such jeopardises a residential area.
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- The loss of the commercial tenants at the Paramount Plaza will create an abandoned dilapidated appearance to this plaza. The plaza will become a waste land when all of the businesses are closed due to the financial burden that will be created by this large unneeded commercial development.
- This is a partial list of objections as other items may arise out of a general review of the proposed plans and amendments.

In conclusion, I would like to reiterate that the area proposed for this development is not consistent with good planning principles. The proposed location of this type of development will be detrimental to the residential character of the area. Land values will be affected by some of the residents that face or require access along the routes that traffic will take to access this development. Homes located on Gerald Crescent, Benwood Court, Lyngate Court and Winterberry Drive will be affected by the development as access to Paramount Drive will be difficult at the very least. The people who purchased the townhouses behind the elementary school will see traffic problems arise as they try to exit their homes onto Paramount Drive. The children in this townhouse development and the school will be at risk from increased traffic flows.

Is this development worth the risk of one child’s life? I for one do not think that is the case and as such this development must not be permitted to be constructed.

I wish to be notified of any and all approvals, meetings, hearings and other items related to this property including the two above noted applications.

Yours truly,

Maureen Baldry
38 Gerald Crescent
Stoney Creek, Ontario
L8J 2J7

c.c.: Mayor Larry Di Ianni
Councilor Phil Bruckler, Ward 9
Councilor Tom Jackson, Ward 6
September 8, 2004

Dear Mr. Peter De Lulio,

We received your letter regarding Heritage Greene Commercial Centre. Since there is an elementary school and Expressway entrance/exit, here are the concerns that we have: (1) Busy Traffic, (2) Air pollution, (3) Noise, and (4) Safety.

We suggest the following: (1) No entry and exit on Paramount Drive, (2) more crossing island and/or traffic lights, (3) expand all the roads to two lanes, and (4) reduce the speed limit.

We are looking forward for the Public Meeting.

Thank you for your attention.

Sincerely,

Mike Yip
Resident of 800 Paramount Drive
Dear Sir,  

I am responding to the notice for an application to amend the Stoney Creek Official Plan and Zoning Bylaw to accommodate a "Power Centre" at Upper Mt. Albion road Winterberry Dr. and Paramount Drive, Ward 9. I find it questionable that I received this notice in the middle of this month and have until the third of September to make my concerns known to you. I don’t believe this is sufficient time to consider all of the implications in a fair and honest manner. There are many people away during these weeks of August and I’m sure there are those who will receive their notice only days before the deadline and those perhaps who will only become aware of it after the labor day weekend. This small window to reflect on the implications is an important issue in itself for something that is so critical to the residents of this particular neighbourhood and the positive or negative results of such a decision. There needs to be a meeting with the constituents of this ward at a time that would allow most to attend with accurate information exchanged at that time.

I like many others purchased my home for the family residential environment that was offered to parents with young children and young parents starting a family. At the same time with the Linc handy it allowed for fairly easy travel to the commercial areas to shop. I have watched while the traffic has increased and the safety of the children has been threatened with that increasing vehicle traffic and have witnessed more than a few accidents at the intersection of Winterberry and Paramount – indeed was involved in one myself this past spring. I cannot comprehend situating a “power centre” directly across from an elementary school with the number of children under the age of twelve years of age that will be maneuvering back and forth in the area. I have not seen a large mall situated in similar proximity to an elementary school in the city, presumably because the safety of the school children has been a priority in planning the development in those areas. Are we getting so greedy that all caution is being thrown to the wind? The commercial development at Upper Centennial and 53 Hwy would appear to be an example of responsible and well thoughtout planning. I don’t believe this is the case with this location off of Paramount.

In speaking to Mr. Bruckler he indicated that this was certainly beyond what was initially envisioned for that location. A power centre would inevitably bring large tractor trailers through the area again disrupting this family neighbourhood with increases in noise pollution as well as traffic congestion and what should be the primary concern – the safety of all residents with the safety of the children the main priority. The implications for this amendment are great and cannot be slid by the residents in good conscience. I am informed by Mr. Bruckler he would like to hold an evening meeting for the residents. I do not want to hear what he would like to do but what he is GOING to do and ALL of the appropriate people must be there to answer accurately the
concerns raised at that time. I object to increasing the scope of this development and given the
time to reflect on them I’m sure there would be many others who will feel the same. It would
appear that this is precisely the strategy. Mail out the notices when many of the families are away
on holiday and push the permit through with the least amount of friction. That friction will be
more than you can handle if a child’s life is lost. What are those lives worth? Are they worth
holding the developers and the city planning department accountable to sit and discuss the
implications with all concerned and to proceed accordingly with caution? I will await word from a
representative of your department or Mr. Bruckler to respond to the residents on this matter.

Sincerely

John Joseph Boyd
290 Winterberry Dr.
Stoney Creek On
L8J 2N5

[Signature]
August 31, 2004

Steve and Carol Stipancic
188 Upper Mt. Albion Road
Hamilton, On
L8J 1V4

RECEIVED SEP -1 2004

Peter De Iulio, Senior Project Manager
City of Hamilton
Planning & Development Department, Development & Real Estate Division
City Hall, 71 Main Street West
HAMILTON, On
L8P 4Y5

Dear Mr. De Iulio:

Re: File No. ZAC-03-93

We are writing in reply to the letter we received from the City dated August 4th, 2004 with respect to the above quoted file number.

Attached you will find our comments which, as requested, were forwarded to Terri Johns of Johns and Khes Planning Solutions following the information session back in May, 2004.

We remain quite concerned and troubled by the proposed commercial development which would surround our neighbourhood. As shown on the location map, ten homes are left standing in the “core” of the proposed Power Centre, one of which is ours. This is very disturbing and would make living in this neighbourhood very undesirable. The developer has no regard for the few of us that remain. If approached, we would consider a fair offer, but we have yet to see that happen.

Please take our concerns seriously – reconsider the location or make us an offer we can’t refuse.

Thanking you in advance and looking forward to a reply, we remain,

Sincerely,

Steve & Carol Stipancic

/sb
Enclosure
NEIGHBOURHOOD INFORMATION SESSION

HERITAGE GREENE COMMERCIAL CENTRE
NORTH-WEST CORNER OF WINTERBERRY DRIVE AND PARAMOUNT DRIVE

COMMENTS

We would appreciate your comments and/or questions. Please feel free to leave this with us this evening or return by mail by May 13, 2004 to:

Johns + Khes Planning Solutions
Attention: Terri Johns
Unit 2 – 790 Shaver Road
Ancaster ON L9G 3K9

We are very concerned and not pleased at all with the proposed plan for commercial development in our residential area. To be advised that only some of the properties were purchased on our road, leaving 10 homes (including ours) to be surrounded by large commercial buildings is very upsetting and unreasonable. We've lived in this quiet neighborhood for over 25 years and would not appreciate the noise and traffic a commercial centre would bring to our community.

We are concerned that further information and/or meetings will arise while we are on vacation. Please continue to notify us by mail as our daughter and son-in-law Sue and Dan Baker will communicate any new info to us and we will communicate back through NAME: Steve + Carol Stipancic
ADDRESS: 188 Upper Mt. Albion Rd, Hamilton L8J 1V4

4.23.04 - Steve Stipancic
Carol Stipancic
Mr. Peter De Iulio, Senior Project Manager  
City of Hamilton  
Planning and Development Department, Development and Real Estate Division  
City Hall

Re file # ZAC-03-93

Dear Mr. Iulio:

Regarding rezoning at Paramount Drive and Stonechurch, my greatest concern is that we must have a natural environmental buffer, such as a berm with grass and trees, of sufficient size and depth to help lessen pollution, including noise pollution, and hide the commercial space from view.

For most of us at 800 Paramount, we bought in this subdivision because we like the pastoral view. I don’t think any of us want to live across from a shopping mall.

If we must lose our country landscape, we will insist that the mall be hidden from our view.

The most offensive possible piece of development would be a movie theatre, and I oppose allowing a theatre in this area.

Yours truly,

Ms. Sharleen Treleaven  
Unit 72  
800 Paramount Drive  
Stoney Creek Ontario L8J 3V9
Aug. 30/04

Attn: Peter Delulio:

We are writing to you in response to your plan file #ZAC-03-03 & OPA-03-26 "Heritage Green Commercial Centre".

We are home owners on Upper Mt. Albion Rd. and have a number of concerns regarding the rezoning of these properties.

One of our concerns is the effect the proposed rezoning will have on the tax base of our home. The possibility of our property value decreasing and added difficulty to sell are also of great concern.

The plan does not show what type of establishments will be opening, and we fear that undesirable businesses may open close to our homes. (bars, nightclubs, etc.)

The traffic of transport trucks servicing these commercial businesses may also be very disruptive as most deliveries are done at night.

The amount of traffic these businesses will create is more than the current road system can handle and will cause undue traffic backups and safety hazards.

These are just a few of the concerns we have and we sincerely hope that they will be addressed to the satisfaction of all the home owners on this road.

Hoping to hear from you soon

Ray and Ruth Thomson
200 Upper Mt. Albion Rd.
Stoney Creek, Ont
L8J 1V4
K. Dunham  
17 Markham Cres.  
Stoney Creek, Ont.  
L8J-1P2

Received Aug 31 2004

August 29, 2004

Dear Sir or Madam:

Reference: File ZAC-03-93

I am writing in regards to the proposed “Heritage Green Commercial Centre” in Ward 9

As a resident for the past 9 years, I am glad to see the commercial development that is happening, but I am concerned with the increased traffic congestion and safety issues that this “Power Centre” is going to create.

My main concern is the increased traffic and speed that will be associated with the increase, along with more larger delivery trucks, being driven along the road with an elementary (JK-gr.8) school with approximately 500-550 children, right on the corner (SW) of Winterberry and Paramount Sts. The traffic congestion on this corner during the school year is already terrible and gets worse when the bad weather arrives. Many parents do not feel that these corners are safe even with a crossing guard present. I, personally, have seen too many close calls with a slight increase in traffic i.e.: cars/trucks speeding, running both yellow/red lights, ignoring/not paying attention to the crossing guard.

The preceding brings me into my other major concern being the increased congestion in this area.

As we all know, the Ancaster Power Centre is congested with traffic at most times of the day. This congestion is evident even with 4 lanes of traffic (2 east, 2 west). The area in Ward 9 is only single lanes travelling in all directions which will not be able to handle the increase in congestion. According to the proposed plans and diagrams I have seen, it does not look like there are any entrances or exits onto the Mud St./Lincoln Alexander Parkway. This also will increase the traffic in our area with vehicles having to turn onto Winterberry from Mud St. or onto Paramount Dr. at Valley Park and coming around that way to access the “Power Centre” entrances.

Personally, I feel that the traffic issues which will be affecting the residents in this area have not been taken into account by the developer as he is trying to put up a “Power Centre” in an area that is already developed with an elementary school directly across the
street. Nowhere else in the city do I know of that a developer has been allowed to propose something this large directly across from or near an elementary school. Hopefully, the City’s Planning and Economic Development Committee will understand the needs of the residents of Ward 9. I am glad to see some commercial development but the needs for proper roads to handle the increased traffic congestion should come before any development is started.

Thank-you for your time and the avenue to express my concerns

K. Dunham
61-800 Paramount Dr.
Stoney Creek ON L8J 3V8
August 16, 2004

Peter De Iulio, Senior Project Manager
Planning and Development Department,
City of Hamilton
71 Main St. W.
Hamilton ON L8P 4Y5

Mr. De Iulio:

Re: File No. ZAC-03-93 Heritage Greene Commercial Centre

I am writing to express my concern about the development of a large scale commercial development at Upper Mount Albion Rd., Winterberry Dr. and Paramount Drive as a follow-up to my telephone conversation with Councillor Phil Bruckler following the community presentation.

The development is planned for an area that is residential, with much of the future development in the area proposed residential. Apart from the expressway all development happening is residential. There is also an elementary school across from this area with, as I was informed by the planning department, undeveloped land belonging to the school board also in the area. This is a major safety issue as the pedestrian traffic is significant around schools.

While there are not a lot of services in the Heritage Green area, some are being developed in the Mud Street and Paramount area on land that has been long designated for these purposes and there are a full range of services within a short distance.

A power center is not an area that is designed for the area residents but is seen as a destination site, in my opinion. This would increase the traffic in this residential area putting a stress on the residents and the roads in this area with noise, increased traffic, accidents, and reduced safety for pedestrians. The access roads to this center will be through residential areas. The traffic on Upper Mount Albion would be increased, as well, if the commercial center planned for Rymal Road in this area is completed with traffic between the two areas. Would it not make more sense in terms of the area to have these centers in the same area – Rymal Road or Rymal Rd and Highway #20, areas that are already being developed with large stores to service the area.

A power center/large box stores will have a major negative effect on this established area.

I would not have purchased this property if I had known such a development was proposed (and I did inquire at the time I purchased my home). If I had wanted to live by such a development, I would have purchased in the Meadowlands area.

I do not support development of a power center/large box stores on this property.

Sincerely,

[Signature]

Barb Ishibashi
August 31, 2004

Peter Delulio, Senior Project Manager
City of Hamilton

Re: File No. ZAC-03-93

On behalf of the residents of Wentworth Condominium Corporation No. 287, we hereby submit our concerns regarding the proposed development “Heritage Greene Commercial Centre”.

Our concerns are based on the proposed Entrance and Exit points in direct relation to our existing complex which is located directly south of this Centre. Traffic congestion and the safety of our children is of major importance. According to the proposed plan which has been distributed to us the Exits and Entrances could pose a safety problem for everyone involved.

We would hope that our concerns regarding the positioning of the above Exits and Entrances will be addressed. At this point in time, has there been any thought given to traffic control devices and any other safety measures? Has there been any consideration for the widening of Stone Church/Paramount to handle the additional vehicular traffic?

Board of Directors for W.C.C. #287:

Gail Ward, President

Susan Todd, Vice-President

Gary Bodden, Secretary/Treasurer

Mgr. Mr. Randy Bailey,
Wilson, Blanchard Mgt.,
701 Main St. W., Suite 101
Hamilton, Ontario, L8S 1A2
May 26, 2005

Development & Real Estate Division, 6th Floor
Planning & Development Department
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Peter De Iulio, MCIP, RPP
Senior Project Manager

Dear Mr. De Iulio:

Re: Proposed Development Applications
Silvestri Property
City of Hamilton

Please accept this as our request to be advised of all meetings and circulated all correspondence pertaining to the above-noted property.

Should you have any questions or wish to discuss this further, please do not hesitate to contact me.

Yours truly,

GSP Group Inc.

Kristen Barisdale

05/26/2005 THU 14:28 [ JOB NO. 6154 ]
Petition opposing the construction of a Commercial / Business Complex at Upper Mount Albion and Paramount Drive

To
Phillip Bruckler
Larry Di Ianni
Peter J De Iulio
Diana Biuk
Leanne Ryan
Mary Lou Tanner
Hugh Thompson

Councilor Ward 9
Mayor City of Hamilton
Senior Project Manager
Senior Development Planner
Traffic Technologist
Manager of Strategic and Environmental Planning
Silvestri Investments

Residents of Upper Mount Albion Road

Subject: The proposed construction of a large Commercial Business Complex at Upper Mount Albion Road and Paramount Drive in Stoney Creek and the adverse effect it will have on the residents of Upper Mount Albion Road
We the 45 residents of Upper Mount Albion Road between Rymal Road and Paramount Drive are already facing the threat of a substantial increase in traffic from the construction of sub divisions and commercial buildings on the R.O.P.A. lands. The health and safety issues facing us because of a two lane poorly maintained road with narrow shoulders and no sidewalks are only one of our concerns. We will be subjected to increased traffic noise, pollution as well as decreased property values.

Now we will be caught in between two large projects if this large commercial business complex is allowed to be built at the north end of our road. This will only add to the volume of traffic that will end up using our road and increase the danger to not only we the adults but also to our children.

Therefore we once again refer to the “Trinity Neighbourhood Plan” as approved by Council July 25th 1989 and updated Dec.30th 1996 which shows Upper Mount Albion Road closed at Rymal Road.

We believe that there are alternate routes that should be considered and possibly prove beneficial to the city in the long run. The Rymal Road widening to four lanes and the Trinity Church Road extension just a few hundred yards west of our road would seem to be a far better traffic artery for R.O.P.A. land traffic than Upper Mt. Albion. As it travels north to connect with the north/south expressway it crosses Paramount Drive, which in turn would give people, access to the Heritage Green area. I understand that Pritchard Road which I believe has two homes is scheduled to be widened and could sustain light industry from Rymal on down to Paramount.
Also with a widened Pritchard Road it could safely accommodate an increased flow of traffic. Prior to Dakota Blvd. being built on the R.O.P.A. lands now is the time to see if a realignment is a feasible option if not possibly a “T” intersection with traffic lights.

We are also aware of the Winterberry extension, which is on hold according to information given to this writer in July 2004 pending an underground survey of the “Karst” rock formation. It is my understanding this survey has yet to be completed.

In closing we the residents of Upper Mt. Albion Road respectfully request Council adhere to the prior approved motion to close Upper Mount Albion Road at Rymal Road before any further development.

Contact person: Dave Cunningham 50 Upper Mt.Albion Rd.
L8J2S1
Appendix “I” to PED06137
Page 36 of 45

Coomber 40 Upper Mt Albion Rd
Phyllis Lou
Murphy Lens 36 Upper Mt Albion Rd

Dorothy McAdle 60 Upper Mt Albion Rd
Mary C. O’Connell 25 Upper Mt Albion Rd

Stella Leung 41 Upper Mt Albion Rd 8th Co.

Beth Holland 53, 45, 54 Upper Mt Albion Rd

Karen Jefry 58 Upper Mt Albion Rd

Diane A. Cebik White 57 Upper Mt. Albion Rd

Deni Buttensch 60 Upper Mount Albion Co.

Alvan Kingsley 61 Upper Mt. Albion Rd

Helen Hille 6 Upper Mt. Albion

Bellefeuller 6

Claudia MacKihua 17 Upper Mt. Albion

Eve MacKihua 17 Upper Mt. Albion

Joan MacKihua 17 Upper Mt. Albion

Diane Moore 33 Upper Mt. Albion

Carol Colvin 37 Upper Mt. Albion

Carol Colvin 37 Upper Mt. Albion
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<th>Name</th>
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<td>Margaret Reid</td>
<td>30 Upper Mt Albion Rd</td>
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<td>Allan Reid</td>
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<td>Ross Daw</td>
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<td>Patricia Trencini</td>
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<td>David Trencini</td>
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<td>Dave Cunningham</td>
<td>50 Upper Mt Albion Rd</td>
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<td>Kathleen Rick</td>
<td>55 Upper Mt Albion Rd</td>
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</tbody>
</table>
September 3, 2004

BY FAX #905.540.6142 AND REGULAR MAIL

Mr. Peter De Iulio
Senior Project Manager
City of Hamilton
Planning & Development Department
Development and Real Estate Division
City Hall, 71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mr. Peter De Iulio:

Re: Preliminary Circulation of Official Plan Amendment and Rezoning Applications
   “Heritage Greene Commercial Centre”, Upper Mt. Albion Road,
   Winterberry Drive and Paramount Drive/Stone Church Road
   Stoney Creek, Ward 9

We act on behalf of Loblaw Properties Limited (“Loblaws”) which owns and operates supermarket facilities throughout the City of Hamilton and Province of Ontario. In particular, our client owns and operates a Fortinos supermarket located at the northwest corner of Rymal Road East and Upper Centennial Parkway (hereinafter referred to as the “Fortinos Site”). The Fortinos Site is designated “neighbourhood shopping centre (NSC)” by the City of Stoney Creek Official Plan. The Fortinos Site forms part of the West Mountain Planning District (Heritage Greene Section).

Loblaws will be filing an application for Official Plan Amendment and Zoning By-law Amendment to permit an expansion of the Fortinos supermarket from its existing size of 89,000 ft² to a proposed size of 150,000 ft². This application will be submitted to the City of Hamilton in the next several days. The Official Plan Amendment will seek to reflect the increase in size by redesignating the site as “community shopping centre”. We have retained Hermann Kircher of Kircher Research Associates Ltd. to prepare a market study in support of our client’s application. In view of our client’s present status within the commercial hierarchy of the Stoney Creek Official Plan, and our client’s proposal to evolve that present role to better serve residents of the area, we are vitally concerned about the above-noted proposal.
September 3, 2004
Page 2

We have reviewed the market study submitted in support of the proposal dated June, 2003 prepared by Mr. John Winter. We have also had an opportunity to review the peer review prepared by Scott Morgan and dated March 24, 2004. Mr. Kircher has reviewed the study prepared in support of the above-noted proposal and the peer review prepared by Mr. Morgan and his comments are attached for your consideration. We would be pleased to make Mr. Kircher available to meet with representatives of the City of Hamilton to review his conclusions.

From a planning perspective, we note that the above-noted site is designated “special policy area “C” (West Mountain Core Area)” This designation indicates that the subject lands are “…intended to function as the primary focus for local community activity with a wide range of commercial, residential, office, open space and other community uses.” (emphasis added) The policy goes on to note that the area should be the subject of further studies, and in the meantime will be zoned to restrict the use of land or buildings in order to ensure the area will ultimately develop for its intended use. This direction has been implemented in the Zoning By-law through the use of the “neighbourhood development zone” which effectively acts as a freeze on development.

The proposal goes well beyond the scope of what was intended for this area, and fails to reflect the substantial amount of commercial land that was recently added through the recent urban expansion on the south side of Rymal Road East. Those commercial permissions, combined with our client’s proposal, would, in our submission, reinforce the Official Plan direction that the above-noted lands be focused on local community activity.

We may have further additional submissions with respect to this matter as you develop your recommendations with respect to these applications.

I wish to reiterate that my client and its representatives would be pleased to meet with City of Hamilton staff and others in order to discuss this matter in greater detail.

Should you have any questions, please do not hesitate to contact me.

Yours very truly,

AIRD & BERLIS LLP

Steven A. Zakem
SAZ/mn
September 1, 2004

Mr. Steve A. Zakem
Aird & Berlis
P.O. Box 754, 181 Bay Street
BCE Place, Suite 1800
Toronto, Ontario
M5J 2T9

Dear Mr. Zakem:

RE: HERITAGE GREEN, HAMILTON
MARKET STUDY BY JOHN WINTER ASSOCIATES LIMITED


Among other uses, this report recommends the development of a 70,000 square foot supermarket as part of a regional power centre comprising some 500,000 square feet of retail space.

Loblaws is concerned pertaining to this proposed development as it is contrary to the function historically assigned to the Heritage Green central area. Although this development may be suitable for a small, community size supermarket of 20,000 – 30,000 square feet, the large-scale supermarket function for this area is being performed by the existing Fortinos store.

The proposed expansion of the Fortinos store from 89,000 to 150,000 square feet, the subject of a comprehensive market analysis by our firm dated April 30, 2004 was not known to Mr. Winter or the City’s peer reviewer, Scott Morgan, and was therefore not recognized in their reports.

Our Study of April 30, 2004 was based on substantial new empirical evidence which raises significant issues regarding the reliability and appropriateness of the Winter/Morgan assumptions. In our opinion, the Winter report is seriously deficient in its scope, empirical research, and analysis.

Land Use & Retail Economists
The Trade Area

The regional trade area chosen by Winter was said to be related to an in-store customer survey we conducted at the newly opened Fortinos store in 2001. Now that the store has matured in its market, a new in-store customer survey indicates a somewhat different trade area than the initial survey. For example, our currently defined 2001 trade area population totals 202,000 persons compared to Mr. Winter’s designated regional trade area of 321,332 persons in 2001.

Competitive Inventory

Mr. Winter recognizes the existing Fortinos and a small local supermarket, D’Alesios Foodland at Mount Albion Plaza as having some significance in the trade area. Our trade area, which is significantly smaller than that designated by Mr. Winter indicates a competitive assortment of 22 different supermarkets and totalling 816,900 square feet of such space.

Our inventory also indicates that specialty food store space in the trade area comprises some 429,900 square feet which is more than 50% of the space occupied by supermarkets. This raises the basic question whether or not Mr. Winter’s assumption (P.34, Exhibit 19) that supermarkets would account for 85% of the volume of food store sales is reasonable. Since Mr. Winter includes the food sales of warehouse membership clubs (WMC) in his calculations, which tend to account for 5-6% of total food store sales, this would only leave some 10% of total food store sales for specialty food stores even though they amount for 50% of the supermarket space. This suggests a significant error in Mr. Winter’s calculation of the true supermarket potential.

Market Test for Wal-Mart

Mr. Winter tests the market specifically for a Wal-Mart discount department store. There are several Wal-Mart stores within or near the trade area boundaries chosen by Mr. Winter. As a minimum of empirical research, he should have conducted surveys at these locations to determine their current market penetration. The same is true for Canadian Tire stores.

In his calculations of department store potential, Mr. Winter did not recognize the fact that a significant portion of such volume potential is served by traditional department stores.
It should also be noted that his assumption that the current department store share of department store type merchandise (DSTM) is 15% does not agree with our recent comprehensive market research which shows it to be nearer 21.0%.

**Lack of Empirical Research**

Mr. Winter relies largely on dated research conducted by other consultants whose trade areas were not identical to his chosen trade area. There is no consumer expenditure research applicable to the Winter trade area. The competitive inventory provided by Mr. Winter covers only the immediate vicinity of the site amounting to some 206,800 square feet. Our inventory in the appropriate trade area is in excess of 5.2 Million square feet.

**Morgan Peer Review**

W. Scott Morgan and Associates Ltd. was engaged by the City of Hamilton to conduct a peer review of the Winter report. It was completed March 24, 2004. On Page 4 of his report, Mr. Winter states “I have reviewed the empirical input of JWAL’s analysis and am generally satisfied that these inputs conform to standard practice”. It is truly astonishing that Mr. Morgan raises no questions pertaining to the lack of consumer research applicable to the Winter trade area, the lack of tenant specific research where prospective tenants are identified and the lack of a full inventory of competitive space applicable to the Winter trade area, particularly when the proposed development differs dramatically from historic planning for the site.

On Page 5, Mr. Morgan excuses Mr. Winter’s lack of a ‘quantitative directional impact analysis’ because some of the potential future retail developments have not yet been built. There is no reason why a directional impact assessment could not have been provided regarding existing competitive retail space.

On Page 5, Mr. Morgan also suggested that he use the full inventory from the dated PWC report, without disclosing what he actually used or how he used it and without acknowledging that this inventory would not cover the current Winter trade area.

In his conclusion (P.12), Mr. Morgan recognizes that the proposed developments recommended by Mr. Winter and himself could be the “seed” for a much larger regional power centre but he does not discuss or evaluate its implications.
Mr. Morgan confirms that the proposed development is in fact a regional power centre contrary to all previous planning for Heritage Glen site as a community focus. In general, Mr. Morgan’s peer review is shallow and of little value to test the true impact of the proposed development.

Summary

1. We find no evidence that the historic retail designation of Heritage Green ever contemplated the development of a regional power centre.

2. The lack of tenant specific research, where such tenants are identified, i.e. Wal-Mart and Canadian Tire makes any findings by Winter unreliable.

3. Current actual consumer expenditure research is a typical component of an impact assessment, particularly when a study is completed in a representative time period (Mr. Winter’s report was dated June). The lack of such research makes impact discussions unreliable.

4. The supermarket potential analysis suffers from wrong statistical data, i.e. inflated supermarket shares and inflated site shares and lack of recognition pertaining to the proposed Fortinos expansion.

5. The inventory of competitive space provided is insufficient to gain a full understanding of the current market conditions applicable in the trade area.

It is our general conclusion that the Winter report is inadequate to justify the proposed development.

Yours very truly,

KIRCHER RESEARCH ASSOCIATES LTD.

Hermann J. Kircher
President
September 2, 2004

Mr. Peter De Julio
Senior Project Manager
City of Hamilton
Planning and Development Department
City Hall, 71 Main Street
Hamilton, ON
L8P 4Y5

Dear Sir or Madam:

Re: Heritage Greene Proposed Retail Development

Application for Official Plan Amendment and Rezoning, City of Hamilton
(the “Application”)

We are the solicitors for 100 Main Street Limited, who are currently in the process of developing a commercial retail centre on its lands (“Centre”). In accordance with the policies approved in Regional Official Plan Amendment No. 9 (“ROPA 9”), our client was required to submit an extensive market demand and impact analysis that examined the effects of our client’s proposal on both existing and all designated sites in the Trade Area and beyond, before the City would consider and approve the Centre. Also, our client made significant concessions by limiting the size and specific tenants permitted in the project to satisfy City concerns.

Our client and their consultants have had the opportunity to review the background materials and reports prepared with respect to the above-noted Application and are surprised at the superficial analysis that has been carried out in the Winter Report with respect to the proposal. While our client was required to carry out an extensive empirical analysis for its Centre, there is no empirical work carried out in the form of up-to-date in-home survey or licence-plate survey to justify the amount of retail square footage now being proposed in the Application.

More specifically, in order to support the size of the proposal, the Winter Market Report defines a trade area which includes much of the City of Hamilton including large areas of the City below the mountain. Consequently, there is a large population that is used to justify the proposed centre without any empirical or other justification. On the other hand, having established a large trade area the Winter Report fails to consider the impacts this proposal would have on the existing and proposed retail sites within this larger trade area. From the
September 2, 2004

City’s perspective no consideration has been given to the impact the proposal would have on the downtown, an issue our client was required to specifically consider. Recognizing the larger Trade Area used by Winter, it would seem logical that impact on Downtown Hamilton would be an even more important test for this centre, particularly in light of the fact that it is almost twice the size of our client’s project.

Furthermore, the assumptions which the Winter Report has used to determine the impact on our client’s site are inaccurate. For example, the zoning limitations he has assumed for the Centre are incorrect and therefore the impediments to the development of our client’s site that he suggests just don’t exist.

Finally, from a planning perspective the fact that the site is located at a proposed interchange of the Red Hill Creek Expressway is not justification for increasing the size of the proposed retail space that was originally envisioned for this area. This site has always been considered a mixed-use area with a community focus with or without the proposed Red Hill Creek Expressway. Therefore, from a planning perspective there had been no change to the planned infrastructure for the area since the original planning has been done.

We would be more than pleased to elaborate on these comments further and in the meantime, if you have any questions or comments, please do not hesitate to contact the writer.

Yours very truly,

McCarthy Tétrault LLP

Per:

[Signature]

Stephen H. Diamond
SHD/skf
c: Doug Annand
Filomena and Al Frisina