SUBJECT: Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11)

RECOMMENDATION:

(a) That approval be given to amended Hamilton-Wentworth Official Plan Amendment Application ROPA-05-04, by Penady (Stoney Creek) Ltd., Applicant, for Regional Official Plan Amendment No. __, to revise Policy C3.1.3.5, for the lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, as shown on Appendix “A” to Report PED09157, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09157, be adopted by City Council.

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

(b) That approval be given to amended Official Plan Amendment Application OPA-05-20 by Penady (Stoney Creek) Ltd., Applicant, for Official Plan Amendment No. __, to amend Schedule “A” General Land Use Plan, of the City of Stoney Creek Official Plan, for a redesignation from “Special Policy F” to “Commercial”, for the lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, as shown on Appendix “A” to Report PED09157, on the following basis:
SUBJECT: Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11) - Page 2 of 24

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED09157, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and will be in conformity with the Hamilton-Wentworth Official Plan upon approval of Regional Official Plan Amendment No. _____.

(c) That approval be given to amended Zoning Application ZAC-05-111, by Penady (Stoney Creek) Ltd., Applicant, for a change in zoning from the Agricultural Specialty “AS” Zone to the Community Shopping Centre (Holding) “SC2-4(H)” Zone (Block 1), and from the Highway Commercial “HC” Zone to the Community Shopping Centre (Holding) “SC2-4(H)” Zone (Block 2), for the lands located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, as shown on Appendix “A” to Report PED09157, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED09157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the proposed changes in zoning will be conformity to the Hamilton-Wentworth Official Plan and to the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No.’s _____ and _____.

(d) That upon finalization of the implementing By-laws, the new Urban Official Plan be modified to incorporate the subject lands as Special Policy Area No. _____.

Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

Penady (Stoney Creek) Ltd. has submitted applications to amend the Hamilton-Wentworth Official Plan, the Stoney Creek Official Plan, and the Stoney Creek Zoning By-law for their land holdings at the southwest quadrant of Fifty Road and the South Service Road. The purpose of the applications is to permit a commercial development on 17.86 hectares (44 acres) of land.
The main issues in reviewing these applications are stormwater management, traffic, potential transit hub, urban design guidelines and sustainable design elements/guidelines, the new Urban Official Plan, and proposed zoning.

Approval of the applications is consistent with the resolution of the Committee of the Whole, dated June 23, 2008, and confirmed by Council on June 25, 2008, to exempt the lands from the City’s employment lands study and employment land bank, and that the site be deemed to permit a mix of land uses, including commercial uses.

**BACKGROUND:**

**History:**

On October 29, 2003, Council adopted Amendment No. 14 to the Hamilton-Wentworth Official Plan, and Amendment No. 99 to the City of Stoney Creek Official Plan. The purpose of these Amendments was to expand the “Urban Area” boundary in lower Stoney Creek, better known as the Stoney Creek Urban Boundary Expansion (SCUBE). Approval of these Amendments was appealed to the Ontario Municipal Board (OMB) by Hamilton General Homes (1971) Ltd. and the Ministry of Municipal Affairs (MMA).

On November 22, 2005, a pre-hearing conference was held, at which time a settlement of the MMA appeals was reached, but the details of the proposed amendments to accommodate the settlement were not finalized. While a settlement was reached with MMA, owners of four areas or parcels of land proposed in the settlement to remain “Rural” appeared to object to the settlement. They were given party status, and their objections will be the subject of a further Board Hearing.

On April 30, 2007, Order No. 1202 was issued by the Board allowing the appeals in part. The Board ordered that the Amendments be approved, with modifications, to Amendment No. 99 (see Appendix “D”).

On June 23, 2008, the Committee of the Whole considered a staff report on the Municipal Comprehensive Review and Conversion Analysis for Employment Lands Study, and adopted the following resolution with respect to the subject lands:

“(b) That in addition to the recommended conversions sites contained in Appendix “B” to Report PED08066(a), the following areas be identified as Council exceptions:

(iv) The site at the southwest quadrant of QEW and Fifty Road from the City’s employment lands study and employment land bank, and that the site be deemed to permit a mix of land uses, including commercial uses;”

This resolution was confirmed by Council at its meeting of June 25, 2008.
Proposal:

On October 31, 2005, staff received applications for Official Plan Amendments and a Zoning By-law Amendment to permit a proposed shopping centre with multiple buildings and tenants (see Appendix “E”). The total gross floor area (GFA) would be approximately 43,757 square metres (471,000 square feet), with a 18,369 square metre (197,719 square foot) Wal-Mart as the anchor tenant and a 8,810 square metre (94,835 square foot) secondary anchor tenant on 15.93 hectares (39.4 acres). The balance of the floor space would accommodate two office towers and a variety of retail and service tenants of various sizes, as indicated in the chart below:

<table>
<thead>
<tr>
<th>Use</th>
<th>Sq. M.</th>
<th>Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Store</td>
<td>18,369</td>
<td>197,719</td>
</tr>
<tr>
<td>Secondary anchor store</td>
<td>8,810</td>
<td>94,835</td>
</tr>
<tr>
<td>Other retail</td>
<td>4,112</td>
<td>44,261</td>
</tr>
<tr>
<td>Office</td>
<td>11,148</td>
<td>120,000</td>
</tr>
<tr>
<td>Service</td>
<td>1,318</td>
<td>14,186</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>43,757</strong></td>
<td><strong>471,000</strong></td>
</tr>
</tbody>
</table>

No formal circulation of the applications to internal departments and external agencies occurred until November 14, 2007, since the approval of SCUBE was not finalized until April 30, 2007, and the City was in the process of completing its Municipal Comprehensive Employment Lands Review.

On February 1, 2009, staff received a request to amend the applications to incorporate additional lands (Stop 50) and make provisions for a potential transit hub (see Appendix “F”). The development would have a GFA of approximately 41,152 square metres (442,960 square feet) with a 13,981 square metre (150,487 square foot) Wal-Mart as the anchor tenant on 15.73 hectares (38.86 acres). The balance of the floor space would consist of the following:

<table>
<thead>
<tr>
<th>Use</th>
<th>Sq. M.</th>
<th>Sq. Ft.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Store</td>
<td>13,981</td>
<td>150,487</td>
</tr>
<tr>
<td>Retail</td>
<td>25,619</td>
<td>275,763</td>
</tr>
<tr>
<td>Service</td>
<td>1,552</td>
<td>16,710</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>41,152</strong></td>
<td><strong>442,960</strong></td>
</tr>
</tbody>
</table>

In addition, approximately 2.77 hectares (6.84 acres) of the applicant’s lands has been reserved for a potential transit hub.

In support of the applications, the following studies were submitted:
SUBJECT: Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11) - Page 5 of 24

Planning Justification Report, Mady Development Corporation, Fifty Road and Queen Elizabeth Way, City of Hamilton), dated July 4, 2006, prepared by Fothergill Planning & Development Inc.

Retail Market Demand and Impact Analysis, Stoney Creek, City of Hamilton, prepared for 362216 Ontario Corporation, dated June 2006, prepared by Tate Economic Research Inc.

Employment Analysis - Addendum to the Retail Market Demand and Impact Analysis Report (June 2006) - Stoney Creek, City of Hamilton, prepared for 362216 Ontario Corporation, dated October 2006, prepared by Tate Economic Research Inc.


Traffic Impact Study - QEW at Fifty Road, Multi-use Centre, Hamilton, Ontario, dated April 2009, prepared by Delcan.

Phase 1 Environmental Site Assessment - 395 Fifty Road, Stoney Creek, Ontario, dated April 25, 2000, prepared by Trow Consulting Engineers Ltd.

Phase 1 Environmental Site Assessment - South side of the South Service Road between Winona Road and Fifty Road, Stoney Creek, Ontario, dated April 26, 2000, prepared by Trow Consulting Engineers Ltd.

The findings/recommendations of these studies are summarized in the Analysis/Rationale section of the report.

Location: 1310 South Service Road, 400 Winona Road and 395 Fifty Road (see Appendix “A”)

Owner: Penady (Stoney Creek) Ltd.
843803 Ontario Ltd.

Agent: Fothergill Planning and Development Inc. (Ed Fothergill)

Property Size: Area: 17.86 hectares (44 acres)
Frontage: 48.9 metres (160 feet) along Fifty Road
621.4 metres (2,038 feet) along South Service Road
368.3 metres (1,208 feet) along Winona Access Road
98.99 metres (324.8 feet) along Winona Road
The following is a summary of the findings/recommendations of the various studies submitted.

**Planning Justification Report**

The report examines a number of relevant planning policy documents and provides an opinion with respect to conformity of each of the documents. The report concluded:

“The proposed development form can be supported in that it implements the provisions of the Hamilton-Wentworth Official Plan, which intends that the site be developed as a “gateway” location. The proposal can achieve that objective through introducing a mix
of commercial and employment uses in a high quality design that will take advantage of
the special locational attributes of exposure and access to the QEW.

The retail market demand and impact analysis demonstrates the need for the proposed
use and confirms that the proposal will not adversely affect or jeopardize the viability of
other existing or approved retail centres in the City and, in particular, the Stoney Creek
central area. In addition, the establishment of a major retail and employment centre in
this location will provide a needed service to residents in the area, and will minimize the
outflow of retail expenditures to other jurisdictions.

The proposal can be accommodated by way of extensions to existing infrastructure, as
outlined in the preliminary engineering report, as well as existing transportation
infrastructure, as confirmed in the Transportation Study.

The proposal is consistent with Provincial policy direction in that it provides for new
economic development and employment opportunities in a manner which utilizes
existing infrastructure, and contributes to making the City of Hamilton a healthy
community through the introduction of a mix of high quality uses in a strategic location.”

Retail Market Demand and Impact Analysis

This study examined a commercial development consisting of approximately 39,948
square metres (430,000 square feet) of floor space with two different scenarios, as well
as demand for a theatre on the site. The scenarios are outlined in the following chart:

<table>
<thead>
<tr>
<th>Use</th>
<th>Scenario 1 (Sq.ft.)</th>
<th>Scenario 2 (Sq.ft.)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department Store</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traditional floor space</td>
<td>165,000</td>
<td>165,000</td>
</tr>
<tr>
<td>Food oriented space</td>
<td>45,000</td>
<td>45,000</td>
</tr>
<tr>
<td>Service space</td>
<td>9,500</td>
<td>9,500</td>
</tr>
<tr>
<td><strong>Total Department Store</strong></td>
<td><strong>219,500</strong></td>
<td><strong>219,500</strong></td>
</tr>
<tr>
<td>Home Improvement Centre</td>
<td></td>
<td>95,000</td>
</tr>
<tr>
<td>Ancillary Retail</td>
<td>157,500</td>
<td>86,500</td>
</tr>
<tr>
<td>Service</td>
<td>53,000</td>
<td>29,000</td>
</tr>
<tr>
<td><strong>Total Development</strong></td>
<td><strong>430,000</strong></td>
<td><strong>430,000</strong></td>
</tr>
</tbody>
</table>

If the theatre were to proceed, the amount of ancillary retail and service space will likely
be reduced.

The study area examined for the proposed development is shown on Appendix “G”.
The primary market area is bounded by Lake Ontario to the north, the Niagara
Escarpmant to the south, Casablanca Boulevard in Grimsby to the east, and Glover
Road to the west. Overall, the Study Area boundaries represent the approximate
midpoint market between the subject site and major retail centres in St. Catharine’s and
SUBJECT: Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11) - Page 8 of 24

Hamilton. Currently, Study Area residents are travelling to these larger markets for department store and other retail shopping.

The conclusions and recommendations of the report are attached as Appendix “H.”

Employment Analysis

This report examines the potential employment generated by the proposed development, and also provides a comparison to typical industrial or office jobs that could be generated. The report concluded:

“The preceding analysis has illustrated that the proposed Mady Development will generate employment for approximately 1,320 people. TER estimates that the alternative industrial scenario would generate approximately half of the employment being proposed by the Mady Development. The industrial/office scenario would generate marginally higher employment, however, it is the opinion of TER that developing 50% of the site for office uses is not realistic. Based on the current market environment for office uses and the probability that industrial development will generate lower employment, the Mady Development provides the best option in terms of employment generating opportunities. This site is currently vacant, and Mady is prepared to develop the site immediately upon approval for the Official Plan Amendment and Zoning By-law Amendment. Therefore, the lands will fulfil their function in terms of accommodating uses that generate employment.”

The Executive Summary is attached as Appendix “I.”

Traffic Studies

The following are the conclusions and recommendations from the initial study:

“It should be anticipated that the installation of Traffic Control Signals at the intersection of Fifty Road and the South Service Road will be required based upon both the existing travel demands and the projected growth in area background traffic. In association with the installation of those traffic signals will be the need to construct left turn lanes on each of the approaches to the intersection of Fifty Road and the South Service Road, regardless of the status of the proposed Mixed Use Centre. With the installation of traffic signals at this location, given the relative proximity to the at grade railway crossing of Fifty Road, consideration should be given to interconnecting the adjacent railway and the traffic control signals to minimize the potential northbound traffic queues to extend beyond the railway crossing.

Existing traffic from the South Service Road is oriented predominantly towards the QEW. With the projected growth in background traffic, along with the increased traffic that would be generated by the proposed Mixed Use Centre, an extension of the existing 4 lane section of Fifty Road from south of the QEW to the intersection with the
South Service Road will be needed. The existing Fifty Road structure crossing the QEW is 6 lanes wide, and would not be affected since it already provides 2 through lanes, plus a speed change lane for the QEW ramps in each direction.

Improvements to the South Service Road that will be required with the addition of the proposed Mixed Use Centre include:

- Provision of a double eastbound left turn lane at the intersection with Fifty Road; and,

- Provision of a left turn lane on the South Service Road at the intersections with:
  - Access SS2
  - Access SS3
  - Access SS4
  - The existing Service Road connection to Winona Road. (see Appendix “J”)

Although not directly attributable to the proposed development of the Mixed Use Centre, it is noted that as area travel demands increase, delays can be anticipated on Barton Street at Fifty Road during peak periods, in particular. The increased travel demands may ultimately warrant the installation of traffic signals. Provision of a southbound right turn lane on Fifty Road at Barton would help to minimize the delays experienced by Barton Street motorists, and would help to alleviate the potential future need for traffic signals at that location.

In finalizing the proposed site plan, particular care should be taken regarding the placement of buildings and any landscaping adjacent to the South Service Road to ensure that the available sight distances are not adversely affected.

Given the proximity to both the railway crossing and the adjacent signalized intersection of Fifty Road at the South Service Road, it is recommended that the proposed access F1 be restricted to right in and right out.

The intersections of access SS1 at the South Service Road, and access W1 at Winona Road, should similarly be restricted to rights in and rights out.”

A revised traffic study was submitted to address the potential Transit Hub. The conclusions are attached as Appendix “K.”

**Preliminary Engineering Report**

This report examined storm drainage, sanitary drainage, watermains, existing streets, existing sidewalks, and existing street lighting. The report concluded:
"It is our opinion that quantity and quality requirements regarding the post-development runoff from the proposed development can be achieved. The proposed wet pond will provide the required Level 2 of quality control of the surface runoff for Sub-catchment A and approximately 10,800 cubic metres of extended detention storage volume. The required quantity control of the surface runoff for Sub-catchment B is provided through the parking lot storage, while the required level of quality control is provided through the installation of proposed STC 6000 unit (stormceptor).

The sanitary flows from the site will outlet to the existing 1,200mm dia. sanitary sewer on the South Service Road, at the intersection of Oriole Avenue. The sanitary sewer will be oversized to accommodate the future sanitary flows from the lands to the east and south of the site. A 9.0m service easement, in favour of the City of Hamilton, is anticipated to be proposed on site. It is noted that there are concerns with the hydraulic grade line in the trunk sanitary sewer on the South Service Road. As a result, no gravity connections to basements will be permitted in this development.

The subject lands will be serviced from existing watermains located on Winona Road and Fifty Road. The City of Hamilton is proposing a new watermain on Fifty Road, crossing the QEW, in 2007, which will provide sufficient water supply to the subject lands. A 300mm dia. watermain is proposed to service the subject lands, connecting the existing 300mm dia. watermain on Winona Road and to the future watermain on Fifty Road.

Winona Access Road will be reconstructed to an urban standard as part of this development.

No sidewalks will be constructed for this project.

Underground hydro and street lighting will be installed to service this development in accordance with the requirements of the Horizon Utilities Corporation.

It is anticipated that there will be a cost sharing agreement with the City of Hamilton and the neighbouring landowners for the construction cost associated with construction of the proposed 600mm dia. sanitary sewer on this development."

Phase 1 Environmental Site Assessments

The report for the South Service Road property recommended:

"That a limited Phase II ESA (i.e. soil and groundwater sampling) is recommended to assess possible petroleum impacts from an adjacent gasoline service station."
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The abandoned well should be immediately decommissioned in accordance with current MOE well abandonment standards. Evidence of trespassers on the site was observed during the site visit (i.e. fire pits). The presence of this open well poses an immediate danger to public safety.

The main issues in reviewing the application were:

1. Stormwater Management.
2. Traffic.
6. Proposed By-law Amendment.

1. Stormwater Management:

As indicated in the approved Official Plan Amendment No. 99, certain studies are required before development can occur on the lands north of the rail line, between Winona Road and the City limits. While a preliminary stormwater analysis has been undertaken, to the satisfaction of the Public Works Department to satisfy the requirements of the Official Plan Amendment, more detailed review is required as the details of development are provided. As a result, the proposed By-law amendment includes a Holding (H) provision to ensure the detailed analysis is undertaken.

2. Traffic:

While a Traffic Impact Study was undertaken and submitted with the initial application, a second study was recently submitted to address the potential Transit Hub to be located in the area of the subject application. To ensure the conclusions and recommendations of this updated study are thoroughly reviewed by Public Works staff and the Ministry of Transportation, the Holding (H) provision will also include a requirement for the study to be reviewed and approved by both the City’s Public Works Department and the Ministry of Transportation.

3. Potential Transit Hub:

As required by the approval of Official Plan Amendment No. 99, the City undertook a Transportation Master Plan for the entire Stoney Creek Urban Boundary Expansion (SCUBE) area. This Master Plan was completed in November 2008 and filed for public review on December 12, 2008. The conclusions and recommendations with respect to the Transit Hub are attached as Appendix “L.” As indicated in the recommendations section, a detailed feasibility analysis is underway. This has just been initiated by the City’s Public
Works Department, with an anticipated completion date in the Fall of 2009. As a result, until the need and exact location of the Transit Hub is determined through the feasibility study, the Holding (H) will also address the requirement for this study to be completed prior to the development of the lands.

4. **Urban Design Guidelines/Sustainable Design Elements/Guidelines:**

Since Fifty Road is the first QEW interchange for motorists from the east (Niagara and the United States), it is an important “gateway” to the City. In this regard, it is imperative that the design of the proposed development be of a high standard/quality. As a result, the Holding (H) provision will also include a requirement that Urban Design Guidelines be prepared and approved by the City, prior to any development occurring on site, to ensure that the applicable Urban Design Policies are implemented.

Although there are a number of “Green Guidelines” or Sustainable Design Elements/Guidelines around, including Leadership in Energy Efficiency (LEED) Green Building Rating System, they tend to be focused on a specific building type or project. However, there are issues of a site and neighborhood scale - transportation systems, relationships to surrounding neighborhoods, as examples - that suggest strategies and guidelines that go beyond each individual building. In addition, this will be an integrated complex of multiple building types including large format, strip and individual commercial/retail, service uses (restaurants, banks, gas bar), and transportation (transit terminal).

Sustainable Design Elements/Guidelines may also include Low Impact Development (LID) practices, which are defined as:

“A stormwater management strategy that seeks to mitigate the impacts of increased runoff and stormwater pollution. LID comprises a set of site design approaches and small scale stormwater practices that promote the use of natural systems for infiltration, evapotranspiration, interception, and reuse of rainwater. These practices can effectively remove nutrients, pathogens and metals from stormwater, and they reduce the volume and intensity of stormwater flows.”

Other elements could include green rooftops, geothermal heating, solar energy, and wind turbines.

5. **New Urban Official Plan:**

On June 29, 2009, it is anticipated that the City’s new Urban Official Plan will be adopted by Council. The implementing By-laws for the subject applications, if supported at the Economic Development and Planning Committee, will be forwarded to Council for adoption on June 24, 2009. If approved at Council, the
new Urban Official Plan will have to be modified to include site-specific policies to reflect the approval.

6. Proposed Zoning By-law Amendment:

Several modifications to the Community Shopping Centre “SC2” Zone are required as follows:

- Adding a Public Transit Terminal as a permitted use.

- Reducing the minimum lot frontage requirement from 150 metres to 45 metres. Since the subject property has frontage on three streets, the property is considered a corner lot. In accordance with the definitions section of the By-law, the front lot line is the shorter lot line that abuts the street. In this case, the shortest lot line is 48.9 metres on Fifty Road.

- An increase in the maximum gross leasable floor area permitted from 23,000 square metres to 41,200 square metres.

- A maximum gross leasable floor area for one Department store of 14,000 square metres.

- A maximum gross leasable floor area for Professional or Business Offices of 10,000 square metres with no individual, free-standing building in excess of 2,000 square metres.

- A reduction in the minimum front yard setback from 20 metres to 5 metres.

- A parking standard of 1 space per 20 square metres of gross floor area for the entire site, except the public transit terminal, rather than a different standard for each use.

- A clause recognizing the lands as one comprehensive development if parcels are conveyed to individual owners in the future.

- A specific setback requirement of 14 metres from the South Service Road for all buildings, parking, and landscaping required by the By-law, to address the Ministry of Transportation’s requirement.
The By-law Amendment also includes a “Holding” provision to ensure that the following are completed:

1. Stormwater Management;
2. Traffic Impact Study;
3. Transit Hub Location;
4. Detailed Urban Design Guidelines;
5. Sustainable Design Elements/Guidelines;
6. Record of Site Condition (RSC); and,
7. Archaeological Assessment.

The proposed zoning implements the Committee of the Whole resolution to permit a mix of land uses since the standard Community Shopping Centre “SC2” Zone provisions permits a range of uses such as auditoriums, art galleries, day nurseries, libraries, medical offices or clinics, places of entertainment or recreation, and professional or business offices.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are not approved, the lands can continue to be used for highway commercial and agricultural 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 and Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement:**

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

However, Policy 1.3.1(c) states that planning authorities shall promote economic development and competitiveness by planning for, protecting, and preserving employment areas for current and future land uses. An Employment Area is an area designated in an Official Plan for clusters of business and economic activities, but not
limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities.

Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use, such that there will be no adverse effects. Due to the existing gas bar use of a portion of the site, a Record of Site Condition (RSC) will be required as a condition of approval. The RSC shall be to the satisfaction of the MOE and the City of Hamilton.

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. As a portion of the subject property is located within an area of archaeological potential, an archaeological assessment of the property will be required, and this requirement is included in the "Holding" provision.

**Hamilton-Wentworth Official Plan:**

The subject property is designated “Business Park” in the Hamilton-Wentworth Official Plan. Policy C-3.1.3.1(b) outlines the various service type uses permitted within Employment Areas. This policy states that service type uses, including hotels, banquet centres and recreational facilities, and land extensive warehouse retail - wholesale uses requiring site and building specifications similar to industrial uses (excluding operations such as department stores, grocery stores, and automobile dealerships) are permitted.

Section C-3.1.6 only permits new retail developments where demand can be demonstrated and existing retail areas will not be adversely affected. A market study has been conducted, and it was concluded that there will not be significant adverse impact on the function of the Downtown main streets and the other commercial areas around the subject site.

Additionally, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. As a portion of the subject property is located within an area of archaeological potential, an archaeological assessment of the property will be required, and this requirement is included in the “Holding” provision.

Lastly, Policy B-2.3 states that the identification of contaminated sites is essential. Redevelopment must not occur until it has been demonstrated that a proposal will not put people in significant risk. As a condition of approval, a Record of Site Condition (RSC) will be required to be filed, and is included as a requirement for the removal of
the “Holding” provision in the amending By-law. The RSC shall be to the satisfaction of the MOE and the City of Hamilton.

Section C-3.1.3.5 contains a site-specific policy for the subject lands:

“Recognize the City of Stoney Creek’s plans to develop a portion of their Business Park (lands from Winona Road to Fifty Road and between the QEW and the CNR railway) as a prestige business centre utilizing the special location attributes of exposure and access to the QEW. The Stoney Creek Official Plan will contain detailed policies to ensure the development of this area as a prestige business centre.”

The applicant has requested an Amendment to this policy to read as follows:

"Recognize the City of Stoney Creek’s plans to develop a portion of their business park (lands from Winona Road to Fifty Road in between the QE W and CN Railway) as a Mixed Use Centre which could include a department store, grocery store, and inter-regional, multi-modal transportation terminal utilizing special locational aspects of exposure and access to the QEW. The Stoney Creek Official Plan will contain detailed policies to ensure development of this area as a Mixed Use Centre."

**Stoney Creek Official Plan:**

The subject lands are designated as Special Policy Area “F” in the Stoney Creek Official Plan. Policy A.12.6 states:

**“SPECIAL POLICY AREA “F”**

Special Policy Area “F”, as identified on Schedule “A”, is intended to provide for comprehensive planning for the entire Special Policy Area. No development shall proceed within Special Policy Area “F” until the following studies have been completed for all of the lands identified within Special Policy Area “F”, to satisfaction of the City of Hamilton.

a) Prior to the development of the lands between Barton Street and the CNR tracks east of Winona Road and west of Fifty Road identified as Parcel A on Schedule “A”, and the area between Winona Road and the Hamilton Municipal boundary north of the CNR tracks and south of the QEW identified as Parcel B on Schedule “A”, the following policies shall be satisfied:

i) The City shall prepare a general land use concept for all the lands identified in Special Policy Area “F” on the basis of:
SUBJECT: Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11) - Page 17 of 24

1. Housing density, type and mix;
2. Projected population;
3. School requirements;
4. Commercial lands; and,
5. Employment lands.

   ii) As part of the City's commercial and employment land needs analysis in Clause i), the City shall evaluate the appropriateness of commercial development on the lands identified as Parcel B on Schedule “A”;

   iii) The City shall undertake a transportation analysis based on the land uses in Clause i);

   iv) The land owners shall undertake, to the satisfaction of the City, a water, wastewater and storm water analyses for the storm drainage areas in which Parcels A and B are located to support the land uses determined in i) above; and,

   v) The cost of the studies:

      1. Identified in Clause i) 5) and ii) above shall be paid for by the land owners located within in Parcel B; and,

      2. Identified in Clause iv) above shall be at the complete cost of the landowners located within in Parcels A and B.

b) Following the completion of the requirements identified in a) above, an integrated Secondary Planning Process under the Planning Act and the Municipal Engineering Association’s Class Environmental Assessment process shall be completed for the remaining lands within Special Policy Area F."

All of the requirements of a) have been completed, while b) is on-going.

In addition, the following policy is applicable:

“A.3.3.1.6 Council shall ensure that new or enlarged Shopping Centres shall not jeopardize the viability of other existing or approved retail centres in the City, in particular, retail development within the area designated by this Plan as Central Area. In this regard, where a new Shopping Centre larger than 14,000 square metres of gross leasable floor area is proposed on lands not designated for a Shopping Centre, or an expansion for an existing Shopping Centre is proposed beyond its present designation, Council shall require the completion of a MARKET STUDY to demonstrate that such viability is not endangered. At the same time, Council shall be satisfied that:
a) Traffic volumes and movements can be safely handled by the existing or proposed road system;

b) Adequate provision can be made to accommodate access by public transit; and,

c) Existing or committed services and utilities are adequate to serve the development."

Based on the studies submitted, the applicant has satisfied this policy.

The applicant has requested an Amendment to the “Commercial” policies of the Plan with the following site-specific policy:

"3.3.1.8 Lands located at the southwest corner of Queen Elizabeth Way and Fifty Road will be developed as a Mixed Use Centre, which will include a range of retail uses including food store, department store, office uses, and an inter-regional, multi-modal transportation terminal.

Notwithstanding Policies A.3.3.1.1 and A.3.3.1.4(a), the proposed development will have a gross leasable floor area of approximately 42,000 square metres excluding any building area associated with the inter-regional, multi-modal transportation terminal."

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

The subject properties are currently zoned Agricultural Specialty “AS” Zone and Highway Commercial “HC” Zone in Stoney Creek Zoning By-law No. 3692-92. The proposed development requires a zone change to a site-specific Community Shopping Centre (Holding) “SC2-4(H)” Zone (see Appendix “C”). The Holding provision is required to ensure six issues are finalized and implemented prior to any development occurring:

1. Stormwater Management;
2. Traffic Impact Study;
3. Transit Hub Location;
4. Detailed Urban Design Guidelines;
5. Sustainable Design Elements/Guidelines;
6. Record of Site Condition (RSC); and,
7. Archaeological Assessment.
SUBJECT: Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11) - Page 19 of 24

RELEVANT CONSULTATION:

Ministry of Transportation

The Ministry has no concerns with the proposed amendments. The Owner must be advised that all proposed permanent buildings and structures both above and below ground, utilities, frontage roads/fire routes, essential parking spaces, storm water management facilities, including ponds and associated berms, and noise walls must be set back 14.0 metres (45 feet) from the South Service Road right-of-way limit.

We will require a detailed storm water management report and grading and drainage plans indicating the intended treatment of the calculated runoff for the 5, 10, 25, 50 and 100 year storms and their impacts on the QEW right-of-way. All proposed post-development site generated runoff directed towards the QEW right-of-way must be maintained to pre-development levels. A copy of the MTO Drainage Approval Guidelines will be made available to the applicant.

Furthermore, we will require the Owner to submit a detailed Traffic Impact Study addressing the anticipated traffic volumes at full build-out, on the QEW and Fifty Road interchange, and any resulting necessary improvements to the interchange ramps. The TIS must be prepared by a ministry approved traffic consultant. A copy of the MTO General Guidelines for the Preparation of Traffic Impact Studies will be made available to the applicant.

The Owner is solely responsible for all noise mitigation measures, and all external illumination must be directed away from the QEW right-of-way.

The Owner must also be advised that Ministry building/land-use permits for all buildings within 800 metres of the QEW property limit will be required prior to any grading and construction on this site. Separate building/land-use permits will be required for each storm water management pond serving this development. Sign permits will be required as well. Any preliminary grading on this site prior to final approval and issuance of MTO permits will be the Owners’ risk.

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

We have no conditions regarding the proposed Official Plan and Region Official Plan Amendments.

As the applicant is likely aware, the Stoney Creek Urban Boundary Expansion Area Secondary Plan study is ongoing. The Traffic Impact Study (TIS) submitted with this rezoning application is dated June 2006, and therefore, does not appear to include data evaluated for the SCUBE project. We are uncertain if Background data in the Delcan study includes development expansion between Fifty Road and Fruitland Road.
Rezoning Amendment Application ZAC-05-111:

As a condition of zoning amendment approval, the Delcan Corporation Traffic Impact Study (TIS), dated June 2006, and addendums, for the development of lands included in this application must be approved by the Manager of Traffic Engineering and Operations, Public Works Department.

As a condition of Zoning Amendment approval, the Traffic Impact Study, and addendums, submitted by Delcan Corporation may be peer reviewed by a City of Hamilton roster consultant, at the expense of the applicant/owner.

The Applicant will be responsible for any roadway improvements required on the adjacent road networks as a result of the proposed development identified through the Traffic Impact Study or staff recommendations. Potential works to include design, new roadway construction, pavement widening of existing roads for additional turning lanes, urbanization, traffic signal modification, signal hardware upgrades, pavement markings, and signage.

The Traffic Impact Study does not propose any site phasing, however, should phasing be determined as a requirement of development, the applicant must provide details on roadway improvements in accordance with the development scheme.

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

- Retail space - 369,689 sq. ft.
- General Office Space - 240,000 sq. ft.
- Theatre - 60,000 sq. ft.
- 2 Fast Food Restaurants with drive-thru - 7,310 sq. ft.
- 1 Restaurant - 6,749 sq. ft.
- Gasoline/Service Centre - 12 gas pump positions

Preliminary Traffic Impact Study (TIS) comments:

We will require MicroStation engineering drawings illustrating all required road works, existing and proposed edge of pavement, shoulder/ditch, curbs, sidewalks, utilities. Limits must include 150m in either direction of a signalized intersection of South Service Road at Fifty Road. Limits must also be sufficient length to tie any pavement widening sections into existing cross-sections.
The applicant is required to provide Traffic Signals and Systems staff with Synchro Version 5 files for the Total Traffic road network, and including the proposed modifications required at the future signalized intersection of Fifty Road at South Service Road. Ron Gallo is the Supervisor of the Signal Section at rgallo@hamilton.ca.

The intersection of Fifty Road at South Service Road is scheduled for traffic signal installation. A functional design is underway, which includes the construction of left turn lanes on all legs. Timing of the signal works, whether 2008 or 2009, cannot be confirmed at this time. Should the application, as submitted, proceed, it would be desirable to implement any required roadway or traffic signal upgrades at the time of the City’s traffic signal construction. As noted in our rezoning conditions, any development related design work and reconstruction approved by the Manager of Traffic Engineering and Operations will be solely at the applicant/owner's cost.

Changes in Intersection Control have occurred since the TIS was completed, namely:

- Barton Street at Winona Road - all way stop control implemented in 2007.
- Hwy. 8 at Winona Road - traffic signal control installed 2007.
- North Service Road at Fifty Road - all way stop control implemented in 2006.

Page 4 - existing intersections without separate left turn lanes: Highway No. 8 at Fifty Road, and Barton Street at Winona Road. The report does not include any upgrades to these intersections to add left turn lanes....has this been considered, specifically at Hwy. No. 8 at Fifty Road where additional turning volumes will be generated by the proposed development site? Are left turn lanes warranted?

Page 9 - how many movie theatres and seats are proposed considering 60,000 sq. ft. of theatre space?

Page 20 - trip distribution...first paragraph notes ‘Based upon area travel patterns, it was assumed.....’ Can the TIS include more explanation of what area travel patterns were reviewed?

Page 33 - we have concerns regarding the placement of some of the proposed accesses. The access to Winona Road and Fifty Road may be within the limits of the Railway’s control, therefore, comments from the railway should be received. Are adequate sightlines available on Winona Road looking over the railway crossing area...some crossings are elevated which can create vision restrictions? Winona Road is not an arterial road and, therefore, I would like to eliminate access to that roadway.

The access to Fifty Road, as noted above, may be controlled by the railway requirements. Placement of that access must conform to TAC standards of at least 35m beyond the intersection of Fifty Road at South Service Road.
Access SS1, SS2 and SS3 are within the limits of a horizontal ‘S’ curve on South Service Road, and as noted in TAC guidelines, access to a property from the inside of a curve is not recommended. The TIS does not provide a safety analysis to justify construction of those accesses, as shown within the limits of an ‘S’ curve with a posted advisory speed. It is our recommendation that access, as shown, not be permitted in the ‘S’ curve.

Access SS4 and the accesses on the Service Road between South Service and Winona Road must be reviewed from the safety and sightline perspective.

Page 34 - flow rate of 1,800 veh/hr. does not appear to be justified. Saturation Flow Rates for future development scenarios must use Thru lane 1650 and Turn lane 1350, unless justified otherwise.

Page 41 - 2017 proposed roadway improvements are:

- South Service Road at Fifty Road - dual eastbound left turn lanes on South Service Road, widening of Fifty Road NB between South Service Road and the QEW ramp to receive the dual left turns, southbound right turn lane from the QEW to South Service Road.

- Barton Street at Fifty Road - southbound right turn lane.

- Left turn lanes are required at several of the access points to South Service Road, and Appendix D includes required storage lengths for some of those required left turn lane upgrades, and also Fifty Road at South Service. However, the study does not include the storage length required for South Service Road at the Service Road, which is noted as required, and also the SB right turn lane on Fifty Road at Barton Street. All intersections requiring upgraded roadway cross-sections related to the development must be included for review.

The volume of eastbound left turning vehicles on Hwy. 8 at Fifty Road will increase with construction of the proposed development. There are no left turns lanes existing, will the new volumes warrant the construction of left turn lanes at this intersection either from a capacity, left turn lane warrant analysis, or safety perspective?

For the information of the applicant, Fifty Road is designated as an on street bike route.

Pedestrian linkages have not been discussed in the report......are sidewalks to be constructed on Fifty Road, Winona Road, Service Road, and South Service Road? I do see the need for sidewalks on all or portions of these roadways.
SUBJECT: Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11) - Page 23 of 24

General Site Plan Info:

At the Site Plan stage, we will consider the dedication of sufficient lands that may be necessary to facilitate the required road network upgrades determined through the TIS approval process. Potential land dedications above standard intersection daylight triangles may also be necessary.

The width and radius required for the proposed accesses will be dependent on the requirements for gasoline tanker trucks, garbage trucks, and delivery trucks for the various buildings.

We require minimum 1.2m clearance between the proposed accesses and any adjacent tree, fire hydrant or utility pole. Any relocation or removal of these items required to accommodate the development will be the applicant's expense.

Any existing accesses to the site must be removed and the ditchline re-instated, to the satisfaction of the Director of Operations and Maintenance.

We require 5.0m x 5.0m vision triangles adjacent to any access in which any landscaping at maturity or entrance feature must not exceed a height of 0.7m above the centreline elevation of the respective roadways.

In accordance with Transportation Association of Canada Guidelines, the TIS or site plan must identify and provide required clear throat lengths. This length of access between the municipal roadways and the first side aisle leading into adjacent parking areas helps to keep the access area clear of congestion caused by drivers turning into and out of parking aisles.

In keeping with Vision 2020, bike locker facilities should be provided on the site.

Niagara Region:

Comments are attached as Appendix “M.”

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

- Waste Management Division, Public Works Department
- Horizon Utilities
- Bell Canada
- Hydro One
PUBLIC CONSULTATION:

A mailed-out pre-circulation to neighbouring residents was inadvertently not prepared for these applications due to the delay in processing the applications as a result of the appeals to the Stoney Creek Urban Boundary Expansion. However, a Public Notice sign advising of the proposed amendments has been posted on-site since July 2006. In addition, an Information Open House was held by the applicant on May 6, 2009. Approximately 85 people attended this Open House. To date, no written concerns have been received from the public. The Notice of Public Meeting was circulated in accordance with the provisions of the Planning Act.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
Shelter, care, and satisfying employment are accessible to all Hamiltonians.

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

The proposal is within the Urban Area relieving pressure to expand into the Rural Area.

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

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. (13)
Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: ROPA-05-04, OPA-05-20 & ZAC-05-111
Date: March 10, 2009

Appendix "A"

Scale: N.T.S.
Planner/Technician: FD/SL

Subject Property
400 Winona Rd, 1310 South Service Rd and 305 Fifty Rd

Subject Lands

Ward 11 Key Map

N.T.S.
Amendment No.’s XX and XXX to the 

Former Regional Municipality of Hamilton-Wentworth Official Plan and the Former City of Stoney Creek Official Plan

The following text together with Schedule “A” (Schedule A - General Land Use Plan, Stoney Creek Official Plan) attached hereto, constitute:

1. Official Plan Amendment No. XX to the former Regional Municipality of Hamilton-Wentworth Official Plan; and,

2. Official Plan Amendment No. XXX to the former City of Stoney Creek Official Plan.

Purpose:

The purpose of these amendments is to add site-specific policies in the Regional and local Official Plans to permit the development of a mixed use and interregional, multi-modal transportation terminal at the southwest corner of the Queen Elizabeth Way and Fifty Road

Location:

The Subject Property for the proposed mixed use area comprises 18 hectares, and is situated at the southwest corner of the Queen Elizabeth Way and Fifty Road, in the former City of Stoney Creek.

Basis:

- The uses will serve the existing residential communities to the north and south, as well as the future residential development emerging through the development of lands in the Stoney Creek Urban Boundary Expansion (Fruitland-Winona Secondary Plan) area.

- The inter-regional multi-modal transportation terminal component will provide for the long range transportation needs of the surrounding area and the broader Hamilton community.

- The proposed Amendments are consistent with the Provincial Policy Statement.

- The proposed Amendments implement the resolution of the Committee of the Whole, dated June 23, 2008.
Actual Changes:

1. That the former Regional Municipality of Hamilton-Wentworth Official Plan be amended as follows:

a) Delete and replace Policy C.3.1.3.5 with the following new policy:

“Notwithstanding Policy C.3.1.3.1, recognize the City of Stoney Creek’s plans to develop a portion of their business park (lands located from Winona Road to Fifty Road in-between the QEW and CN Railway) as a Mixed Use Centre, which could include a department store, grocery store, and inter-regional, multi modal transportation terminal utilizing special location aspects of exposure and access to the QEW. The Stoney Creek Official Plan will contain detailed policies to ensure development of the areas as a Mixed use Centre.”

2. That the former City of Stoney Creek Official Plan be amended as follows:

Map Changes

a) Schedule “A” - General Land Use Plan, be amended by redesignating a portion of the subject lands from “Highway Commercial” to “General Commercial”, and designating the remainder of the subject lands “General Commercial” and identifying the subject lands as OPA No. XXX, as shown on the attached Schedule “A” to this Amendment.

b) Re-labelling part of Parcel B to Parcel B1.

Text Changes

c) Section A.12.6 - Special Policy Area “F” be amended by adding the following new sub-section as follows:

“12.6.2 In addition to Policy 12.6.1, the lands located at the southwest corner of Queen Elizabeth Way and Fifty Road, east of Winona Road, identified as Parcel B1 on Schedule A - General Land Use Plan, shall be developed as a mixed use centre including a range of retail uses.

12.6.2.1 Permitted Uses

a) In addition to Sections A.3.1, A.3.2 and A.3.3.2 General Commercial, the following policies shall apply:

i) The maximum gross leasable floor area of all retail development shall be 41,200 square metres, excluding any building area associated with the inter-regional, multi modal transportation terminal.
ii) One department store, with a maximum gross floor area of 14,000 square metres, shall be permitted.

iii) The maximum gross leasable floor area of all professional or business office buildings shall be 10,000 square metres, and an individual, free-standing office building shall not exceed 2,000 square metres.

b) An inter-regional, multi-modal transportation terminal shall be permitted, subject to the following:

i) Access to the multi-modal transportation terminal shall be promoted through provision of adequate conventional and specialized transit and pedestrian and cycling facilities. Limited commuter parking facilities may be permitted, where appropriate.

ii) New transit service to Parcel B1 shall be subject to sufficient demand and operational feasibility.

c) No residential uses shall be permitted.

12.6.2.2 Urban Design Guidelines

a) Prior to development of Parcel B1 at the southwest corner of the Queen Elizabeth Way and Fifty Road, the proponent shall complete Urban Design Guidelines for development of the site, to the satisfaction of the City. Urban Design Guidelines shall be in accordance with the following urban design principles and guidelines.

Development Principles

b) The proposed development shall function as a community focal point and gateway into the City. Pedestrian activity shall be encouraged along a “central street”. The location of the site along a major highway and at the head of an arterial road provides an opportunity for a transit supportive development.

c) Parcel B1, at the southwest corner of the Queen Elizabeth Way and Fifty Road, shall be developed in accordance with the following general urban design principles:

i) An urban form that is compatible with the adjacent commercial and industrial land uses;
ii) A strong development image along the highly visible portions of the site comprised of multi-storey high building forms that are architecturally superior 'showcase buildings', complemented with high quality landscaping along the edge and interior of the site.

iii) The unique location of the site, at the head of an arterial street, shall provide a gateway into the City, which is comprised of a high quality of design.

iv) A strong development image with an internal circulation system including an internal "central street" which is a pedestrian-friendly environment that shall provide a central gathering point and focal point around which the development shall be organized;

v) Gateways that promote a sense of arrival and facilitate connectivity, orientation and 'way finding' to, and within, the site for both vehicles and pedestrians;

vi) Attention shall be paid to framing views and vistas within the site by aligning buildings and building elements to create terminus views.

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

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

General Built Form Design Policies

d) Development within Parcel B1 at the southwest corner of the Queen Elizabeth Way and Fifty Road shall be developed in accordance with the following urban design policies:

i) Buildings shall be sited and designed to enhance the public nature of streets, open spaces and pedestrian routes.
ii) Buildings shall be located close to the street line with minimal setback from the edge of the road allowance to provide for a pedestrian-friendly streetscape. Buildings along the South Service Road can be located further from the street to achieve a ‘front-yard garden’ landscape treatment.

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

iv) Building heights shall be scaled to the pedestrian.

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

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

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

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

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

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

xi) All buildings on a public street shall be designed with windows and signage facing the street. Spandrel glass shall not be considered as windows.

xii) Buildings are to be generally sited to face the street.
xiii) All façades addressing a parking lot shall be finished with material and architectural features consistent with the principal facade of the building, and shall incorporate building elements and landscaping to screen any service lanes and loading zones from public view.

e) In addition to Policy 12.6.2.2 d), buildings located along South Service Road and Winona Road:

i) The streetscape shall create a positive community image through the coordinated use of high quality paving materials, wide sidewalks, street furniture, pedestrian-scale lighting and signage, and enhanced landscaping.

ii) Drive-through stacking lanes shall be located toward the side or rear of buildings, and shall not face the public street.

f) In addition to Policy 12.6.2.2 d) buildings located along the “central street”:

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

ii) Design features such as varied roof lines, building fenestration, and canopies shall be encouraged on all façades of buildings.

iii) On-street parking is encouraged to provide the ‘look and feel’ of a public street, while supporting pedestrian friendly urban design principles.

Gateways

g) Gateways introduce and indicate entrance into and exit from a central focus area. They define the transition from one area to another and make a powerful impression. Two types of gateways shall be integrated into parcel B1 site: Entry Gateways and Corner Gateways.

i) Entry Gateways clearly identify vehicular entry points in the site, and shall include information signage for traffic circulation.
ii) Corner Gateways shall serve as primary project indicators. Corner Gateways are given special architectural design and landscape treatment subject to the following design elements:

1. Building entrances should open onto the corner.

2. Buildings should be appropriately positioned at the intersection and parallel to the public street to create a publicly accessible space of high quality, in terms of design, materials, and also to ensure adequate sight lines.

**Setbacks and Building Frontage**

h) Minimum and maximum setbacks shall be set out in the Zoning by-law according to the following:

i) Buildings on the interior ‘central street’ shall be located to achieve the appearance of wide boulevards of comprising sidewalks and landscaping areas, yet create the spatial definition and a sense of enclosure that encourages a pedestrian-oriented street.

**Pedestrian Realm**

i) The pedestrian realm within Parcel B1 shall be developed in accordance with the following policies:

i) Primary and secondary pedestrian systems that connect pedestrians to all buildings, the interior ‘central street’, a transit node, and pedestrian routes in the surrounding community shall be provided. Private sidewalks and linkages shall be designed as a condition of Site Plan Approval.

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

iii) Pedestrian weather protection systems including awnings, canopies, colonnades, or front porches, along the sidewalk edge of pedestrian streets, including along the interior street.
iv) Barrier-free design of buildings, streets, and publicly accessible exterior spaces shall be implemented.

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

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

Landscape Areas and Buffers

j) Landscape areas and buffers within Parcel B1 shall be developed in accordance with the following policies:

i) Landscaping shall be used to enhance the overall aesthetic qualities of the development with a high quality design of hard and soft landscape elements and features practiced in accordance with the highest industry design standards to create pedestrian comfort, soften edges, highlight gateways, screen loading and service areas, and buffer from neighbouring uses.

ii) Landscape areas shall be provided as a screen or buffer to address the interface with existing industrial or rail frontages.

iii) Landscape buffers shall be provided to screen loading and service areas from the street.

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

v) The Zoning By-law regulation shall identify a minimum landscaped area as a percentage of the overall property area.
Parking Entrances, Loading Zones and Service Lanes

k) Parking entrances, locating zones and service lanes within Parcel B1 shall be developed in accordance with the following policies:

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

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

iii) Surface parking areas abutting a public street shall be adequately setback from the property line in order to provide a landscape strip that define the street edge and provide safety pedestrian amenity. The Zoning By-law shall set out a minimum setback from the property line.

iv) Vehicular access to parking areas shall be restricted to common entrances to the overall development, and shall be designed to minimize crossing of pedestrian routes, sidewalks, and trails.

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

vi) Loading zones and service lanes shall be located to avoid conflict with pedestrian and vehicular traffic.

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

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

I) Vehicular access within Parcel B1 shall be developed in accordance with the following policies:

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

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

Signage

m) Signage within Parcel B1 shall be subject to the following policies:

i) Signage shall comply with the Sign By-law.

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

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

iv) Signage along all pedestrian routes, the interior ‘central street’ shall be provided at pedestrian scale.

v) Lighting on the interior ‘central street’, the proposed street, and other pedestrian routes shall be pedestrian scale.

12.6.2.3 Energy and Environmental Design Guidelines

a) Prior to development of Parcel B1, at the southwest corner of the Queen Elizabeth Way and Fifty Road, the proponent shall submit energy and environment design development guidelines for development of the site, to the satisfaction of the City. Energy and Environmental Design Guidelines shall address the following among others:

i) The use of environmental building rating systems, such as certification under the Leadership in Energy and Environmental Design (LEED), or other equivalent rating system for buildings and infrastructure.
ii) Design practices and features that reduce energy and resource consumption such as green/white roofs, solar energy, use of reclaimed building materials etc., where appropriate.

iii) Water and storm water conservation practices.

iv) Integration of public transit within and to the site, subject to Policy 12.6.2.1 b).

v) Integration of pedestrian amenities subject to Policy 12.6.2.2 i)

vi) Other eco-development standards/practises that encourage energy efficiency and environmental design as contained in City’s approved engineering policies and standards and master planning studies, and are supported by the City’s financial incentive programs.”

**Implementation:**

An implementing Zoning By-law Amendment will give effect to this Amendment.

This is Schedule "1" to By-law No. XXX - XXX, passed on the ______ day of ______, 2009.

The

City of Hamilton

________________________________________  ______________________________________
Fred Eisenberger                  Kevin C. Christenson
Mayor                             Clerk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at 1310 South Service Road, 400 Winona Road and
395 Fifty Road

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 09-____ of the Economic Development and Planning Committee at its meeting held on the day of , 2009, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986, upon approval of Official Plan Amendment No. ____;

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

1. That Map No. 9 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from:
(a) The Agricultural Specialty “AS” Zone to the Community Shopping Centre (Holding) “SC2-4(H)” Zone, on those lands comprised of Block 1; and,

(b) The Highway Commercial “HC” Zone to the Community Shopping Centre (Holding) “SC2-4(H)” Zone, on those lands comprised of Block 2,

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, be amended by adding a new special exemption, "SC2-4(H)", as follows:

"SC2-4(H) 1310 South Service Road, 400 Winona Road and 395 Fifty Road, Schedule "A", Map No. 9

Notwithstanding the definition of Lot within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned Community Shopping Centre "SC2-4(H)" by this By-law shall be considered as one lot.

In addition to the uses permitted in Subsection 8.10.2 of the Community Shopping Centre "SC2" Zone, a public transit terminal shall also be permitted on those lands zoned "SC2-4(H)" by this By-law.

Notwithstanding the provisions of Paragraphs (b), (e), (f) and (l) of Section 8.10.3 of the Community Shopping Centre “SC2” Zone, on those lands zoned “SC2-4(H)” by this By-law, the following special provisions shall apply:

(b) Minimum Lot Frontage - 45 metres

(e) Maximum Gross Leasable Floor Area (Retail)

(i) Total - 41,200 square metres

(ii) One Department Store - 14,000 square metres

Maximum Gross Leasable Floor Area (Professional or Business Offices)

(i) Total - 10,000 square metres

(ii) Free-Standing Office Building - 2,000 square metres

(f) Minimum Front Yard - 5 metres
(l) Minimum Parking Requirements - 1 space per 20 square metres of gross floor area

In addition to the provisions of Section 8.10.3, on those lands zoned "SC2-4(H)" by this By-law, the minimum setback from the South Service Road shall be 14 metres for all permanent buildings and structures both above and below ground, utilities, frontage roads/fire routes, required parking spaces, storm water management facilities, including ponds and associated berms, and noise walls.

All other regulations of Section 8.10.3 shall apply.

On those lands zoned "SC2-4(H)" by this By-law, the "(H)" symbol may be removed by a further amendment to this By-law at such time as:

(a) Submission and approval of Urban Design Guidelines, to the satisfaction of the Director of Planning;

(b) Completion of the Stoney Creek Transit Hub Feasibility Study, to the satisfaction of the Director of Strategic and Environmental Planning;

(c) Completion and implementation of a stormwater management study detailing requirements for quality and quantity control in accordance with the SCUBE Subwatershed Study and Parcel A and B Master Drainage Plan, to the satisfaction of the Directors of Development Engineering, and Strategic and Environmental Planning, and the Ontario Ministry of Transportation;

(d) Approval and implementation of the Traffic Impact Study submitted by Delcan, dated April 2009, by the Manager of Traffic Engineering and Operations, Public Works Department, and the Ontario Ministry of Transportation;

(e) That the owner/applicant shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of
the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current RSC administration fee;

(f) That Sustainability Design Elements/Guidelines be prepared, submitted, and agreements implemented, to the satisfaction of Director of Planning; and,

(g) That the owner/applicant shall conduct an archaeological assessment of the entire development property and mitigate, through preservation and resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

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

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

PASSED and ENACTED this ______ day of ______, 2009.

_________________________    _______________________
Fred Eisenberger               Kevin Christenson
MAYOR                          CLERK

ZAC-05-111
This is Schedule "A" to By-Law No. 09-
Passed the ........ day of .................., 2009

Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 09-

to Amend By-law No. 3692-92

Subject Property

400 Winona Rd, 1310 South Service Rd and 385 Fifty Rd

Block 1 - Change in Zoning from the Agricultural Speciality "AS" Zone to the Community Shopping Centre (Holding) "SC2-4(H)" Zone.

Block 2 - Change in Zoning from the Highway Commercial "HC" Zone to the Community Shopping Centre (Holding) "SC2-4(H)" Zone.
Hamilton General Homes (1971) Ltd. and Ministry of Municipal Affairs have appealed to the Ontario Municipal Board under subsection 17(24) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Hamilton to approve Proposed Amendment No. 14 to the Official Plan for the former Region of Hamilton-Wentworth to redesignate lands bounded by Fruitland Road, Highway No. 8, western limits of Winona and Barton Street and lands bounded by the eastern limits of Winona, Highway No. 8, railway, South Service Road and the City limits O.M.B. File No. 0030406

Hamilton General Homes (1971) Ltd. and Ministry of Municipal Affairs have appealed to the Ontario Municipal Board under subsection 17(24) of the Planning Act, R.S.O. 1990, c. P. 13, as amended, from a decision of the City of Hamilton to approve Proposed Amendment No. 99 to the Official Plan for the former City of Stoney Creek to redesignate lands bounded by Fruitland Road, Highway No. 8, western limits of Winona and Barton Street and lands bounded by the eastern limits of Winona, Highway No. 8, railway, South Service Road and the City limits O.M.B. File No. 0030407

APPEARANCES:

Parties
The City of Hamilton
The Ministry of Municipal Affairs and Housing
Hamilton General Homes (1971) Ltd.
1478742 Ontario Inc.
Future Homes Construction Limited
511437 Ontario Limited
549367 Ontario Limited
"T" Farms & Homes Ltd.
The Estate of Gaetano Marini and
1312733 Ontario Inc.
The Flying J. Canada Inc.
John Paolini, Gino DalBello,
Olindo DalBello, Luigi DeTina
Peter Djeneralovic, Gary Swick,
Quinto Simone

Counsel
Art Zuidema
Ken Hare
Russell D. Cheeseman
Russell D. Cheeseman
Jack S. Restivo
James W. Harbell
Manfred Rudolph

DECISION OF THE BOARD DELIVERED BY R. A. BECCAREA AND ORDER OF THE BOARD
This decision arises out of a prehearing conference the Board held on November 22, 2005. At that time, a settlement of the MMAH appeals to ROPA No. 14 and OPA 99 was reached, but the details of the proposed amendments to accommodate it were not finalized.

The discussions respecting the wording of a revised policy have taken this time to finalize.

On November 22, 2005, the Board heard the necessary evidence to endorse the settlement. The revised wording accommodates the settlement.

The Board heard from Louis Bitonti, a planner with MAH respecting the proposed settlement that was reached with the City and MAH. Mr. Bitonti, in providing his opinion was careful to indicate that his opinion excluded its application to the lands that would be the subject matter of a future hearing of the Board that the Board has ordered during this prehearing conference.

Mr. Bitonti advised that prior to the adoption of ROPA 14 and OPA 99, the subject lands were designated “Prime Agricultural Lands” and “Specialty Crop Area” in the Official Plan for the former Region of Hamilton-Wentworth, and “Agricultural” in the Official Plan for the former City of Stoney Creek. The Provincial Policy Statement, 1997 (PPS) requires that prime agricultural areas be protected for agriculture. An area may only be excluded from prime agricultural areas for the expansion of an urban area, in accordance with Policy 1.1.1 (c). He advised that MAH appealed the decision of the City of Hamilton to adopt ROPA 14 and OPA 99 on November 26, 2003.

Through the development of the Greenbelt Plan which started with the adoption of Bill 27 on December 16, 2003, the Province undertook a Land Evaluation and Area Review (“LEAR”) to ascertain which lands constituted prime agricultural areas. As a result of this exercise the Greenbelt Plan identified certain portions of the subject SCUBE lands as Specialty Crop Areas. The settlement reached between the City and MAH reinforces the designations for these Specialty Crop Areas contained within the Greenbelt for agriculture by maintaining the current official plan designations, while permitting other portions of the subject lands outside the Greenbelt to be designated for urban uses as set out in the modified OPA’s brought forward by the City.

The Board heard from Joanne Hickey-Evans, a planner with the City who advised that the portions of the subject lands to be urbanized are fully serviced, that there is a need for additional land supply to accommodate population growth projected
for the City, and that the lands are appropriate for development. She was also careful in advising the Board that her opinion was not intended to cover the lands that are to be the subject of a subsequent hearing of this Board.

The Board finds on the basis of the uncontradicted evidence of both Mr. Louis Bitonti and Ms Joanne Hickey-Evans that the revised policy as reflected in Attachment "1" to this decision constitutes good land use planning and ought to be approved.

The Board allows the appeals in part and Orders that

1. Official Plan No. 14 to the former Regional Municipality of Hamilton-Wentworth Official Plan; and,

2. Official Plan No. 99 to the former City of Stoney Creek Official Plan are modified in the manner set out in Attachment "1", and as so modified are approved.

The Board so Orders.

"R. A. Beccarea"

R. A. BECCAREA
MEMBER
Attachment 1
Amendments
to the

Official Plan of the Former Region of Hamilton-Wentworth Official Plan and City of Stoney Creek Official Plan

This Amendment has been revised from the original by OMB Decision No.

The following text together with:

- Schedule "A" - Map No. 1, Regional Development Pattern, former Regional Municipality of Hamilton-Wentworth Official Plan;
- Schedule "B" - Map No. 2, Agricultural Lands & Niagara Escarpment Plan Area, former Regional Municipality of Hamilton-Wentworth Official Plan;
- Schedule "C" - Schedule "W" - General Land Use Plan, the former City of Stoney Creek Official Plan;
- Schedule "D" - Schedule "C", Staging of Development, the former City of Stoney Creek Official Plan.

attached hereto, constitutes:

1. Official Plan Amendment No. 14 to the former Regional Municipality of Hamilton-Wentworth Official Plan; and,
2. Official Plan Amendment No. 99 to the former City of Stoney Creek Official Plan.

Purpose:

The purpose of the Amendments is to provide for an Urban Boundary Expansion, in an area of the former Lower Stoney Creek, which will be planned through the requirements to complete a Secondary Plan for the entire area.

Location:

The lands affected by the Amendment to the former Region of Hamilton-Wentworth Official Plan are located on lands bounded by:

1. Fruitland Road (actual Fruitland Road By-pass), Barton Street, Midway between Jones and Glover Roads, and Highway No. 8, and,
2. South east corner of Barton Street and Glover Road, municipally known as No. 288 Glover Road; and,
3. East side of Mohelley Road, Barton Street, western limits of Winona and Highway No. 8; and,
4. The eastern limits of Winona, Barton Street, properties just west of Fifty Road, and Highway No. 8.
5. East of Fifty Road, South Service Road of the QEWH, the City limits, and the CNR Railway tracks.

The lands affected by the Amendment to the former City of Stoney Creek Official Plan are located on lands bounded by:

1. Fruitland Road, Barton Street, Midway between Jones and Glover Roads, and Highway No. 8; and,
2. South east corner of Barton Street and Glover Road, municipally known as No. 298 Glover Road; and,
3. East side of Mohelley Road, Barton Street, western limits of Winona and Highway No. 8; and,
4. The eastern limits of Winona, Barton Street, properties just west of Fifty Road, and Highway No. 8.
5. East of Winona Road, South Service Road of the QEWH, City limits, CNR Railway tracks.

Basis:

The intent of the Amendment is to expand the Urban Boundary to accommodate additional population growth projected for the City of Hamilton.

The basis for permitting the proposal is as follows:

- It supports Smart Growth objectives as the lands are fully serviced and currently not being optimized.

- It has regard to the Provincial Policy Statement as no other reasonable alternatives are available that avoid Prime Agricultural lands. Further, the study area is fully serviced but not being utilized efficiently.

- The re-designation of the subject lands to Urban maintains the City of Hamilton strategic commitment through the Mission, Vision, Values and Goals and maintains the directions of Vision 2020. By considering the appropriate locations for Urban Boundary expansion, optimizing the use of existing services and understanding the net financial benefit to the City, the study area is an appropriate location for the City to direct growth.

- It complies with the former Region of Hamilton-Wentworth Official Plan policies, including the re-designation of agricultural lands and a positive net fiscal benefit to the City of Hamilton.
The implementation of Secondary Planning through an Amendment to the former City of Stoney Creek Official Plan, the proposed expansion area can implement the policies of Urban growth within the study area.

**Actual Changes:**

1. That the Region of Hamilton Wentworth Official Plan be amended as follows:

   1.1 That Map No. 1, Regional Development Pattern, of the Official Plan be revised by re-designating the subject lands from "Rural Area" to "Urban", as shown on the attached Schedule "A" of this Amendment.

   1.2 That Map No. 2, Agricultural Lands & Niagara Escarpment Plan Area, of the Official be revised by removing the subject lands from the "Primary Agricultural Lands" and "Specialty Crop Area" designations, as shown on the attached Schedule "B" of this Amendment.

2. That the Official Plan of the former City of Stoney Creek be amended as follows:

   2.1 That Schedule "A", General Land Use Plan of the Stoney Creek Official Plan be amended by:

      a) adding to the "Urban Policy Area" the lands described in 2.1 b) below.

      b) designating the subject lands as "Special Policy Area F".

        1. Fruitland Road, Barton Street, Midway between Jones and Glover Roads, and Highway No. 8, and,
        2. South east corner of Barton Street and Glover Road, municipally known as No. 268 Glover Road, and,
        3. East side of McNeilly Road, Barton Street, western limits of Winona and Highway No. 8, and,
        4. The eastern limits of Winona, Barton Street, properties just west of Pitty Road, and Highway No. 8,
        5. East of Winona Road, South Service Road of the QEW, City limits, CNR Railway

        as shown on the attached Schedule "C" of this Amendment.

   2.2 That Schedule "C", Staging of Development of the Stoney Creek Official Plan be amended by re-designating the subject lands to "Stage One", as shown on the attached Schedule "D" of this Amendment.
2.3 That Section A.12 – Special Policy Areas be amended by adding the following new Policy as A.12.6:

“SPECIAL POLICY AREA “F”

Special Policy Area “F”, as identified on Schedule “A”, is intended to provide for comprehensive planning for the entire Special Policy Area. No development shall proceed within Special Policy Area “F” until the following studies have been completed for all of the lands identified within Special Policy Area “F” to satisfaction of the City of Hamilton.

a) Prior to the development of the lands between Barton Street and the CNR tracks east of Winona Road and west of Fifty Road identified as Parcel A on Schedule A, and the area between Winona Road and the Hamilton Municipal boundary north of the CNR tracks and south of the QEW identified as Parcel B on Schedule A, the following policies shall be satisfied:

i) the City shall prepare a general land use concept for all the lands identified in Special Policy Area “F” on the basis of:
   1. housing density, type and mix;
   2. projected population;
   3. school requirements;
   4. commercial lands; and,
   5. employment lands.

ii) As part of the City’s commercial and employment land needs analysis in clause i), the City shall evaluate the appropriateness of commercial development on the lands identified as Parcel B on Schedule “A”;

iii) The City shall undertake a transportation analysis based on the land uses in clause i);

iv) The land owners shall undertake to the satisfaction of the City, a water, wastewater and storm water analyses for the storm drainage areas in which Parcels A and B are located to support the land uses determined in i) above; and,

v) The cost of the studies:
   1. identified in clause i) (i) and ii) above shall be paid for by the land owners located within in Parcel B; and,
   2. identified in clause iv) above shall be at the complete cost of the land owners located within in Parcels A and B.
b) Following the completion of the requirements identified in a) above, an integrated Secondary Planning Process under the Planning Act and the Municipal Engineering Association's Class Environmental Assessment process shall be completed for the remaining lands within Special Policy Area F:

**Implementation:**

OMB Order No. xxx will give effect to this Amendment. In addition, Section D, of the former Region of Hamilton-Wentworth Official Plan, and Section F, of the former City of Stoney Creek Official Plan will give effect to this Amendment.
Conclusions

The Mady Site is suitable for retail/commercial development.

- The proposed Mady Development is located at the southwest corner of the QEW and Fifty Road in the Stoney Creek portion of the City of Hamilton.

- The Mady Development is compatible with the surrounding land uses. Therefore TER concludes it will not have a detrimental effect on abutting land uses.

The proposed department store and the potential home improvement centre are anticipated to draw customers from a broad area.

- The Study Area boundaries represent the approximate mid-point between the Mady Site and major retail centres in St. Catharines and Hamilton. The Study Area includes the Town of Grimsby as well as portions of the Town of Lincoln, the Township of West Lincoln and the City of Hamilton.

- The Primary Zone, which includes portions of Stoney Creek and Grimsby, is expected to experience significant population growth over the study period.

Currently the Primary Zone is under serviced with regard to food oriented and non food oriented retail space.

- There are no supermarkets in the Primary Zone.

- The Study Area does not have any department stores or large new format home improvement centres.

- Currently Study Area residents are travelling to larger centres in St. Catharines and other parts of Hamilton for the majority of their non food shopping.

- The proposed Mady Development will provide an array of shopping choices for the residents of the Study Area.

The proposed retail uses in scenario 1 and 2 are warranted based on market demand. Furthermore TER does not expect the viability of the Stoney Creek Central Area or existing retail uses in the City of Hamilton to be jeopardised or adversely affected as a result of the proposed retail development scenarios.
• Expenditures made in retail stores at the Mady Development will be derived from new expenditure potential from population growth, re-capture of expenditures currently leaving the Study Area and inflow from outside the Study Area.

• It is the opinion of TER that there will be limited transfer of expenditures from current retailers located in the Primary Zone.

• The introduction of the department store, home improvement centre and ancillary retail space on the Mady Site will result in a re-capture and transfer of sales from existing non food oriented retailers, particularly in those located eastern Hamilton. However, TER forecasts that the magnitude of this recapture and transfer will not adversely affect or jeopardise the viability existing retail areas, particularly the Stoney Creek Central Area.

From a market demand perspective the Mady Site provides a potentially good location for a cinema.

• The proposed cinema would be able to serve the residents in east Hamilton.

• TER has not examined the financial business case for a cinema complex at the Mady Site and therefore cannot comment on the viability from a financial perspective.

Recommendations

It is the professional opinion of Tate Economic Research Inc. that the proposed development of a department store up to 219,500 square feet on the Mady Site should be approved, on the basis of market demand and impact.

It is the professional opinion of Tate Economic Research that scenario 1 and 2 as proposed by Mady should be approved, on the basis of market demand and impact.

It is our professional opinion that the introduction of the Mady Development, as proposed, will not adversely affect or jeopardize the viability of other existing or approved retail centres in the City and in particular the Stoney Creek Central Area.
Executive Summary

Tate Economic Research Inc. (TER) was retained by Mady Development Corporation, an affiliate of Mady Development Corporation (Mady) to investigate the potential employment generated by the proposed Mady Development. Mady is proposing a commercial development on a 48.5 acre site located at the southwest corner of the Queen Elizabeth Way and Fifty Road in the Stoney Creek portion of the City of Hamilton (Mady Development or Mady Site). Mady is proposing to develop 38.1 acres for retail/service commercial uses with the remainder for office development. The Mady Development as proposed in a department store and other retail and service uses totalling approximately 430,000 square feet. The Mady Site is located within the Stoney Creek Business Park.

When redesignating industrial lands for retail uses, many municipalities express concern over the loss of employment opportunities may occur in comparison with some form of industrial development. Additional concern often relates to the quality of the resulting employment. The purpose of this addendum report is to examine the potential employment created by proposed Mady Development. For comparison purposes, TER also examined the employment that could be generated under a somewhat hypothetical industrial and industrial/office scenario and commented on the probability of such developments occurring.

This Executive Summary is intended to provide the reader with an overview of the report, its analyses and conclusions. For greater detail, the reader is referred to the main body of this report.

There is a continuing shift in the nature of employment on industrial lands.

- In terms of industrial development, many new industrial developments are in the warehousing and distribution segment. These developments are land extensive but on average generate little employment.

- Historically, industrial lands were primarily utilized for manufacturing activities. The changing nature of the Canadian economy has meant typical uses in industrial business parks now also include retail and office tenants.

Any significant speculative office development on the Mady Site would face difficulty in terms of absorption.

- Over the past five years the office vacancy rate in the City of Hamilton has been higher than the surrounding GTA municipalities. The office vacancy rate in the City of Hamilton was 18.3% in 2005. By comparison the vacancy rate in Burlington and Oakville was 13.0% and 15.0% respectively.
There is the opportunity for a smaller ancillary amount of office space on the Mady Site.

- Smaller office uses would be more complementary to the retail component of the proposed Mady Development and could include such tenants as medical services, real estate, insurance etc. Examples of this type of smaller office development in the City of Hamilton can be found at Meadowlands Centre, Eastgate Square and Lime Ridge Mall.

The proposed Mady Development would generate more employment than if utilized exclusively for industrial uses. The industrial and office scenario would generate the most employment, although this scenario is unlikely.

- TER estimates the current proposed mixed use Mady Development could generate employment for approximately 1,320 people.

- TER estimates that if the Mady Site were to be developed exclusively for industrial uses, employment for approximately 630 to 1,080 people would be generated.

- TER estimated that if the Mady Site were to be developed and occupied with a mix of office and industrial uses, employment for approximately 1,780 people would be generated. It is the opinion of TER that this scenario is unlikely due to the limited demand for such a significant office component.

In terms of the quality of jobs, while many of the jobs within the retail portion of the development will be part time, TER has illustrated that these jobs are a valuable component of the economy.

- The Statistics Canada Labour Force Survey indicated that in 2004, 18.0% of the total workforce was comprised of part time workers. The survey also indicated that approximately three quarters of those employees, who worked part time, did so voluntarily. The most common reasons stated for part time employment were: personal preference, family responsibility and going to school.

| Based on the current market environment for office uses and the probability that industrial development will generate lower employment, the Mady Development provides the best option in terms of employment generating opportunities. This Site is currently vacant and Mady is prepared to develop the Site immediately upon approval for the Official Plan Amendment and Zoning By-Law Amendment. Therefore, the lands will fulfill their function in terms of accommodating uses that generate employment. |
7. CONCLUSIONS

The traffic impact of the proposed Penadu development was analyzed for the weekday AM, PM and Saturday peak hour conditions. The following conclusions were derived from the completed roadway and intersection operational analysis, which included the review of existing and future background 2014 and future total (2014 and 2021) travel demand scenarios:

- The existing, 2014 and 2021 background traffic scenarios result in satisfactory operation of study area intersections with no required geometric improvements.

- The City is planning to signalize the intersection of Fifty Road and the South Service Road and construct left turn lanes on each leg of the intersection. This improvement is included in all existing and future analysis scenarios.

- Background traffic scenarios were developed by using an annual growth rate of 2% and adding site generated trips from the Flying J development.

- New trips in and out of the Penadu site were developed using ITE trip generation rates.

- The number of primary trips to and from the site were reduced by 5% to account for multi-modal trips and reduced by 15-20% to account for multi-use (internal capture) trips.

- Site generated traffic includes trips assigned as primary trips and pass-by trips (ITE pass-by rates used for individual land uses with 90% of pass-by trips assigned to the QEW ramps)

- After accounting for a multi-use and multi-modal trip adjustments the net new primary plus pass-by trips generated by the Penadu development is estimated to be:
  - AM Weekday Peak Hour: 739 vehicles in/out
  - PM Weekday Peak Hour: 1652 vehicles in/out
  - Saturday Mid-day Peak Hour: 2337 vehicles in/out

- The 2014 total traffic scenario results in poor level of service at the intersection of Fifty Road and South Service Road as well as at Fifty Road and Highway 8. It is important to note that the
poor levels of service result in part due to the very conservative saturation flow rates required for use by the City. To mitigate the deficiencies the following geometric improvements are required:

- Fifty Road and the South Service Road: Requires new southbound exclusive right turn lane and new eastbound left turn lane to create an eastbound dual left;
- Widening of the north leg at Fifty Road and the South Service Road will also be required to accommodate a receiving lane for the proposed eastbound dual left turn lanes; and
- Fifty Road and Highway 8: Requires a new southbound left turn lane.

- The proposed geometric modifications will result in satisfactory operation of all study area intersections under the 2014 total traffic scenario. As noted above, the geometric modifications are required as a result of using more conservative saturation flow rates.

- Sensitivity analysis using a saturation flow rate of 1800 was conducted. The analysis indicated that the southbound left turn lane on Fifty Road at Highway 8 is not required. Since 1800 is a more representative SFR for the future traffic conditions, the introduction of a southbound left turn lane at this intersection is not recommended.

- The intersections and study area roadways would operate satisfactorily under the 2021 total traffic demands and would not require any additional geometric improvements over those proposed in the 2014 total traffic scenario.

- Eastbound left-turning traffic at Access B and the South Service Road experiences delay during the peak hours. However, the traffic volume experiencing this delay is relatively low as are the resulting queue lengths. Additionally, there are other access points at which to make this left turn (Access C and Service Road). A change in traffic control would remedy the delay issue, however a traffic signal is not warranted.

- It is recommended that the City consider reducing the speed limit on the South Service Road from 80km/hr to 60km/hr from west of Winona Road to Fifty Road as a result of the
intensification of development in the area result from the transit terminal, continued infill and the proposed Penady development.

- The weekday PM peak hour is considered to the worst case scenario for analyzing the impact of inter-regional transit terminal.

- The addition of a transit terminal to the study area will result in 483 peak hour two-trips during the PM peak hour. This additional traffic will result in some increased storage lengths at area intersections, but overall the network with the recommended improvements will continue to operate satisfactorily.

- The Roadway system with the recommended geometric and signal timing adjustments can accommodate the anticipated traffic generation from the proposed Penady development and the Inter-regional transit terminal.
8.2 Transit

8.2.1 2007 Hamilton TMP Recommended Transit Network

The City-wide Transportation Master Plan recommends a strategic higher order transit network using Rapid Transit (RT). The purpose of the network is to provide high quality transit service throughout the city in an effort to reach the 12 percent transit mode split target by 2021.

Within the SCUBE area, the 2007 Hamilton TMP recommends a future inter-regional transit corridor on or adjacent to the QEW, connecting this area of Hamilton to the GTA and Niagara Region. An inter-regional transit route was also identified in the Provincial Growth Plan (Places to Grow). An ideal location for a station would be in the proximity of a QEW interchange with excellent connectivity for pedestrian, cycling and transit users.

Metrolinx (the Greater Toronto Transportation Authority) has not indicated an anticipated timing for this type of service. However, they have indicated that service will initially be implemented using GO Buses, followed by GO Rail in the long-term. In the short-term, Metrolinx has identified funding for a new platform to accommodate GO Train/VRTA service at the Hamilton James Street North GO/VRTA Station. This was identified as part of the second stage of the 5-year Quick-Win funding announcement in November 2007. The station improvements will improve transit service in downtown Hamilton and set the stage for future transit in the SCUBE area and as a Gateway to Niagara Region. The 2007 Hamilton TMP indicates that one of the logical connections (stops) for this corridor should be within the SCUBE area.

The plan also recommends a proposed transit priority corridor/future RT route along Highway 8, north on Fifty Road, terminating at a potential future transit terminal at Fifty Road and Baseline Road. Transit priority corridors use modifications to signals and minor lane alterations at intersections (queue jump lanes) to give transit priority over private automobiles. The purpose of this approach is to increase the reliability of transit by increasing on-time performance, and increasing the speed of transit. In the long-term, if ridership warrants, the corridor could be converted to an RT route, which may require an additional traffic lane for transit vehicles only. While the recommendations in the TMP are strategic at this point, ROW should be protected on Highway 8 and Fifty Road in the SCUBE area for any future conversion to a full RT route.

8.2.2 Opportunities/Constraints

Transit service in the SCUBE area is limited, which has resulted in a transit modal split less than 2 percent during the AM and PM peak hours (2001 TTS). Transportation choices by existing residents have already been determined, and this will be difficult to break even when transit services are introduced. The largest increase in ridership will occur from new residents and employees in the area whose travel choices have not been predetermined. This will require a base level of transit service to be introduced as the area begins to grow.

The Transit Priority Route identified in the TMP will provide an attractive and reliable connection to the rest of Hamilton, and if properly planned, will be able to attract significant ridership. The concern with this corridor is that the majority of it is surrounded by undevelopable Greenbelt lands. This reduces the number of potential transit riders located within a 5 minute walking distance of a transit stop, making it difficult to attract the ridership required to achieve a 12 percent transit modal split. The benefit of this corridor is that it will connect to a proposed RT corridor in the western portion of Hamilton, which will provide residents using the service a fast and reliable service to the City. Looking at the SCUBE area in isolation, the most appropriate corridor to invest in a rapid transit service is on Barton Street. Barton Street is central to the SCUBE area, surrounded by employment lands to the north, and residential lands to the south. There is a higher potential to build higher densities along this corridor that will support the implementation of Rapid Transit service. To achieve this, the transit priority/future RT corridor in Stony Creek would need to be recontoured from Highway 8 to Barton Street via Jones Road. Current investigations into RT may recommend LRT as an alternative or adjacent to RT on a corridor specific basis.
The opportunity for an interregional service through Stoney Creek provides a significant opportunity to increase transit modal split for interregional trip making to either the GTA or Niagara Region. Anchoring a local HSR service to this corridor as well as a ‘park and ride’ facility would increase the use of transit.

8.2.3 Proposed Inter-regional Transit Terminal

In previous studies, the City of Hamilton had identified a need for an interregional transit terminal in Stoney Creek generally located off the QEW. The close proximity to a QEW interchange would minimize travel time for interregional routes accessing the stop and would provide an opportunity to integrate a park and ride facility off the QEW.

The terminal would need to be located within the urban development area surrounded by supportive land uses such that there is the potential for walk in/out traffic. There is potential for GO Rail to provide service to Stoney Creek in the long-term, as GO can use the CN Railway line located along the Employment Corridor, just south of the QEW. A proposed interregional transit terminal in Stoney Creek needs to take all these matters into consideration.

To accommodate passenger boardings and alightings in Stoney Creek, the location of an interregional and multi-modal terminal was assessed generally adjacent to the CN Railway line.

Terminal sites considered included a site near Fruitland Road and the QEW, the southeast quadrant of Fifty Road and South Service Road, and the southwest quadrant of Fifty Road and South Service Road. They all provide easy access to the QEW and park and ride opportunities, while located adjacent to the rail line.

Fruitland Road and QEW

The Fruitland Road location, while more central to Stoney Creek, has considerably less land available and is surrounded by light industrial uses making the site less conducive to transit supportive development opportunities. Its distance from Niagara Region would also compromise its role as a “gateway” from the east. Further, this location does not have a direct access to the south through the Escarpment.

Southeast Quadrant of Fifty Road and South Service Road

The difficulty with this location is that it is at the edge of the urban development area and would not be supported by the appropriate lands uses and densities, thus having limited potential for walk in/out traffic. This means that the terminal will serve primarily as a transfer station (between auto and transit, or local transit and interregional transit) rather than a destination. This will likely limit the ability to attract sufficient ridership to reach the desired 12 percent transit modal split.

Southwest Quadrant of Fifty Road and South Service Road

A site within the southwest quadrant of Fifty Road and South Service Road (within Parcel B) was found to be the most suitable location, given the expected growth within the study area and proximity to Niagara Region. It also provides good access from/to the south as Fifty Road connects to the Escarpment; it is located within close proximity to the existing Winona community and the Employment Corridor, which could foster some walking or cycling trips without having to
cross the QEW. The terminal would also minimize length of transit route by requiring only one route to cross the QEW. Finally, this site can act as a “gateway” from the east.

A development application for a large format retail complex on the Parcel B site (southwest of Fifty Road and South Service Road) has been submitted to the City of Hamilton’s Development and Economic Development Department for review. It is recommended that the appropriate land use for this site be reviewed in the planning process to ensure that this future opportunity for a transit terminal is not precluded.

Once in place, it is recommended that local HSR transit services be routed to this terminal, along with consideration for interregional buses and a park and ride lot.

With the long-term potential for rail service, consideration should be made to protecting the lands on Parcel B for a future inter-regional transit terminal. Short-term implementation of this terminal location should also be considered as a pre-emptive action to GO Rail service. Figure 20 shows the recommended location.

This recommendation is consistent with the City wide Master Plan recommendations where it is stated that “The Primary Objective of the Transit Strategy are:

- To develop a layer of bus routes connecting major Transit nodes that are isolated from the effects of congestion
- To encourage transit-supportive development around nodes and corridors
- To provide seamless transit system; and
- To facilitate travel to/from surrounding regions”.

The HTMP (2007) also notes “The Provincial Growth Plan (Places to Grow) identifies a future intercity transit service to Niagara Region. Based on the discussion with GO transit, it is anticipated that this service will initially be implemented using buses, moving to commuter rail in the longer term.”

This site may require improvements to Fifty Road as the Highway 8 RT corridor would terminate at this location. Therefore, in order to connect the transit terminal to the RT corridor, improvements to Fifty Road will be required. However, this is beyond the current planning horizon and is subject to more detailed evaluation as to property and design.
10.0 SUMMARY OF RECOMMENDED TRANSPORTATION SYSTEM

The following section summarizes the recommendations from the Transportation Master Plan for the SCUBE area.

10.2 Transit

10.2.1 Proposed Inter-regional Transit Terminal

- Assess the potential and protect lands for an inter-regional and multi-modal terminal during the SCUBE Secondary Plan process for Parcel B, on the southwest corner of Fifty Road and the South Service Road, adjacent to the CN Rail lines. This location would be used as a future GO Rail stop, an intercity bus terminal, a GO Bus terminal, an HSR terminal, and a potential park and ride lot. This location would replace the proposed interregional terminal at Fifty Road and Baseline Road. In addition, future studies should address ROW requirements on Fifty Road and Highway 8.

12.0 SUMMARY OF RECOMMENDATIONS

A number of recommendations were made as part of this study. These recommendations are summarized below. Where appropriate, the Schedule of study as defined in the Municipal Class Environmental Assessment October 2000 (as amended in 2007) is provided in brackets.

Transit Improvements

- Feasibility study for inter-regional transit terminal (Class EA Schedule is likely A+ or B; to be confirmed following feasibility study), including access and system connectivity requirements.
April 16, 2008

Mr. Christopher Bell, MCIP, RPP  
Senior Planner  
Development Planning – East Section  
City of Hamilton  
77 James Street North, Suite 400  
Hamilton, ON  
L8R 2K3

Dear Mr. Bell:

Re: Official Plan and Zoning Bylaw Amendment Applications  
Mady Developments  
Proposed Major Commercial Development  
400 Jones Road and 395 Fifty Road  
Stoney Creek

Niagara Regional Planning staff has reviewed the information circulated for the above noted Official Plan Amendment and Zoning Bylaw Amendment applications which have been submitted to facilitate the development of a major commercial centre. The applicant is proposing the following two 430,000 square foot development scenarios:

1. A 219,500 square foot department store that will contain 165,000 square feet of traditional department store space, 45,000 square feet of food store space, and 9,500 square feet of service oriented space. This scenario will also contain 157,500 square feet of ancillary retail space and 53,000 square feet of service space.

2. A 219,500 square foot department store that will contain 165,000 square feet of traditional department store space, 45,000 square feet of food store space, and 9,500 square feet of service oriented space. This scenario will also contain 95,000 square feet of home improvement store space; 86,500 square feet of ancillary retail space; and 29,000 square feet of service space.

**Market Demand and Impact Study**

A Market Demand and Impact Study has been prepared by Tate Economic Research (TER) to address several key issues relating to the proposed Mady development as required by Hamilton Regional and City Official Plan policies. The study examines issues such as whether the market can support the proposed development and whether the development will have an adverse impact on existing and planned commercial areas including the Stoney Creek Central Area.

The Study Area includes a Primary Zone and Secondary Zone. The Primary Zone includes a portion of Stoney Creek (north of the Niagara Escarpment and Glover Road) and Grimsby (north of the Niagara Escarpment and west of Casablanca Road) and the Secondary Zone includes the remainder of Stoney Creek and Grimsby as well as portions of the Township of West Lincoln and the Town of Lincoln. The Study Area is intended to represent the approximate...
mid-point market between the Mady site and major retail centres in Hamilton and St. Catharines.

The general conclusions of the study are:

- Study Area residents are currently travelling to the Hamilton and St. Catharines markets for department store and other retail shopping.
- The Primary Zone is currently under serviced in terms of food oriented and non food oriented space. There are no supermarkets in the Primary Zone.
- There are no department stores or large new format home improvement centres in the Study Area.
- The proposed retail uses in scenario 1 and 2 are warranted based on market demand.
- The viability of the Stoney Creek Central Area or existing retail uses in the City of Hamilton will not be jeopardised or adversely affected by the proposed development scenarios.

Niagara Regional Planning Comments

The Niagara Region Policy Plan contains policies to guide commercial development within the Niagara Region. Proposals for major commercial development within the Region are reviewed carefully to ensure the proposal does not result in an undesirable oversupply or inequitable distribution of shopping facilities within the Region and the proposal mainly serves the residents of that municipality. The Region will consider the impacts of a commercial proposal on existing and planned shopping facilities within the local municipality and throughout the Region. Accordingly, each major commercial proposal is to be accompanied by sufficient background information, such as market studies, so that Niagara Regional staff can properly review and evaluate the proposal.

The Study Area identified in the Market Demand and Impact Study includes large portions of Niagara municipalities from which the proposed Mady development would potentially draw customers. The Department Store Impact Analysis of the Market Study states that St. Catharines currently attracts the majority of Secondary Zone resident's expenditures and that the Mady development could recapture a significant portion of these expenditures. The Market Study, however, does not fully address the impacts of the proposal on the retail function in Niagara. Given that Niagara municipalities make up the majority of the Secondary Zone, Niagara Regional Planning staff has some concerns related to the impact of the proposed Mady development on existing and planned retail functions in Niagara, particularly Grimsby, Lincoln, West Lincoln, and St. Catharines. For instance, St. Catharines contains several department stores including two Walmart stores, one of which is at the First Pro Garden City site, as well as a Bay, Sears, and Zellers department stores in the Pen Centre. The Town of Lincoln has an approved "lifestyle centre" for the Prudhommes area (Victoria Avenue and the QEW) that includes a significant amount of retail space. Further, the central areas of Grimsby, Beamsville, and Smithville are included in the study area. The viability of central areas tends to be very susceptible to development of large-format retail establishments. The Study acknowledges the Grimsby Real Canadian Superstore that is located near Casablanca and the QEW in the analysis. Immediately to the west of the Real Canadian Superstore is an approximately 55,000 square foot Rona home improvement store that is currently under construction.

The major urban areas of both Grimsby and Lincoln have been included in the Secondary Zone. However, it would seem appropriate to include the entire Town of Grimsby and the portion of Lincoln in the Primary Zone. Should the Mady site be developed into a large-format retail establishment, Grimsby and Lincoln residents currently shopping locally within the Grimsby,
Lincoln, and Niagara market would likely be drawn to the Mady development given the close proximity and ease of access.

**Conclusion**

Niagara municipalities have been identified as a large part of the market for the proposed Mady development. If approved, the Mady development could have adverse impacts on the existing and planned retail functions in Niagara. The Market Demand and Impact Study does not fully address potential impacts of the proposed Mady development on existing and planned retail functions in Niagara, including the central areas. In this regard, Niagara Regional Planning staff has concerns with the proposal. Should the City of Hamilton consider requesting a peer review of the Market Demand and Impact Study, Niagara Regional Planning staff request that our concerns regarding impacts on commercial centres in the Niagara Region be addressed as part of the peer review.

If you have any questions or wish to discuss these comments, please contact Sue Mabee, Planner, or Peter Colosimo, Transition Manager, Development Services.

Yours truly,

Sue Mabee
Planner

SW

Cc: Keith Vogl, MCIP, RPP, Planning Director, Town of Grimsby
Kathleen Dale, MCIP, RPP, Director of Planning and Development, Town of Lincoln
Brian Treble, MCIP, RPP, Director of Planning, Township of West Lincoln
Paul Chapman, MCIP, RPP, Director of Planning Services, City of St. Catharines