



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 15, 2014
<b>SUBJECT/REPORT NO:</b>	Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(b)) (Ward 11) (Outstanding Business List Item)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Alissa Mahood 905-546-2424 Ext. 1250
<b>SUBMITTED BY:</b>	Joe-Anne Priel Acting General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the Fruitland-Winona Secondary Plan Public Feedback Report, attached as Appendix “A” to Report PED13099(b), be received.
- (b) That the Fruitland-Winona Secondary Plan and Official Plan Amendment, attached as Appendix “B” to Report PED13099(b), be approved with the following changes:
  - 1. That the lands fronting onto Barton Street and Jones Street designated as “Community Park”, “Institutional”, and “Special Policy Area ‘C’” (municipally known as 718, 720, 722, 724, 728, 230, 734, 738, 742, 744, 746, 748, 750, 752, 754, 756, 760 Barton Street and 287, 289, 291, 293, 297 Jones Road) identified on Map B.7.4-1 of Appendix “B” to Report PED13099(b), be designated “Medium Density Residential 2”;
  - 2. That “Area Specific Policy - Area K”, be added to the lands municipally known as 718, 720, 722, 724, 728, 230, 734, 738, 742, 744, 746, 748, 750, 752, 754, 756, 760 Barton Street and 287, 289, 291, 293, 297 Jones Road to read as follows:
    - (a) For the lands located at 718, 720, 722, 724, 728, 230, 734, 738, 742, 744, 746, 748, 750, 752, 754, 756, 760 Barton Street and 287, 289, 291, 293, 297 Jones Road, and as shown as “Area Specific Policy – Area K” on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policy shall apply:



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A scoped Air Drainage Analysis Brief, which has been prepared by a qualified engineer, climatologist, and/or agrologist, to the satisfaction of the City. The Air Drainage Analysis Brief shall include the following:

- i. A review of the existing conditions, including air photos, topography, road patterns, thermal conditions, climate and air movement down the Niagara Escarpment and towards Lake Ontario, to evaluate the effects of the proposed development on the existing microclimate and airflow; and,
  - ii. Where appropriate, proposed road layout and development patterns should be designed in a north/south alignment to maximize air drainage in and minimize potential negative impacts on the tender fruit area to the south.
7. That the following policy be added to Section 7.4.13, Integrated Transportation Network Policies:
  - (a) Municipal Class Environmental Assessments shall be carried out for Barton Street, Fifty Road, and Highway No. 8, to determine the associated upgrades required for the Fruitland-Winona Secondary Plan area.
8. That the following policy be added to Section 7.4.10.16, Barton Street Pedestrian Promenade Policies:
  - (a) The required road widening for the pedestrian promenade shall not exceed 4 metres, however, widening less than 4 metres may be taken where identified through the Barton Street Environmental Assessment.
9. The lands municipally known as 685 Highway No. 8, identified on Map B.7.4-1, as “Local Commercial”, “Low Density Residential 2” and “Site Specific Policy Area ‘A’”, be revised such that the front half of the property (approximately 80 m.) is designated as “Local Commercial”.
- (c) That staff be directed to report back to General Issues Committee on a strategy for the Community Park land acquisition.
- (d) That the List of items attached as Appendix “C” to Report PED13099(b) be referred to the appropriate departments for further consideration and response.
- (e) That Report PED13099(a), Fruitland-Winona Secondary Plan and Official Plan Amendment, be removed from the Outstanding Business List.

## **EXECUTIVE SUMMARY**

On November 19, 2013, a Statutory Public Meeting was held to present the amendment to the Urban Hamilton Official Plan to adopt the Fruitland-Winona Secondary Plan. The Plan was tabled and Council passed a motion “to allow the Ward Councillor to work with staff and residents to amend the current plan”. In response to the motion, an Open House and Information Session was held on February 6, 2014, to explain what the Secondary Plan means for the community; clarify issues about roads, traffic, amount and types of housing, parks, and schools; discuss changes related to these issues; and, explain the process and next steps. This session was facilitated by an external third party facilitator. From the consultation held, comments and feedback were received and have been compiled into a Public Feedback Report, attached as Appendix “A” to Report PED13099(b), which was available for review by the public on the City’s website on March 3, 2014. The Feedback Report also provided staff with a summary of the key issues related to the Secondary Plan. Where feasible, changes to the Secondary Plan are being recommended to address the comments and feedback heard from the community. These are included in the recommendations section of this Report.

***Alternatives for Consideration – See Page 18***

## **FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The Secondary Plan identifies further studies and actions that must be completed to permit development to proceed and to implement the plan (e.g., Block Servicing Strategies and Streetscape Master Plans). These initiatives will be carried out by various City departments and will be incorporated into the work plans and budget submissions which will be brought forward for Council’s consideration in future.

**Staffing:** There are no staffing implications.

**Legal:** As required by the Planning Act, Council held the Statutory Public Meeting for the Fruitland-Winona Secondary Plan on November 19, 2013.

## **HISTORICAL BACKGROUND**

On November 19, 2013, a Statutory Public Meeting was held to present the amendment to the Urban Hamilton Official Plan to adopt the Fruitland-Winona Secondary Plan. The Official Plan Amendment that was brought forward on November 19, 2013 is attached as Appendix “B”. The Plan was tabled and Council passed the following motion:

“That the Report PED13099(a), Fruitland-Winona Secondary Plan and Official Plan Amendment, be tabled to the February 4, 2014 meeting of the Planning Committee to allow for the Ward Councillor to work with staff and the residents to amend the current plan”.

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A Public Consultation Facilitator was hired by Planning staff in January 2014 to assist staff in carrying out an engagement strategy to consult with the Public, based on the motion passed at the November 19, 2013, Planning Committee meeting. After meetings with the consultant and Ward Councillor, staff recommended that the best way to effectively engage the public was to hold an Open House and Information Session, where staff would be present to answer questions regarding the Secondary Plan, and where the attendees would be able to ask questions, produce feedback and interact with city staff effectively. This would also allow for a comfortable environment for providing feedback. Due to the nature of the meeting and the amount of time required to prepare for the meeting and draft the documents with the recommended changes to the Secondary Plan, the Ward Councillor provided a verbal update at the Planning Committee held on February 4, 2014, that an Open House and Information Session would be held on February 6, 2014, and staff would report back at the April 15, 2014, Planning Committee Meeting.

The February 6, 2014, Open House and Information Session was held to explain what the Secondary Plan means for residents, businesses, stakeholders, and their properties; clarify issues about roads, traffic, amount and types of housing, parks, and open space; discuss minor changes related to these issues; and, explain the process and next steps and to receive input and discuss comments and questions. The input obtained from the Open House and Information Session was compiled into a Public Feedback Report, attached as Appendix “A” to Report PED13099(b). This report was made available for review on the City’s website on March 3, 2014.

Planning staff have reviewed the comments received at the Open House and Information Session, and recommended, where possible, modifications to the Secondary Plan, to address some of the issues posed by residents. These modifications are presented in this Report. There were also a number of comments, questions, and concerns that were submitted at the Open House and Information Session that are not addressed through the designations or policies of the Secondary Plan. These items have been compiled into a table and attached as Appendix “C” to Report PED13099(b).

At the Planning Committee meeting on February 18, 2014, following the Open House and Information Session, the Ward Councillor introduced the following motion which was adopted by Committee and Council:

“Fruitland-Winona Secondary Plan – the City will not exercise the powers of expropriation to acquire lands for a Community Park:

- (a) That the draft Fruitland-Winona Secondary Plan expressly state the City will not exercise the powers of expropriation to acquire lands for a Community Park, and in this regard, that Policy 7.4.17.5 of the draft Fruitland-Winona Secondary Plan be amended to read as follows:

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- “a) The City shall acquire lands for the Community Park in accordance with any Council approved acquisition policies, plans, strategies, and By-laws. Notwithstanding the foregoing, however, the City shall not acquire lands for the Community Park by means of expropriation”.

Recommendation (b) 3. would incorporate this policy into the Secondary Plan.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Throughout the planning process for the Fruitland-Winona Secondary, the Provincial Policy Statement (PPS) has been used as a guide, and as such, the Secondary Plan policy direction is consistent with the PPS. The proposed Secondary Plan also implements the policies of the Growth Plan for the Greater Golden Horseshoe as demonstrated by the land uses, densities, and policies of the Plan. The proposed designations and policies of the Secondary Plan also take direction from the policies of the Urban Hamilton Official Plan (UHOP) and conform with the UHOP policies. An amendment is required to adopt the Fruitland-Winona Secondary Plan into the UHOP.

**RELEVANT CONSULTATION**

Due to the importance of ensuring residents had the opportunity to ask questions and have access to a city staff who could provide answers; and to make sure the report back to Planning Committee met the timelines set out, an independent facilitator and public consultation specialist, Sue Cumming, of Cumming + Company, was retained to assist the City to planning and conducting the meeting. The role of the facilitator was to assist staff in planning an effective meeting, assist with the preparation of communication materials, facilitating at the meeting, and compile and document the input received. The Public Feedback Report, attached as Appendix “A” to Report PED13099(b), was prepared by the facilitator to document the public input received through the Open House and Information Session, for review by the City staff and Council. To ensure transparency in reporting the input received through the Open House and Information Session, this report included the recorded flipchart points from all the station discussions. Individual comments received were transcribed. Where specific addresses were provided, the street numbers were omitted and names of individuals, including residents, businesses. In a few submissions, text was omitted that addressed a particular individual, or was about an individual.

The Open House and Information Session was held on Thursday February 6, 2014, in Stoney Creek at Winona Vine Estates (269 Glover Road). The venue was selected due to its location in the study area, and its ability to accommodate large numbers of people. The format included an informal drop-in between, 4:00 p.m. and 8:00 p.m., where participants had the opportunity to visit information stations where City Staff was available to provide information and respond to questions/comments regarding key issues that were identified at the Statutory Public Meeting held on November 19, 2013.

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The meeting was attended by over 239 people. Notice for the meeting was provided through the following:

- Stoney Creek News on January 23, 2014;
- The Hamilton Spectator on January 24, 2014;
- City's Website at [www.hamilton.ca/Fruitland-Winona](http://www.hamilton.ca/Fruitland-Winona), on January 23, 2014;
- Emailed to all individuals on the master distribution list for the Secondary Plan (anyone who had signed-in and provided an e-mail address at any previous public meeting, related to the study);
- Postcard mailed the week of January 27, 2014, to all residents within the study areas and 120 m. surrounding, as well as individuals within Ward 10 who live between Fruitland Road and Dewitt Road, and between Barton Street and the Niagara Escarpment;
- Emailed to all members of the former Community Advisory Committee;
- Two portable signs advertising the meeting, one in front of the Stoney Creek Municipal Centre, and one in front of the venue at 269 Glover Road, posted on January 30, 2014;
- Social media was also used to promote this event through the City of Hamilton's twitter account; and,
- Councillor email lists and letters.

City staff from the following departments attended the Open House and Information Session on February 6, 2014, to provide information and respond to questions:

Planning and Economic Development Department:

- Community Planning
- Development Planning, Heritage and Urban Design
- Growth Management
- Real Estate

Public Works Department:

- Engineering Services
- Transportation Planning
- Traffic, Engineering and Operations
- Infrastructure Planning and Systems Design

Community and Emergency Services Department:

- Recreation

City Manager's Office

- Legal Services
- Corporate Communications

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In addition, three members of Council (Councillors Clark, Johnson, and Pearson) assisted with the meeting.

Six information stations were set up around the room with City staff available to discuss questions and comments, and to receive feedback on changes to the plan. Panels were also available to provide visuals to assist attendants at each station (attached as Appendix “D” to Report PED13099(b)). Participants were able to attend each station of interest to them, discuss their views and provide input, and have questions answered by staff. The following table summarizes the information provided at the various stations:

<b>Station No.</b>	<b>Station Issue Topic</b>	<b>Outline of Information at Station</b>
<b>1</b>	Welcome	To explain why the Open House was being held and to share information about the process and how comments will be addressed.
<b>2</b>	What Does This Mean for Me and My Property?	To help residents understand what the Secondary Plan means for them and their property by reviewing the maps and Secondary Plan.
<b>3</b>	Roads and Traffic	To explain information and answer questions related to the Fruitland Road Environmental Assessment, truck traffic, and other transportation studies. Options to be considered were also displayed.
<b>4</b>	Parks and Schools	To provide information on Community and Neighbourhood Parks and Schools in the Secondary Plan, and options being considered to address concerns.
<b>5</b>	Amount and Types of Housing	To provide information on the amount and types of housing, and where these would be located. Air drainage and heights were also discussed.
<b>6</b>	Where Have We Been and Where Are We Going? (Secondary Plan Process and Next Steps)	To provide information on the Secondary Plan process, public consultation meetings that were held, and the status of the recommended Plan and next steps.

Hand-outs were also available at some of the stations with summary information on each issue and topic (attached as Appendix “D” to Report PED13099(b)). A “Frequently Asked Questions” hand-out was available to provide general information about the Secondary Plan including the projected population, the purpose of the Open House and Information Session, how attendees could provide input and information on the next steps, and key dates. A hand-out was available at Station 3: Roads and Traffic, which provided a chronology and key dates relating to the Fruitland Road Environmental Assessment. The hand-out available at Station 4: Parks and Schools, provided information on how the City calculates Community Park and Neighbourhood Park



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requirements. It also described the difference between Community Parks, Neighbourhood Parks, City-wide Parks, and Parkettes. Information was also provided on the School Board requirements for new elementary school sites. Station 5: Amount and Types of Housing also included a hand-out, which provided information on the different residential land use designations and densities proposed for the Secondary Plan. Finally, Station 6: Where Have We Been and Where Are We Going, included a hand-out which provided attendees with information on how to provide input, next steps and key dates, and the Secondary Plan process. Comment sheets were also available at each station (a copy of the hand-outs are attached as Appendix “D” to Report PED13099(b)).

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

**Key Themes and Issues Regarding the Fruitland-Winona Secondary Plan**

A summary of the key issues, comments and feedback expressed by the community, has been identified in a table attached as Appendix “E” to Report PED13099(b). The purpose of the table is to summarize the key issues or concerns, and identify whether or not the Secondary Plan contains policies to address the issue, or if any, changes to the Secondary Plan to address the issue, should be considered. The following outlines the issues, comments, and feedback received, and the recommended changes to the Secondary Plan in response.

**Issue Theme Area: Roads and Traffic**

There were a number of recurring key issues that were identified related to roads and traffic. Concerns related to Barton Street, Highway No. 8, and Fifty Road, in relation to the proposed pedestrian promenade, speeding, poor egress and access to these roads, the lack of turning lanes, bicycle lanes, sidewalks, and increased bus service were identified. Concerns related to traffic and speeding on Fruitland Road were also identified. Of particular concern was the issue of realigning Fruitland Road as per the recommendation of the 1992 Environment Assessment. There were also concerns regarding traffic generated from the proposed commercial development at Fifty Road and the South Service Road.

**Barton Street and Fifty Road**

To address concerns from residents that upgrades are needed for Barton Street and Fifty Road to address traffic, a policy related to transportation has been added to the Secondary Plan, that requires an Environmental Assessment (EA) study to be carried out for both of these roads. This policy clarifies that an EA will be completed to determine the improvements required for future development.

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Recommendation: Add a new policy to the Secondary Plan that confirms that an Environmental Assessment will be carried out for Barton Street, Highway No. 8, and Fifty Road (Recommendation (b), 7 (a) of Report PED13099(b)).

Commercial Development at South Service Road and Fifty Road

With regards to the traffic concerns for the Plan area, and in particular the traffic concerns related to the commercial development at the South Service Road and Fifty Road, as part of development applications, traffic impact assessments will be required as per Policy C.4.5.11 and C.4.5.12 of the Urban Hamilton Official Plan. The Barton Street and Fifty Road Environmental Assessments will also evaluate the impacts of the commercial development at the South Service Road and Fifty Road, and the upgrades required to these roads as a result. Furthermore, the Stoney Creek Urban Boundary Expansion (SCUBE) Transportation Master Plan (TMP) (2008), assessed the transportation needs in order to support growth and development in the Plan area. The recommendations from the TMP have been implemented in the Secondary Plan.

Recommendation: No changes have been recommended to the November 19, 2013, Secondary Plan regarding the Commercial designations.

Barton Street Pedestrian Promenade

Some residents who live on Barton Street were unhappy about the 4 m. road widening on the south side of Barton Street for the pedestrian promenade, because the widening would impact their existing properties and homes on Barton Street. The Barton Street EA will also determine the exact amount of widening that will be required for the pedestrian promenade. The widening for the promenade may be less than 4 m., and would only be taken as the properties are redeveloped as a condition of consent (severance) site plan or plan of subdivision/condominium (road widenings are not taken at the time of building permit). A policy has been added to the Secondary Plan to clarify that the Barton Street Environmental Assessment will determine the exact amount of widening required for the promenade, and that widenings less than 4 m. may be taken depending on the final recommendations of the Barton Street (EA). The EA will determine opportunities to accommodate the promenade within the existing 36 m. road right-of-way, however, until the study has been carried out, the Plan still needs to protect for the additional 4 m. widening. The Secondary Plan also contains a policy that requires a Streetscape Master Plan to be carried out for Barton Street that will determine the design of the street (sidewalks, street furniture) and design of the pedestrian promenade (Policy 7.4.10.16 (a)).

Recommendation: add a new policy that states that less than the 4 m. widening may be taken if identified through the Barton Street Environmental Assessment (Recommendation (b), 8 (a) to Report PE13099(b)).

Alignment of Collector Road 'A'

Other residents were concerned about where Collector Road "A" will align with Highway No. 8 and Barton Street, because of the existing residential properties in both locations. The Secondary Plan implements the preferred corridor for the new north/south collector road, however, the final alignment with both Barton Street and Highway No. 8 still needs to be determined through Phase 3 of the EA. The Secondary Plan contains a policy as part of the Block Servicing policies stating that the final alignment shall be carried out through Phase 3 of the EA process (Policy 7.4.14.1 (j), (iii)).

Recommendation: No changes have been recommended to the November 19, 2013, Secondary Plan, with regards to the alignment of Collector Road 'A'.

Fruitland Road

A significant issue at the Open House and Information Session was related to Fruitland Road and whether it would continue to be a through route or realigned as identified in the 1992 Environmental Assessment for Fruitland Road. The realignment option would require the closing of the existing road at the northerly limits. Residents living on Fruitland Road highlighted health and safety issues relating to significant traffic, noise, access to driveways, and pedestrian crossings. They would like to see traffic calming measures put in place. There are approximately 70 homes on Fruitland Road between Barton Street and Highway No. 8.

A significant number of residents also expressed opposition to the closing of Fruitland Road, and indicated that it has been a thoroughfare and collector road in the community for decades. Many in the community (residents and businesses) want Fruitland Road to remain open, and cite concerns relating to access to the QEW, impacts to other area roads including Dewitt Road, loss of a well-travelled route connecting homes and major roads and highways, emergency vehicle access, business impacts, and impact to overall traffic patterns and costs. They are opposed to changing Fruitland Road because it is a main artery in the community. They are concerned that closing Fruitland Road would cut many off from direct access to their homes and businesses, thereby creating shortcutting through other existing neighbourhoods which have narrower roads and lower speeds posted. Many believe that there are traffic calming measures that could be implemented to address immediate homeowner concerns.

To address traffic issues on Fruitland Road, the Plan implements the Council Adopted recommendations of the Fruitland Road Environmental Assessment (EA) (2010), which recommended a new north/south collector road between Fruitland Road and Jones Road, that will also become the new truck route once it is built, and will relieve truck traffic from Fruitland Road (Collector Road 'A'). The Plan also includes a policy that provides a commitment for the City to investigate relocating the truck route to the Greenbelt, if these lands become urban (Policy 7.4.13.6 (h)). The EA also recommended keeping Fruitland Road open, and that traffic calming be implemented.

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Recommendation: No changes have been recommended to the November 19, 2013, Secondary Plan, with regards to Fruitland Road.

**Issue Theme Area: Parks and Schools**

Expropriation

A number of residents expressed concerns related to proposed Institutional and Community Park designations on their properties. Residents were concerned about possible expropriation by the City and School Boards for these lands. The Secondary Plan contains policies to address land acquisition (Policy 7.4.17.5). These policies ensure that all property acquisition related to the Community Park will be in accordance with all Council approved acquisition policies, plans, strategies and By-laws. In addition, the Plan also contains a policy that states that in the event the lands within the Greenbelt become urban, relocation of the Community Park and Schools to this location will be considered (Policy 7.4.18.3 (i)). As a result of a motion that was approved by Council on February 18, 2014, a new policy has been added to the Secondary Plan that states that the City will not expropriate for Parks.

Recommendation: Add a new policy that states that the City will not exercise the powers of expropriation to acquire lands for a Community Park (Recommendation (b), 3, to Report PED13099(b)).

In addition, concerns have been raised regarding the timing of acquisition and development of the Community Park. To provide some clarity, it is recommended that staff be required to report back on an acquisition strategy for the Community Park land. To address this concern, the following recommendation has been added:

Recommendation: That staff be directed to report back to Planning Committee on a Strategy for the Community Park land acquisition (Recommendation (c) to Report PED13099(b)).

Community Park and School Designation

Staff asked Recreation Planning (Community and Emergency Services Department) to carry out a review of the Community Park size and provide an assessment of the issues related to a reduction in park size (attached as Appendix “F” to Report PED13099(b)). The assessment concluded that in order to ensure a Community Park that is able to accommodate the intensive recreation needs of the growing community, Recreation would not support a Community Park smaller than the 7 ha. (17.3 ac.) minimum size, identified within the Urban Hamilton Official Plan.

Staff also contacted the Separate and Public School Boards to confirm the site size requirements for elementary schools, to determine if a reduction in the size of area designated as Institutional, could also be supported. The School Boards have

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confirmed that they could support a reduction in the area designated as Institutional as long as 2.4 ha. (6 ac.) remains for each school site (totalling 4.8 ha. (12 ac.) of land, designated as Institutional). Based on earlier discussions with the School Boards and Recreation Planning, the area designated in the Secondary Plan for Community Park is approximately 9.7 ha. (24 ac.), and for Institutional is approximately 6.7 ha. (16.6 ac.). Staff are recommending a change to the Secondary Plan to reduce the size of the park and school land to be designated as Community Park and Institutional to a combined total area of approximately 12 ha (29.8 ac.). The remaining lands that were previously proposed to be designated Community Park and Institutional along Barton Street, approximately 4.4 ha. (10.8 acres), are proposed to be re-designated to Medium Density Residential 2 (refer to Appendix “G” to Report PED13099(b)). The proposed modification will leave 7.2 ha. (17.8 ac.) of land available for the Community Park designation, and 4.8 ha. (12 ac.) for the Institutional designation.

The determination to re-designate the properties along Barton Street from Community Park and Institutional to Medium Density Residential 2 was based on the following: the highly fragmented land ownership that would pose constraints for land assembly for the Community Park and School sites; the existing residential homes on the properties; and their location adjacent to Barton Street. Feedback from attendees at the Open House and Information Session who owned some of the properties along Barton Street, indicated that they would be satisfied with the Medium Density Residential 2 designation. In addition, the Secondary Plan also contains a policy (7.4.18.3.(h)), that clarifies, that should any part of the Community Park or Institutional designated lands not be required for such purposes, the lands may be developed for residential uses, however, a Neighbourhood Park is required along Collector Road ‘B’ (which is away from the properties on Barton Street).

The most appropriate designation for the properties adjacent to Barton Street is the Medium Density Residential, because this designation will continue to support the Community Park and School sites, by providing higher densities in close proximity to these areas. The Medium Density 2 designation permits multiple dwellings. In addition, the Medium Density Residential 2 designation, offers opportunities for built form and design that can effectively address noise, setbacks, and access points. This designation is also consistent with the other properties along Barton Street.

Recommendation: Change the proposed designation for the properties along Barton Street to Medium Density Residential 2, however, permit the existing single-detached dwellings for these properties and allow for the properties to be developed for Community Park or Institutional, without an amendment to the Plan (Recommendation (b), 1 and 2, to Report PED13099(b)).

Recommendation: Strengthen the wording of existing Policy 7.4.18.3 (h), (ii), to ensure that the acquisition of the lands for the Neighbourhood Park is in accordance with the development approvals process, and parkland dedication policies (Recommendation (b), 4 to Report PED13099(b)).

### Community Park and School Location

There were also concerns raised regarding the location of the school site and the parkland adjacent to collector and arterial roads (i.e. Barton Street and the proposed new Collector Road 'A'). The location of the Community Park and School sites reflects the policies of the Urban Hamilton Official Plan, and location criteria for school sites from both the Separate and Public School boards. The proposed Community Park will accommodate more intensive recreational amenities that will service the greater Lower Stoney Creek community, and vehicular, transit, and pedestrian access is important, and Community Parks are generally located along major transportation routes and adjacent to higher density. The School Boards have requested school site locations adjacent to at least one arterial road, and possibly two secondary roadways, to accommodate school busses and their associated turning radius.

Recommendation: No changes are recommended to the November 19, 2013, Secondary Plan regarding the Community Park and School locations.

### **Issue Theme Area: Amount and Type of Housing**

Many residents were concerned with the maximum building heights proposed in the Secondary Plan. They feel that the four-storey height allowance is too high, and that there will be impacts to air drainage for the tender fruit farmers to the south. There were also concerns about: the form of development permitted (apartments and townhomes); that density ranges are too high; and, the location of townhomes in close proximity to single detached homes. There was also a concern for the loss of property rights where single-detached dwellings exist today, but are proposed for Medium Density Residential development in the future.

### Heights and Air Drainage

To address concerns related to the permitted heights and impacts on air drainage, the highest density and heights of the November 19, 2013, Plan (Medium Density Residential 2), have been located as far north as possible, away from the tender fruit farms to the south. The Secondary Plan requires that an air drainage study be completed as part of the Block Servicing Strategy, to determine the impacts of development on air drainage and the mitigation measures to respond to these impacts (Policy 7.4.14.1 (j), (xii)). Staff are also recommending a modification to the Secondary Plan to add a policy that will require an air drainage study to be carried out for any amendments to the Plan that propose to increase heights above what is permitted.

In contrast, some residents felt that four-storeys heights are too low, and that taller heights should be proposed to curb urban sprawl.

Recommendation: Add a policy to the Secondary Plan Implementation section that would permit an air drainage study to be required as part of the Complete

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Application Requirements and Formal Consultation (Recommendation (b), 5 (a) to Report PED13099(b)).

Form of Development, Density, and Location of Townhomes in Proximity of Singles

The Secondary Plan permits single detached, semi-detached, street townhomes, duplex and triplex built forms in all the Low Density Residential designations, as set out in the Urban Hamilton Official Plan policy references. The Secondary Plan permits a range of housing types, forms, and densities, to meet the social, health, and well-being requirements of all current and future residents, as per the Housing policies of the Urban Hamilton Official Plan (Policy 7.4.3 (c)). The Secondary Plan also contains compatibility policies that require redevelopment to be evaluated based on its compatibility with adjacent land uses (shadowing, grading, overlook, noise, traffic and other nuisance effects), as well as the transition in height and density to adjacent and existing residential development (Policy 7.4.3 (d)). Additionally, the Urban Hamilton Official Plan contains urban design policies (B.3.3.2.6) that require new development to enhance the character of the existing environment through, among other things, complementing massing patterns, and minimizing shadowing and overlook impacts. These policies are reinforced in the Secondary Plan's urban design guidelines. New developments will be required to demonstrate conformity with these policies and guidelines through an urban design guideline or brief, and further implemented through architectural control conditions and/or an urban design peer review. These policies will help to mitigate the impacts of higher density residential on existing land uses, including single detached dwellings and to maintain the existing unique character of the community.

Loss of Property Rights

For concerns regarding the loss of property rights for existing low density residential uses, which are proposed for medium density residential, the Urban Hamilton Official Plan contains policies that permit amendments to the Zoning By-law to recognize the legal non-complying use as an existing use (Policy F.1.12.8). These policies would also permit the expansion or enlargement, or change in such legal non-complying uses (Policy F.1.12.9), whereby removing any loss of property rights for these existing low density residential uses.

Recommendation: Add a policy to the Secondary Plan that reiterates and clarifies that, for residential uses that existed on or before the date that the Secondary Plan was approved, they may be recognized as existing in the Zoning By-law (Recommendation (b), 5 (b), to Report PED13099(b)).

**Issue Theme Area: Commercial**

Some residents voiced concerns regarding the lack of commercial uses, and would like to see additional commercial uses such as a grocery store, personal service, and

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convenience commercial uses in the Plan area. The Secondary Plan implements the recommendations of the Commercial Study that was carried out to evaluate the amount of Commercial designated lands that the Plan area could support. This Study recommended two Local Commercial areas, one at the intersection of Jones Road and Highway No. 8, and the other in Winona at Highway No. 8 and Bell-Air Drive. The pre-approval of the commercial development at the South Service Road and Fifty Road precluded the opportunity to designate any other areas than identified by the Commercial Study, however, local Commercial uses are also permitted on the ground floor of areas designated Medium Density Residential 2.

Recommendation: No changes have been recommended to the November 19, 2013, Secondary Plan, in relation to the Commercial designations.

**Issue Theme Area: Infrastructure**

With the proposed new growth as a result of the Secondary Plan, residents would like to see infrastructure put in place to support the new development, before and while it occurs. There were concerns that too often infrastructure is put in after the new homes have been built. The Secondary Plan contains policies which require a Block Servicing Strategy to be carried out (based on information provided by the SCUBE East and West Sub-watershed studies) to guide the phasing of development so that it proceeds in a coordinated and comprehensive manner. The Study will address timing and phasing of infrastructure (Policy 7.4.14.1). As development proceeds, infrastructure will be put in place to accommodate the development.

Recommendation: No changes have been recommended to the November 19, 2013, Secondary Plan.

**Issue Theme Area: Drainage and Wetlands**

Some residents were concerned with drainage on their properties as a result of the existing situation, and the impacts of new development on drainage and the existing properties. There were also concerns with the loss of natural areas. The SCUBE East and West Sub-watershed studies recommended a sub-watershed strategy for stormwater management, stream works and management measures, to protect the areas that contain significant natural heritage features and provide for appropriate future development. The Block Servicing Strategy will be developed based on information from the Sub-watershed studies, and will include a servicing plan, stormwater management plan, and a hydrological investigation that will address drainage and flooding issues in the Plan area. The natural areas (core areas, linkages, vegetation protection zones, restoration areas and buffers) that were identified by the Sub-watershed studies have been designated as Natural Open Space on the Fruitland-Winona Land Use Map (refer to Map B.7.4-1, Land Use Plan, in Appendix “A” to Report PED13099(a), and attached as Appendix “B” to Report PED13099(b)), and have also been identified on an associated Natural Heritage Map within the Secondary Plan that identifies the detailed



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protection zones and restoration areas (refer to Map B.7.4-2, Natural Heritage System, in Appendix “A” to Report PED13099(a) and attached as Appendix “B” to Report PED13099(b)).

Recommendation: No changes have been recommended to the November 19, 2013, Secondary Plan.

**Issue Theme Area: Mixed Support of the Recommended Plan**

Many residents oppose the Recommended Plan citing concerns about too much housing, lack of community support for townhouses and apartments, issues with the four-storey height maximum, concerns about increased traffic congestion, and implications of park and school designations on their properties. With regards to height, generally many residents were supportive of the height reduction from six to four-storeys; however, many are of the opinion that four-storeys are still too high. Residents referred to Concept “C” – April 2009, as the plan they support.

Concept ‘C’ does not implement the recommendations of the additional studies that were carried out to support the Secondary Plan (Transportation Master Plan, Fruitland Road EA, SCUBE East and West Sub-watershed Studies, Breeding Birds and Species at Risk Survey and Commercial Study), Concept “C” does not reflect provincial or municipal planning requirements (Places to Grow Growth Plan, Greenbelt Plan and Urban Hamilton Official Plan). Concept “C” is deficient in neighbourhood parkland, proposes more commercial than can be sustained according to the Commercial Study, and does not implement the recommendations of the Sub-watershed studies for the natural heritage system. In Concept “C” the majority of the higher density residential is proposed along Highway No. 8, adjacent to the tender fruit areas, which would have greater impacts on air drainage.

There were also a number of residents who commented that they are happy with the proposed plan, and suggested that it was time to move it forward with approval.

Additional comments were received at the Open House and Information Session that are not matters of land use planning and cannot be addressed through the Secondary Plan. These include comments such as the location of traffic lights, speed limits and property taxes. These comments have been summarized in a table (attached as Appendix “C” to Report PED13099(b)) and will be forwarded to the appropriate department to address these comments identified. A recommendation has been included to direct these comments to the appropriate departments.

**Other Items**

At the Open House and Information Session, it was brought to staff’s attention by the property owner of 685 Highway No. 8, which currently contains the existing Fruitland Motel, that the proposed Local Commercial designation of the property on the

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Secondary Plan, does not accurately reflect the area of the current use and therefore should be amended so that half of the property is designated Local Commercial. Staff have made a recommendation through this Report to make this change ((Recommendation (b), 9, to Report PED13099(b)).

There are a number of comments, questions and concerns that were submitted at the Open House and Information Session that cannot be addressed through the land use designations or policies of the Secondary Plan because they are not covered by the Planning Act, such as speeding, taxes and lighting improvements. These items have been compiled into a table and attached as Appendix “C” to Report PED13099(b). Staff are recommending that they be forwarded to the appropriate departments for further consideration and response.

### **ALTERNATIVES FOR CONSIDERATION**

#### Alternative #1: Not Approve the Plan:

Council could choose not to approve the Fruitland-Winona Secondary Plan. This alternative would not satisfy the requirements of the Ontario Municipal Board Decision Order No. 1202, which implements Council’s decision to require that comprehensive planning for the area occur prior to development proceeding. These lands are needed for orderly development within the City. Financial costs could be incurred if landowners within the study area apply to amend the Special Policy Area to develop these lands in absence of a comprehensive land use strategy to provide direction for future development. There is also the risk of not adequately addressing the servicing issues in a comprehensive manner through the Block Plan Servicing Strategy.

#### Alternative #2: Approve Plan in Part:

Council could choose to approve a part of the plan, for example, the west portion or the east portion. Approval with modification would satisfy the requirements of the Ontario Municipal Board Decision Order No. 1202, which designated the Secondary Plan area in the former Stoney Creek Official Plan as a Special Policy Area that prohibits any development from proceeding until a comprehensive land use plan has been developed for the area. However, depending on the modifications, the approval may not meet required Provincial and Official Plan density targets or Official Plan standards regarding densities, parkland requirements, servicing, and infrastructure. It would also cause substantial delays, because any modifications would have to be reviewed and assessed, and circulated to staff and other agencies and the public for analysis and comment.

Approving the Secondary Plan, in part, would leave a portion of land that is within the Urban Area without land use designations. Financial costs could be incurred if landowners within the study area apply to amend the Special Policy Area, to develop these lands in the absence of a comprehensive land use strategy to provide direction for

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future development. There is also the risk of not adequately addressing the servicing issues in a comprehensive manner through the Block Plan Servicing Strategies.

**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

**Strategic Priority #1**

A Prosperous & Healthy Community

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

**Strategic Objective**

- 1.1 Continue to grow the non-residential tax base.
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.4 Improve the City's transportation system to support multi-modal mobility and encourage inter-regional connections.

**Strategic Priority #2**

Valued & Sustainable Services

*WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.*

**Strategic Objective**

- 2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix A: Fruitland-Winona Secondary Plan Public Feedback Report
- Appendix B: Fruitland-Winona Secondary Plan and Official Plan Amendment
- Appendix C: Table of other Items to be referred to the appropriate departments for consideration and response
- Appendix D: Panels and Hand-outs from the Open House and Information Session held on February 6, 2014
- Appendix E: Open House and Information Session Issues Table
- Appendix F: Fruitland-Winona Secondary Plan – Community Park Size Review
- Appendix G: Community Park and Institutional Designation Proposed Changes