



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 8, 2014
<b>SUBJECT/REPORT NO:</b>	Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as "Red Hill Developments – Phase 1", Nash Neighbourhood (Stoney Creek) (PED14138) (Ward 9)
<b>WARD(S) AFFECTED:</b>	Ward 9
<b>PREPARED BY:</b>	Joe Muto (905) 546-2424 Ext. 7859
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to revised **Zoning Application ZAC-09-007 by Empire Communities, Owners**, for changes in zoning from the Neighbourhood Development "ND" Zone to the: Multiple Residential "RM2-40" Zone, Modified (Blocks 1, 3, 7 and 14); Multiple Residential "RM2-41" Zone, Modified (Blocks 2 and 4); Single Residential "R4-31" Zone, Modified (Blocks 5 and 10); Single Residential (Holding) "R4-31(H1)" Zone, Modified (Block 11); Single Residential (Holding) "R4-31(H1, H2)" Zone, Modified (Blocks 6 and 12); Multiple Residential (Holding) "RM2-40(H1)" Zone, Modified (Blocks 8 and 15); Multiple Residential (Holding) "RM2-40(H1, H2)" Zone, Modified (Block 13); Multiple Residential (Holding) "RM2-41(H)" Zone, Modified (Block 9); Local Commercial (Holding) "LC(H1)" Zone (Block 16); and, Local Commercial (Holding) "LC(H2)" Zone (Block 17), as shown on Appendix "A" to Report PED14138, on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED14138, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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- (ii) That the amending By-law be added to Schedule “A”, Map No. 11 of Zoning By-law No. 3692-92.
  - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan.
- (b) That approval be given to revised **Draft Plan of Subdivision Application 25T-200901 by Empire Communities, Owners**, to establish a draft plan of subdivision known as “Red Hill Developments – Phase 1”, on lands located within Part of Lot 26, Concession 5 (Saltfleet), municipally known as 420 First Road West, in the former City of Stoney Creek, as shown on Appendix “A” to Report PED14138, subject to the following conditions:
- (i) That this approval apply to “Red Hill Developments – Phase 1”, 25T-200901, prepared by Armstrong Planning & Project Management, and certified by Bryan Jacobs, O.L.S., dated February 26, 2014, showing a maximum of 302 units comprised of: 14 blocks for up to 121 single detached dwellings (Blocks 1-14); 19 blocks for up to 124 townhouse units (Blocks 15-33); two blocks for up to 25 rear garage townhouse units (Blocks 34 and 35); one block for local commercial purposes (Block 38), one block for a walkway (Block 43); two blocks for road widening purposes (Blocks 39 and 40); three blocks for future residential (Block 36 for nine rear garage townhouse units, Block 37 for 21 townhouse units and Block 44 for two single detached dwellings); two blocks for 0.3 m reserves (Blocks 41 and 42); one block for a temporary turning circle (Block 45); and, the creation of eight public roads (Streets “A”, “B”, “C”, “D”, “E”, “F”, “G” and “H”), attached as Appendix “C” to Report PED14138, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D” to Report PED14138;
  - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following item;
    - (1) Oversizing of the trunk watermain and deep trunk sanitary sewer; and,
    - (2) Oversizing of First Road West and Green Mountain Road;
- In accordance with the City’s Financial Policies for Development and the Development Charges Background Study.

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- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the day of issuance of each building permit.

With regard to Blocks 15-37 (Street Townhouses), will require a parkland dedication, at a ratio of 0.6 ha per 300 dwellings units.

Additionally, Blocks 1-14 (Single Detached Residential) will require a parkland dedication ratio of 5%.

Lastly, Block 38 (Local Commercial) will require a parkland dedication ratio of 2%.

The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, and in the case of multiple residential blocks, prior to the issuance of the first building permit. Parkland Credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-dedication of parkland from the registration of the “Red Hill Phase 2” Draft Plan of Subdivision (25T-201301).

all in accordance with the financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

## **EXECUTIVE SUMMARY**

The purpose of these applications is to amend the City of Stoney Creek Zoning By-law and for approval of a draft plan of subdivision known as “Red Hill Developments – Phase 1” (see Appendix “C”). By way of these applications, the applicant is seeking to permit the development of the lands at the northeast intersection of First Road West and Green Mountain Road West for a maximum of 302 dwelling units comprised of 126 single detached dwelling lots, 142 street townhouse units and 34 rear garage townhouses, 32 of which require land assembly with adjoining lands, a future neighbourhood commercial block, one walkway, two road widenings, two 0.3 m reserves to prevent access from adjoining lands, a temporary turning circle and eight internal roads.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement (PPS), and conforms with the Growth Plan for the Greater Golden Horseshoe and the Urban Hamilton Official Plan (UHOP). The proposed development is considered to be compatible with and complementary to the

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existing and planned development in the immediate area and in keeping with the intent of the Nash Neighbourhood Secondary Plan.

***Alternatives for Consideration – See Page 41***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** The City’s financial share of this development is identified in Recommendation (b) (ii).

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one Public Meeting to consider applications for an Amendment to the Zoning By-law and for approval of a Draft Plan of Subdivision.

**HISTORICAL BACKGROUND**

**Proposal**

The subject lands are located on the north side of Green Mountain Road West, east of First Road West. The lands are legally described as Part of Lot 26, Concession 5 (Saltfleet), and municipally known as 420 First Road West (see Appendix “A”). The applicant also owns additional lands on the west side of First Road West as well as lands to the east (see Appendix “E”). A portion of their westerly lands will be used to accommodate a stormwater management facility and, in order to service the subject lands, a water easement has also been proposed across the lands owned by the applicant. This easement will service the proposed “Red Hill Developments – Phase 1” subdivision as well as the registered subdivision further east, also owned by the applicant, which is known as “Victory Ridge” (see Appendix “E”).

It is noted that a portion of the subject lands will be placed in a Holding Zone (see Appendix “B” - Schedule “A” – Blocks 6, 9, 12, 13 and 17) until such time as the completion of mining and rehabilitation on the quarry lands (Newalta) immediately adjacent to the residential lands has been completed, as identified in the Nash Neighbourhood Secondary Plan. Due to the proximity of the existing rock crushing operation (All Around Contracting), a Holding (H) Zone will also be required for noise and land assembly, (see Appendix “B” - Schedule “A” - Blocks 6, 8, 9, 11, 12, 13, 15, 16 and 17), and a Holding (H) Zone will also be required for the Local Commercial “LC” Zone (see Appendix “B” - Schedule “A” - Blocks 16 and 17), all to the satisfaction of the Director of Planning. The proposal has merit and can be supported as the change in zoning and draft plan of subdivision are consistent with the PPS, conform to Growth

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Plan for the Greater Golden Horseshoe (Places to Grow) and the UHOP, and implements the Nash Neighbourhood Secondary Plan.

**Original Applications (ZAC-09-007 and 25T-200901)**

The previous owner of the subject lands submitted the original applications in February 2009. The original submission was for a total of 223 units which included 125 single detached dwelling lots, eight street townhouse blocks for up to 98 dwelling units, a future neighbourhood commercial block, various future development blocks and six additional internal roads. The previous owner has since sold the lands to the current applicant and they have resubmitted the revised applications.

**Chronology:**

- February 9, 2009: Original applications (ZAC-09-007 and 25T-200901) received with required studies and reports.
- February 19, 2009: Applications are circulated to the relevant departments and agencies.
- February 27, 2009: Notice of Complete Application and Preliminary Circulation is mailed to all residents within 120 m of the subject lands.
- March 5, 2009: Public Notice Sign posted on site.
- November 14, 2012: Empire Homes acquire subject lands and make a formal consultation application. Development Review Committee held for FC-12-130.
- February 12, 2013: Revised submission received (File Nos. ZAC-09-007 and 25T-200901) with updated studies and reports.
- February 22, 2013: Revised submission is deemed complete.
- March 5, 2013: Notice of Complete Application and Preliminary Circulation is mailed to all residents within 120 m of the subject lands.
- March 8, 2013: Revised Public Notice Sign posted on site.
- November 13, 2013: Applicant further revises draft plan of subdivision and implementing zoning by-law based on staff and agency comments.

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<u>January 31, 2014:</u>	Revised Functional Servicing Report (FSR) submitted.
<u>February 5, 2014:</u>	Revised FSR circulated to applicable departments and agencies.
<u>March 5, 2014:</u>	Revised draft plan submitted.
<u>June 11, 2014:</u>	Public Notice Sign updated to include Public Meeting date.
<u>June 20, 2014:</u>	Notice of Public Meeting is mailed to all residents within 120 m of the subject lands in accordance with the <u>Planning Act</u> .

**Plan of Subdivision:**

The proposed draft plan of subdivision (see Appendix “C”) is intended to create:

- 121 Single Detached dwelling units (Blocks 1-14);
- 19 Street Townhouse blocks for 124 dwelling units on public roads (Blocks 15-33);
- 2 Rear Garage Townhouse blocks for 25 dwelling units serviced by public roads (Blocks 34 and 35);
- 1 commercial block (Block 38);
- 2 blocks for road widening purposes (Blocks 39 and 40);
- 2 blocks for 0.3 m reserve (Blocks 41 and 42);
- 1 walkway block (Block 43);
- 1 temporary turning circle (Block 45);
- 3 future development blocks for 32 dwelling units (Blocks 36, 37 and 44); and,
- 8 internal public roads (Streets A-H).

Access to the proposed development will be via Green Mountain Road West with the future extension of Street “B”, two additional access points via Street “C” and Street “F” onto First Road West, and from Crafter Crescent in the “Victory Ridge” subdivision to the east. A future connection will be established through Street “B” once the appropriate land assembly is finalized. The total unit yield for this Draft Plan of Subdivision would be 302 residential dwellings.

**Zoning By-law Amendment:**

A corresponding application to amend the Stoney Creek Zoning By-law is also required to rezone portions of the lands (see Appendix “B”) from the Neighbourhood Development “ND” Zone to the: Multiple Residential “RM2-40” Zone, Modified (Blocks 1, 3, 7 and 14); Multiple Residential “RM2-41” Zone, Modified (Blocks 2 and 4); Single Residential “R4-31” Zone, Modified (Blocks 5 and 10); Single Residential (Holding) “R4-

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31(H1)” Zone, Modified (Block 11); Single Residential (Holding) “R4-31(H1)(H2)” Zone, Modified (Blocks 6 and 12); Multiple Residential (Holding) “RM2-40 (H1)” Zone, Modified (Blocks 8 and 15); Multiple Residential (Holding) “RM2-40 (H1)(H2)” Zone, Modified (Block 13); Multiple Residential (Holding) “RM2-41(H)” Zone, Modified (Block 9); Local Commercial (Holding) “LC (H1)” Zone (Block 16); and, Local Commercial (Holding) “LC (H2)” Zone (Block 17). Each of the residential zones will contain site-specific provisions, which are described in greater detail in the Analysis/Rationale section of this Report.

**DETAILS OF SUBMITTED APPLICATIONS:**

**Location:** Part of Lot 26, Concession 5 (Saltfleet), municipally known as 420 First Road West, in the former City of Stoney Creek (see Appendix “A”)

**Owners:** Empire Communities Ltd. (c/o Daniel Guizzetti)

**Agent:** Armstrong Planning and Project Management (D. Andreychuk)

**Property Size:** Lot Area: 10.92 ha (26.98 acres)  
Frontage: 146.66 m (Green Mountain Road West)  
Flankage: 314.71 m (First Road West)

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b>Subject Land:</b>	Vacant	Neighbourhood Development “ND” Zone
<b>Surrounding Land:</b>		
North:	Existing Single Detached Dwellings and Vacant	Neighbourhood Development “ND” Zone
West:	Vacant	Neighbourhood Development “ND” Zone

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South:	Vacant, Commercial Rock Crushing and Newalta Landfill Site	Single Residential “R1” Zone, Neighbourhood Development “ND” Zone and Extractive Industrial “ME-1” Zone
East:	Future Street Townhouse Dwellings and Existing Telecommunications Facility	Multiple Residential “RM2-20” & “RM2-26” Zones and Neighbourhood Development “ND” Zone

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2014)**

On April 30, 2014, the revised Provincial Policy Statement (PPS) took effect for all decision-making on planning applications in the Province. The proposed applications have been reviewed against these policies. It has been determined that the application is consistent with the policies found in Subsection 1.1.3.1 of the PPS respecting growth in Settlement Areas as well as Subsection 1.1.3.2 respecting land use patterns within settlement areas.

Policy 1.2.6.1 outlines that “*major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*.” The subject lands are located in close proximity to the closed and operating Newalta Landfills. In addition, the Landfill Impact Assessments titled “*Landfill Impact Assessment for the proposed Redhill Development, Empire Communities and 706870 Ontario Limited Nash Neighbourhoods Final*” and a final revised landfill impact assessment titled “*Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood Final Revised Landfill Impact Assessment*”, dated February 8, 2010 and September 14, 2010, respectively, prepared by MTE Consultants Inc., were peer reviewed by AMEC Earth & Environmental. The final peer review results were issued by AMEC in a peer review response letter dated September 20, 2010. Based on the findings of the peer review, it is recommended that a condition of draft plan approval be imposed (see Appendix “D” - Condition No. 40). Through the proposed draft plan condition, Policy 1.2.6.1 will be addressed to ensure that no negative impacts result.

Further, staff note that a Phase I Environmental Site Assessment titled “Phase I Environmental Site Assessment Proposed Nash Neighbourhood Development Green



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Mountain Road and First Road Hamilton (Stoney Creek), Ontario”, dated January 2, 2009, prepared by Soil-Mat Engineers & Consultants Ltd., was submitted as part of the previous circulation for the subject applications. As such, a requirement of a Record of Site Condition (RSC) has also been included as a draft plan condition (see Appendix “D” Condition No. 36).

In addition, staff note that a noise feasibility study titled “*Noise Feasibility Study, Red Hill Developments Nash Community Secondary Plan, City of Hamilton, Ontario*”, dated September 24, 2009, prepared by HGC Engineering, was previously submitted and reviewed by staff. As part of the noise study review, staff had required that an addendum to the noise study be provided to determine the noise impact of the contractors yard/rock crushing (All Around Contracting) on the proposed development, prior to draft plan approval. Through the resubmission, the applicant provided the addendum, dated February 7, 2013, prepared by HGC Engineering Ltd. Staff are satisfied with the recommendations of the addendum and, based on the findings, a Holding (H) provision has been incorporated into the draft implementing Zoning By-law and will be further addressed in the Standard Form Subdivision Agreement. In addition, the Holding (H) removal is contingent on land assembly and comprehensive development of the lands, which is in keeping with good planning practice and orderly development of the lands.

Policy 2.1.8 outlines that “*development shall not be permitted on adjacent lands to the natural heritage features and areas unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*” Staff note that the subject lands are partially located within the Felker’s Falls Escarpment Environmentally Significant Area (ESA #53). In addition, an environmental summary report titled “Red Hill Developments: Phase 1 Summary Report: Natural Heritage Assessment Nash Neighbourhood: City of Hamilton”, dated January 2009, prepared by Ecoplans Limited Environmental Consultants, was submitted as part of the previous circulation for the subject applications. Staff have reviewed this document and advise that the proposed development would not have an impact on the ESA or the limited natural heritage features located within this property. Due to the nature of the site, staff have no further concerns with the proposal as it relates to natural heritage.

Finally, Policy 2.6.2 states that “*development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*” Staff note that an archaeological assessment titled “Report on the Stage 1-2 Archaeological Assessment of Proposed Draft Plan of Subdivision Part of Lots 26, 27 and 28, Concession 5 Formerly City of Stoney Creek, now in the City of Hamilton, Geographic Township of Saltfleet, County of Hamilton-Wentworth”, dated August 2008, prepared by AMICK Consultant Limited, was submitted as part of the previous circulation for the subject

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applications. A subsequent Stage 1-2 Archaeological Assessment Report was conducted in 2013 for the additional lands to be included in the “Red Hill Developments – Phase 1” proposed draft plan of subdivision. The report was received by staff on August 15, 2013. Staff concur with the recommendations made in the reports and no longer have an interest in the subject lands as it relates to archaeology.

Based on the foregoing, this development proposal is consistent with the PPS.

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

The Growth Plan for the Greater Golden Horseshoe is more formally known as Places to Grow (P2G), and it was prepared and approved under the Places to Grow Act, 2005, by the Province of Ontario. The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, shops and services in close proximity to each other. The subject lands are located outside of the built-up area.

The Plan further states that designated greenfield areas will be planned, designated, zoned and designed in a manner that contributes to creating complete communities, which includes street configurations, densities and urban form that support walking, cycling, and transit. This proposal achieves creating a complete community by providing a mix of housing and unique building designs in close proximity to existing residential and open spaces use, as well as future residential and institutional uses, as envisioned in the Secondary Plan. The Plan further identifies that density targets of not less than 50 residents and jobs combined per hectare should be a goal for all municipalities. The Plan also includes policies about building complete communities where residents can live, work, and play, and it provides direction with respect to sustainable living that is transit supportive and environmentally friendly.

In this regard, a total average of 63 people and jobs per hectare can potentially be created from this development, as provided for in the Planning Justification Report submitted with the applications and, as a result, this proposal meets and exceeds the minimum density target.

Based on the foregoing, this development proposal conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are designated “Neighbourhoods” on Schedule “E” - Urban Structure Plan and on Schedule “E-1” - Urban Land Use Designations. They are also designated “Low Density Residential 2”, “Medium Density Residential 2” and “Local Commercial” on Map B.7.5-1 – Nash Neighbourhood Secondary Plan Land Use Plan. “Trail Link” and

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“Gateway” features are also identified on the Map which are located on the subject lands.

Neighbourhoods:

The general policy goals of the “Neighbourhoods” designation are to develop compact, mixed-use, transit-supportive, friendly, neighbourhoods, where people can live, work, shop, learn and play. More importantly, one of the primary goals is to develop a complete community, which provides for a range of housing types and densities, and promote residential intensification that is appropriate in scale. Staff are of the opinion that the proposed development, in conjunction with recently approved development and future development, will function as a complete community in the Nash Neighbourhood.

The proposed residential uses and building forms are in keeping with the gradation and density policy direction in the UHOP, and are compatible with the existing and future uses in the surrounding area. In this regard, the single detached dwellings are located within the interior of the draft plan and transitions into rear garage townhouses and street townhouses on the periphery of the proposed plan. The Neighbourhoods designation also establishes policies for density, however since these lands are within an approved Secondary Plan area, those policies would supersede the “Neighbourhoods” policies since the intent of the Plan, as identified in the Implementation Section (Chapter F), is that secondary plans are not intended to repeat the policies in Volume 1, but rather to supplement policy direction and land use designation. Densities, function, design and scale are discussed below in the Secondary Plan and Analysis/Rationale for Recommendation section of this Report.

The UHOP contains relevant policies with respect to noise. Section 3.6.3 indicates that *noise, vibration, and other emissions such as dust and odours from roads, airports, railway lines and stationary sources have the potential to negatively impact the quality of life of residents. The objective of the following policies is to protect residents from unacceptable levels of noise, vibration, and other emissions and to protect the operations of transportation facilities, commercial, and employment (industrial) uses.*

The general policies for noise under Subsection 3.6.3.1 indicates that *Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.* Further, in Subsection 3.6.3.2, the policy indicates that any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards. Also, Subsection 3.6.3.3

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indicates that *where feasible and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration be considered in the formulation of plans of subdivision and condominium, official plan amendments, severances, and zoning by-law amendments.*

In regard to the above applicable policies, staff are satisfied that they will be addressed through the Standard Form Subdivision Agreement and through the Holding (H) provision in the implementing Zoning By-law (see Appendix “C”).

The UHOP also establishes policy with respect to development in close proximity to landfills under Section 3.6 under *Health and Public Safety*. In Subsection 3.6.1.5 it identifies that *application submissions involving land use changes on or within 200 m, or greater distance as required by the City or Province, of lands identified on Appendix E – Contaminated Sites as former landfill sites, may not be considered complete unless accompanied by written permission for redevelopment, proof that remediation is complete from the appropriate authority, or a landfill impact assessment, according to all applicable provincial guidelines and requirements.* Further, Subsection 3.6.1.6 identifies that *when approving applications involving land use changes on or near former landfill sites, the City may require a higher standard of remediation or safety than the Province.* Also, Policy 3.6.1.7 indicates that *as a condition of approval of applications involving land use changes within 200 m of lands identified on Appendix E – Contaminated Sites as Former Landfill Sites, future purchasers and tenants shall be advised of existing and potential impacts of the former landfill. Such a warning provision shall be included as a clause in a lease or rental agreement, agreement of purchase and sale, and development agreement where applicable, and registered on title where possible.*

Another applicable policy is 3.6.1.8 which indicates that *no activity associated with the proposed use shall be permitted on a contaminated site or potentially contaminated site until any required Record of Site Condition has been filed and it has been demonstrated to the satisfaction of the City that there will be no adverse effects.*

With respect to the proximity of the proposed development and the active NewAlta landfill site, staff are satisfied that through the applicable Holding (H) provision in the implementing Zoning By-law (see Appendix “C”) and the draft plan conditions imposed (see Appendix “D” – Condition Nos. 40 to 43), these policies have been addressed appropriately.

With respect to archaeological concern, the UHOP identifies applicable policy under Section 3.2.4. More specifically, Subsection 3.2.4.1 indicates that *any required archaeological assessment must be conducted by an archaeologist licensed under the Ontario Heritage Act and shall be submitted to the City for final approval and to the Province for review and compliance to licensing provisions and archaeological assessment standards and guidelines.* In regard to the above, staff note that an

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archaeological assessment titled “Report on the Stage 1-2 Archaeological Assessment of Proposed Draft Plan of Subdivision Part of Lots 26, 27 and 28, Concession 5 Formerly City of Stoney Creek, now in the City of Hamilton, Geographic Township of Saltfleet, County of Hamilton-Wentworth”, dated August 2008, prepared by AMICK Consultant Limited, was submitted as part of the previous circulation for the subject applications. A subsequent Stage 1-2 Archaeological Assessment Report was conducted in 2013 for the additional lands to be included in the “Red Hill Developments – Phase 1” proposed draft plan of subdivision. The report was received by staff on August 15, 2013. Staff concur with the recommendations made in the reports and no longer have an interest in the subject lands as it relates to archaeology.

The UHOP has a detailed set of policies related to urban design. Section 3.3 Urban Design Policies indicates that *urban design is directly concerned with shaping the physical form of the urban areas of the City and plays a vital role in upgrading and maintaining a city’s civic image, economic potential, and quality of life. Good planning practice recognizes the important role of urban design in providing value and identity to a community. The design and placement of buildings, infrastructure, open spaces, landscaping and other community amenities, as well as how these features are connected and work together, affects how people live and interact with each other. Attention to physical design creates attractive, lively and safe communities where people want to live and visit and where businesses want to establish and grow. A city that values good urban design is a city that is successful socially, economically, and environmentally.*

Further, it is the intent of UHOP *to create compact and interconnected, pedestrian oriented, and transit-supportive communities within which all people can attain a high quality of life. Achieving this vision requires careful attention to urban design in both the public and private realms with attention to how those realms work together. The public realm is associated with planning and design issues in areas such as roads, sidewalks, plazas, parks, and open space, owned by the City and other public agencies.*

Lastly, *the overall future growth and land use vision for the City is based on the development of a nodes and corridors system and is described in Chapter E – Urban Systems and Designations. The transformation of identified node and corridor areas into higher density, mixed use nodes and corridors with enhanced pedestrian environments supported by transit represents a departure from the existing character of some of these areas. In other places, the development of a node or corridor requires protecting existing built form character.* The applicant prepared an Urban Design Report that addresses these policies and the more specific policies further identified in UHOP and in the Secondary Plan. Staff have reviewed this report and, in principle, are satisfied with the vision identified for development of the proposed draft plan of subdivision. Draft plan conditions have been included to ensure that the vision which has been

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proposed can be appropriately implemented (see Appendix “D” – Condition Nos. 34 and 35).

Based on the foregoing, the proposal meets the overall intent of the UHOP policies and, therefore, would be in keeping with the general intent of the UHOP.

Nash Neighbourhood Secondary Plan:

The majority of the subject lands are designated “Low Density Residential 2”, “Medium Density Residential 2”, “Trail Link” and “Gateway” in the Secondary Plan. The applicant has submitted the required studies and reports to address issues relating to transportation, infrastructure/servicing, land uses and the environment. These studies (environmental, traffic, urban design, and noise) require further review, and this has been addressed through the implementing Zoning By-law as well as through the draft plan of subdivision conditions.

Some of the main principles of the Secondary Plan are to provide safe, continuous public access through the neighbourhood and between adjacent neighbourhoods, as well as to create a balanced, multi-modal transportation system. With respect to this proposal, the Plan identifies that development of a “Gateway Road” along First Road West, north of Green Mountain Road, will reinforce the unique character of the community. This has been achieved through the draft plan of subdivision (see Appendix “D” – Condition No. 34). This matter, along with the urban design policies identified in the Secondary Plan, is discussed further in the Analysis/Rationale section of this Report. The objective of the land uses in the Nash Neighbourhood is to ensure that the neighbourhood is developed in a compact urban form and at a scale that is pedestrian-oriented which fosters community interaction. Other objectives include the promotion of development with suitable densities, as well as creating a sense of identity and continuity through design and, more importantly, ensure that development is attractive, compact and safe. Staff are of the opinion that the proposed development conforms to the Nash Neighbourhood Secondary Plan principles and objectives.

With respect to density, the lands are designated as “Low Density Residential 2” and “Medium Density Residential 2”. The “Low Density Residential 2” designation in the Secondary Plan identifies a density range of 20 to 35 units per net residential hectare (uph), which permits single detached, semi-detached, duplex and street townhouse units. In regard to this development, the proposed draft plan of subdivision for units in the low density range are calculated at 33.7 uph, which conforms to Policy 7.5.4.1a)ii). With respect to the “Medium Density Residential 2” designation, the Plan identifies that the density of development shall be in the range of 30 to 49 uph, which permits multiple dwellings such as street and block townhouses, duplex, triplex, and quadruplex units. With respect to the proposed medium density units, the proposed unit yield is calculated at 49 uph. The proposed draft plan of subdivision also includes residential reserve

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blocks which at some point in the future would assemble with abutting lands to the south to create a total of 30 medium density units. In this regard, the density calculation would be 45.2 uph. Therefore, with respect to the density policies in the Secondary Plan, the proposed development and unit yield conform.

A portion of the subject lands are also designated as “Local Commercial” which permits local uses that primarily cater to the weekly and daily needs of the residents within the surrounding neighbourhood. These lands also require land assembly in order to be developed comprehensively and have also been placed in a Holding (H) Zone, as the designation allows for limited residential uses and, therefore, would be impacted by the existing stationary noise source.

It is the opinion of staff that the development implements and conforms to the Nash Neighbourhood Secondary Plan.

**Zoning By-law No. 3692-92**

The subject lands are currently zoned Neighbourhood Development “ND” Zone which is essentially a future development Zone and only permits: agricultural uses, except poultry farms, mushroom farms, fur farms, piggeries, hatcheries, kennels and also excluding any residential use not existing at the date of the passing of this By-law (December 8, 1992); one single detached dwelling and uses, buildings or structures accessory thereto, existing at the date of passing of this By-law; and, greenhouses subject to Site Plan Control under the City’s Site Plan Control By-law.

**City of Hamilton Staging of Development**

The proposal is consistent with the Criteria for Staging of Development, in that utilities and services are available, there are no unanticipated budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides employment opportunities, and conforms with the land use policies of the City of Stoney Creek Official Plan. The application has been identified in the staging plan with an anticipated draft approval date in 2011.

**RELEVANT CONSULTATION**

The **Forestry and Horticulture Section, Maintenance and Operations Division, Public Works Department** advised that there are Municipal Tree Assets located on the road allowance of the proposed development and, therefore, Tree Management will be a condition of draft plan approval (included as Item 5.10 in the Standard Form Subdivision Agreement). Furthermore, a Landscape Planting Plan prepared and signed by a Certified Landscape Architect, will also be required. This plan along with the Tree Management Plan, must be submitted for review and comment by the Forestry and

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Horticulture Section. The Street Tree Planting condition will be cleared upon receipt of a plan depicting new trees and a cash payment as indicated in Item 2.08 of the Standard Form Subdivision Agreement. Staff are satisfied that their concerns will be addressed through the Standard Form Subdivision Agreement.

**Hamilton Municipal Parking System** has advised that the proposed development must ensure that on-site parking spaces and garages are suitably dimensioned without encumbrances, to ensure the continued use of these facilities for parking purposes. They further advise that driveways which front onto a future public roadway should be aligned in such a way that it will maximize the availability of on-street parking, by allowing a minimum of 6.5 m for curb space between driveway approaches. In this regard, staff are satisfied that the appropriate measures have been made to ensure that these concerns have been addressed. The implementing Zoning By-law has incorporated provisions which ensure that the driveways and garages contain dimensions which will allow for the parking of vehicles (see Appendix “C”). Further, a draft plan condition has been included which requires a warning clause in all purchase and sale and/or lease agreements with respect to the use of garages (see Appendix “D” – Condition No. 38). Finally, an on-street parking plan demonstrating the achievement of on-street parking for 40% of the total number of single detached units is also required (see Appendix “D” – Condition No. 12).

**The Geomatics and Corridor Management Section, Engineering Services Division, Public Works Department** advise as follows:

That an On-Street Parking Plan must be prepared to address lot sizes and the capability of the internal road network to accommodate on-street parking for the neighbourhood and still maintain emergency routes and road maintenance activities (see Appendix “D” – Condition No. 12).

**Zoning Application ZAC-09-007(R) Conditions:**

As a condition of zoning by-law amendment approval, the lot frontage width and design of the corner dwelling units for Block 33 at the proposed roundabout at First Road West at Street “C” must consider the daylight triangle requirements of 12.0 m x 12.0 m. The side yard setbacks and design of the corner unit must also consider the driveway locations so that the driveways are setback from the required splitter islands and pedestrian crossing area.

**Draft Plan of Subdivision 25T-200901 conditions:**

As a condition of draft plan approval, and as noted in the Nash Neighbourhood Secondary Plan, a single lane roundabout will be constructed by the Applicant at the intersections of First Road West at Street “C” and First Road West at Green Mountain



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Road. The design of the roundabout at First Road West and Green Mountain Road will minimize impacts on the ESA lands on the west side of First Road West. Design of this roundabout will require input from Natural Heritage staff (see Appendix “D” – Condition Nos. 4 and 44).

As a condition of draft plan approval, the Applicant will be required to submit engineering drawings that demonstrate that the roundabout designs accommodate all road users and provide the necessary road allowance area for streetlights and other utilities. Driveway locations for adjacent lots/blocks must also be shown (see Appendix “D” – Condition Nos. 7 and 47).

As a condition of draft plan approval, it is recommended that the urbanization of Green Mountain Road include the requirement that the Applicant confirm that the proposed centreline elevations provide required driver sightlines for the commercial component on Green Mountain Road and at the future intersection of Green Mountain Road at Street “B”. Transportation Association of Canada guidelines will be used (see Appendix “D” – Condition No. 45).

As a condition of draft plan approval, the Applicant will provide pavement marking drawings related to the urbanization of First Road West and Green Mountain Road in a City format, using a consultant approved by the Energy, Fleet and Traffic section of Public Works (see Appendix “D” – Condition No. 46).

As a condition of draft plan approval, it is recommended that a street lighting design be submitted by the Applicant, including roundabout intersections, and approved by the Director of Engineering Services (see Appendix “D” – Condition No. 47).

The **Hamilton Conservation Authority (HCA)** advised that further to their previous comments they have now completed their subsequent review of the updated Functional Servicing Report prepared by Urbantech West dated January 31, 2014. HCA staff have also reviewed the revised Draft Plan of Subdivision prepared by Armstrong Planning & Project Management, dated May 7, 2014.

They note that in addition to the two previous stormwater management reports, a previous Functional Servicing Report (FSR) dated February 7, 2013 was prepared by MTE Consulting, which provided information about the same site stormwater management concept. The FSR by MTE also supported the construction of an interim stormwater management facility within the Phase 2 lands located on the west side of First Road West, while the recent FSR by Urbantech proposes three additional options for providing permanent quality and quantity control measures to be implemented once the issues associated with the acquisition of the CHCH TV lands (located northwest of the subject lands) have been resolved. HCA also advise that the proposed interim and permanent stormwater management facilities are both designed to control flows up to

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the 100-year storm event. Since the ponds also are intended to receive external drainage from Catchment 305, we recommend that Catchment 305 have its own quantity control pond at the southeast corner of Green Mountain Road West and First Road West.

HCA provided the following detailed comments related to the January 31, 2014, FSR prepared by Urbantech and the report's enclosed drawings, Preliminary Grading Plan, Drawing PG1, and the Preliminary Storm Servicing Plan, Drawing STM-S1. HCA note that these comments can be addressed at the detailed design stage in conjunction with satisfying the draft plan condition (see Appendix “D” – Condition No. 17):

1. Table 7.5 of the Davis Creek Subwatershed Study, Philips Engineering, 2006 suggests that a total drainage area contributing flow to the NASH B SWM pond is 149.48 ha, which includes Area 304 and Area 305 illustrated on Drawing 11 enclosed with the Davis Creek SWS. The Phase 1 FSR however; recommends that the interim conditions pond (Empire Pond B2) is sized to provide quality control for an upstream drainage area of 111.48 ha and that the ultimate conditions pond (Nash B) is sized for an upstream drainage area of 146.97 ha. The proponent should provide drainage plans (to scale) supporting the interim and ultimate construction stages.
2. Comparison of flows associated with all range of storm events (including the Regional Storm) must demonstrate that, as a result of the construction, the pre-development flow distribution at the brow of the Niagara Escarpment is maintained during both the interim and ultimate stages.
3. It appears that construction of a trunk storm sewer outleting over the Escarpment will be required to accommodate the design grades of the interim pond. As this could result in extensive erosion over the Escarpment, a qualified engineering professional should assess the erosion potential to ensure that the outfall structure does not increase the erosion hazard. This assessment must support both interim and ultimate conditions.
4. A detailed plan and profile drawings supporting the outfall construction and its tie-in with the Escarpment must incorporate the assessment's recommendations.
5. As a shallow groundwater aquifer likely exists in the vicinity of the development (MW-34), a design supporting the construction of the stormwater management facility should illustrate that the forebay will not impact the existing groundwater quality characteristics.
6. A full Stormwater Management Report and supporting engineering drawings should be submitted for our review and approval, including:

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- A Site Grading Plan delineating all applicable setbacks (including the required 30 m setback from the Escarpment), demonstrating how the proposed works will blend with the adjacent areas.
- A Site Servicing Plan illustrating the storm drainage system, facilities and location of all minor and major outlets including the sewer and overland flow route outleting over the Escarpment.
- Detailed Plan and Profile drawings supporting construction of the interim stage stormwater management facility and its tie-in to the adjacent areas.
- An Erosion and Sediment Control Plan focusing on any erosion and sediment control works preventing adverse sedimentation of headwater drainage features that are regulated by the HCA pursuant to our *Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06*. In this regard, please be advised that HCA recommends that vehicular tracking control as per the MNR Guidelines, sediment control for all catch basins in the form of silt sacks, and the heavy duty silt fencing as per OPSD 219.130 be installed on site.

They further advise that the HCA be included as an approval agency for Special Draft Plan Condition Nos. 4a), 17, and 44. They also provide that it be recognized that any watercourse alteration and/or construction and grading (including pre-grading) activities within HCA’s regulated area will require a HCA Permit pursuant to their *Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation 161/06* as identified in our previous letter of January 17, 2013. They also advise that as a result of federal amendments to the Canada Fisheries Act on November 25, 2013, associated Applications for Authorization (under Paragraph 35(2)(b) of the Fisheries Act Regulations), all Agreements between the Department of Fisheries and Oceans (DFO) and all Conservation Authorities in Ontario (including HCA) became null and void. At this time, HCA is no longer responsible for issuing Letters of Advice on behalf of DFO for in-water works that could impact fisheries. It is now the proponent’s responsibility to undertake self-assessments. In this regard, they direct proponents to contact DFO.

Based on the above comments, HCA concerns will be addressed through the draft plan conditions.

**Public Health Services (PHS)** has identified the following comments:

1. The developer’s hydrogeological investigation proposes pre, during, and post construction groundwater monitoring. PHS supports this proposal and recommends the monitoring plan be reviewed to the satisfaction of the Infrastructure and Source Water Planning Section of Public Works Water/Wastewater Division. In addition the

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developer should propose a contingency plan, acceptable to the City of Hamilton, in the event that construction interferes with the quantity or quality of nearby water wells.

Staff advise that as part of the draft plan approval, draft plan conditions have been incorporated into the approval to address this comment (see Appendix “D” – Condition Nos. 10 and 11). This matter is further addressed through the Standard Form Subdivision Agreement (Clause 1.45).

2. An assessment should be completed in accordance with respective Ministry of Environment D Guideline Services. This includes Guideline D-1 on Land Use Compatibility, D-6 on Compatibility between Industrial Facilities and Sensitive Land Uses D-4 for Land Use On or Near Landfills and Dumps.

The D-6 land use compatibility guidelines attempt to minimize adverse effects between incompatible land uses. Municipalities are encouraged to address land use compatibility early during planning approvals. The guidelines supplement the Environmental Protection Act to meet the requirements of Policy 1.2.6.1 of the Provincial Policy Statement.

This policy states:

*"Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminant, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.*

In regards to the proposed development, the adverse effects may include: noise and vibration; visual impact where waste management is concerned; odours and air emissions; litter, dust and other particulate; and other contaminants.

Therefore, the guidelines apply the following process:

- Industrial facilities are classified into one of three classes based upon analyses of the character of the industrial use/process, scale, probability for fugitive emissions; hours of operation, production volumes, movement of goods and employees and outdoor activity.
- Depending upon the class, three potential influence areas are established based on past experience; Class 1 Industrial: 70 m potential influence area; Class 2 Industrial: 300 m potential influence area; and Class 3 Industrial: 1000 m potential influence area.

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- Unless and until detailed studies demonstrate these potential areas can be varied, sensitive uses are to be separated from industrial facilities by these distances depending upon classification.
- With detailed analyses, these distances can be reduced but not to distances less than the following for each class based on past experience: Class 1 Industrial: 20 m; Class 2 Industrial: 70 m; and Class 3 Industrial: 300 m.
- The separation distance can be provided on site or on adjoining lands. Lands within the separation distance can be used productively for compatible uses.

In general, there is a continuum of sensitivity between compatible and incompatible uses. The Ministry provides examples of sensitive uses as: residential or facilities where people sleep (e.g., nursing homes, hospitals); institutions such as schools; certain outdoor recreational uses such as a camp ground; and certain agricultural operations (e.g., livestock operations, orchards); and wildlife sanctuaries. Additional analysis can be applied to define other uses of varying sensitivity. The onus is on the developer to provide information and analyses.

As identified above and in conjunction with the abutting developments, a Landfill Impact Assessment is a requirement and was prepared and subsequently peer reviewed (see Appendix “D” – Condition Nos. 40 to 43). Further, additional draft plan conditions have been incorporated to address these comments, including the requirement for a Record of Site Condition (RSC) (see Appendix “D” – Condition Nos. 16 and 36).

3. A dust mitigation plan should be formulated. The plan must identify all potential sources of dust generation (both pre and post construction). Details must be provided regarding effective practices to be used (e.g. wetting, sodding, etc.) through all stages of development for the purpose of dust abatement. This should also include measures for adjacent lands including but not limited to roadways, sidewalks etc. Clear information be provided to who will be carrying out dust mitigation actions.

Through the Standard Form Subdivision Agreement (Clauses 1.35 and 3.06), the applicant/owner is required to address and provide a mitigation plan related to construction processes, thereby, addressing this issue. In addition, a special condition has been included (see Appendix “D” – Condition Nos. 14 and 48).

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4. A pest control plan be developed for the subdivision development. The plan must outline steps involved in the potential control of vermin during all phases of development as needed. The plan must be formulated by a professional exterminator licensed by the MOE. It is to be implemented 30 to 90 days before any work activity at the site begins including but not limited to bush clearing, grading etc.

The Landfill Impact Assessment addresses such things as vector and vermin. However, this matter will ideally be addressed through the Standard Form Subdivision Agreement (Clause 1.48). In addition, a special condition has been included (see Appendix “D” – Condition No. 49).

5. When any party inquires, and prior to any offer to purchase any of the proposed residences, clear written information will be provided that indicates; a landfill exists nearby and is in operation; the location of the landfill site relative to the proposed residential development; and the expected date of closure or lifespan of the landfill operation.

As mentioned above, the Landfill Impact Assessment addresses this matter, and corresponding draft plan conditions have been imposed similar to the “Victory Ridge” Plan of Subdivision (see Appendix “D” – Condition Nos. 40 to 43) has been included which advises all potential purchasers of units about the neighbouring landfill facility, therefore, this concern is addressed.

6. Proposed Temporary Water Management Pond should be designed, constructed and maintained to control mosquitoes/West Nile Virus (WNV) and comply with all aspects of By-law No. 03-170; A By-law to Prohibit and Regulate the Accumulation of Standing Water at Specified Times of The Year.

There are draft plan conditions related to stormwater management (see Appendix “D” – Condition Nos. 5, 6, 17 and 18), and the Standard Form Subdivision Agreement (Clause 1.48) further addresses this matter.

Staff are satisfied that these comments can be satisfactorily address through the approval processes in place.

**Bell Canada** has requested service to these lands. Their concerns will be addressed through the Standard Form Subdivision Agreement (Clause 1.21).

**Canada Post Corporation** has requested centralized mail facilities provided through their Community Mailbox Program. Their concerns will be addressed through the Standard Form Subdivision Agreement (Clause 1.22).

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**The following Departments and Agencies had no comments or objections:**

- Horizon Utilities;
- Union Gas Limited;
- Ministry of Environment;
- Hamilton Street Railway;
- Waste Management Division, Public Works Department;
- Open Space Development and Park Planning Section, Capital Planning and Implementation Division, Public Works Department; and,
- Hamilton-Wentworth District School Board.

## **PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 23 property owners within 120 m of the subject lands on March 5, 2013, and a Public Notice sign was posted on the property on March 8, 2013. Three letters were submitted from surrounding landowners (see Appendix “F”). Those letters are discussed in the Analysis/Rationale for Recommendation section below. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed changes in zoning and draft plan of subdivision have merit and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement, as they represent an opportunity for growth in settlement areas.
  - (ii) They conform to the Urban Hamilton Official Plan.
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area.
  - (iv) The proposed development represents good planning by, among other things, providing an urban form consistent with that envisioned in the Nash Neighbourhood Secondary Plan.

## 2. PROPOSED DRAFT PLAN OF SUBDIVISION

The proposed plan of subdivision will consist of a total of 302 residential units: 121 single detached dwelling lots (Blocks 1-14); 19 street townhouse blocks for

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up to 124 dwelling units (Blocks 15 -33); two blocks for up to 25 rear garage townhouse units (Blocks 34 and 35); one local commercial block (Block 38); three future development blocks for 32 dwelling units (Block 36 for nine rear garage townhouse units, Block 37 for 21 townhouse units, and Block 44 for two single detached dwellings) two reserves (Blocks 41 and 42), two blocks for road widening purposes (Blocks 39 and 40), one temporary turning circle (Block 45); one walkway (Block 43) and, eight internal public roads (Streets A-H).

Following the draft approval and ultimate registration of the plan of subdivision, additional Planning Act approvals will be necessary to further divide the individual street townhouse units via exemption from part lot control, as per Subsection 50(3) and 50(7) of the Planning Act.

While the ultimate recommendations of the Davis Creek Sub-watershed Study calls for the construction of a centralized stormwater management pond at the north end of First Road, a temporary stormwater management pond is proposed on other lands owned by the proponent to the immediate northwest of the subject lands. The stormwater from the site will be collected and conveyed to the existing First Road West road-side ditch and temporary facility through a system of on-site storm sewers and overland flow routes.

Growth Management staff have advised the functional servicing arrangements are acceptable subject to the servicing requirements of the standard form subdivision agreement and special conditions (see Appendix “D” - Conditions 1 to 32).

Staff have had consideration for the criteria contained in Subsection 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advise that:

- (a) It is consistent with the Provincial Policy Statement.
- (b) Through the phasing of development within the Nash Neighbourhood Secondary Plan, the proposal represents a logical and timely extension of existing development and services, and is in the public interest.
- (c) It conforms with the policies of the Official Plan.
- (d) The lands can be appropriately used for the use for which it is to be subdivided.
- (e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system.



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- (f) The dimensions and shape of the lots are appropriate.
- (g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement.
- (h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval.
- (i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement.
- (j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision.
- (k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the plan of subdivision.
- (l) Efforts will be made, where possible, during development and thereafter, to efficiently use and conserve energy in that the north-south orientation of the building lots provide an opportunity for passive solar energy gain.
- (m) The proposed street townhouses will be subject to further Planning Act approvals, while the remainder of the proposed subdivision will not.

**3. ZONING BY-LAW AMENDMENT:**

The applicant has requested amendments to City of Stoney Creek Zoning By-law No. 3692-92 in order to provide development regulations implementing the draft plan of subdivision. The requested amendment includes site-specific regulations for each of the single detached dwelling units, the street townhouse dwelling units and the rear garage townhouse dwelling units.

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**Single Residential “R4-31” and “R4-31(H1)” and “R4-31(H1, H2)” Zones (see Appendix “C” - Blocks 5, 6, 10, 11 and 12):**

The proposed single detached dwellings will have the regulations of the “R4” zone with the following site-specific special provisions:

**Minimum Lot Area:**

The applicant has requested a reduction in minimum lot area of 250 sq m, except 290 sq m for a corner lot, whereas the Stoney Creek Zoning By-law requires 370 sq m and 425 sq m for a corner lot. In order to provide for a higher density and diverse gradation of lot areas, this request is supportable as it conforms to the policies outlined in the Nash Neighbourhood Secondary Plan.

**Minimum Lot Frontage:**

The requested change to the minimum lot frontage is 9.2 m per dwelling unit, except 11.0 m for a corner unit, whereas the By-law requires 12.0 m and 13.75 m for a corner unit. In this regard, the applicant intends on varying lot sizes throughout the proposed draft plan of subdivision. Further, the proposed lots shall still conform to good engineering practices. This request is considered minor and appropriate as it maintains the intent of the UHOP.

**Minimum Front Yard**

Relief is also being sought for a minimum front yard of 4.5 m to the dwelling, except 6.0 m to a garage, whereas the By-law requires 6.0 m for a front yard. This request is considered appropriate and corresponds with guiding principles of urban streetscape character and design, while maintaining consistency of front yards for the entire draft plan of subdivision, and provides for tandem parking, as per the Zoning By-law parking provisions.

**Minimum Side Yard and Flankage Yard:**

Also being requested to provide 1.2 m on one side and 0.6 m on the other side, except for a corner lot abutting a flankage street, which shall be 2.4 m; and where the garage fronts onto the flankage street, it shall not be located within 6.0 m of the flankage lot line for all residential zones. The By-law requires 1.25 m on one side and 1.0 m on the other side, as well as a 3.0 m side yard for a corner lot, and 5.5 m for the flankage lot line. In keeping with other recent development approvals, the City has further modified this request to specify that the 1.2 m shall be on the garage side and the 0.6 m shall be on the non-garage side, subject to a maintenance easement registered on title for any minimum side

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yard that is less than 1.2 m. In addition, with the narrower side yard provision, split drainage for each lot will be a requirement in order to convey surface drainage in accordance with the City’s grading policy. Through stormwater and grading review of the preliminary engineering plans submitted for the proposed lands, staff are also requesting a minimum side yard of 2.0 m for proposed lots which are identified as overland flow routes. This request is consistent with other developments and subdivisions of this nature. The maintenance easement will permit the encroachment across neighbouring properties for maintenance purposes only. Staff are satisfied that this additional modification will allow for appropriate and reasonable access to the rear yard, while maintaining technical engineering requirements with respect to overland stormwater movement and, therefore, is supportable.

Minimum Rear Yard:

The applicant has requested that the rear yard be reduced to 7.0 m, whereas 7.5 m is required. This is considered minor, and would not significantly impact the proposed amenity space. Staff are of the opinion that the proposed modifications are considered good planning and supportable.

Maximum Lot Coverage:

The applicant has also requested that the maximum 40% lot coverage requirement be deleted. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks. As a result, this request is considered minor and supportable.

Dimension of Parking Spaces:

The applicant has requested that the parking space size located within a garage have a minimum width of 2.75 m and have a minimum length of 6.0 m, with the permission of stairs encroaching 0.5 m into the length of this parking space, whereas, the By-law requires 3.0 m in width and 6.0 m in length, with a step allowing to encroach 0.5 m. This provision is consistent with other developments in Stoney Creek, Ancaster and Glanbrook. The request is considered minor and justifiable and can be supported.

Daylight Triangle:

The applicant has requested relief from the required setback from a “daylight triangle”. The General Provisions Section of By-law No. 3692-92 identifies a

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*Special Setback for Daylight Triangles.* This provision has been amended from 3.0 m from the hypotenuse of the daylight triangle to 0.5 m for a building or porch, including 0.0 m for porch foundations, walls and eaves, or gutters. Staff are of the opinion that the request is over and above the intent and, therefore, recommends a 1.0 m setback, whereas the By-law requires 3.0 m. This is more consistent with developments in other areas of Stoney Creek and, to date, has not created any negative impacts. Based on this, the request (as modified) can be supported. Furthermore, it maintains the intent of the By-law, while permitting increased densities outlined in the Nash Neighbourhood Secondary Plan.

Yard Encroachments:

Additional provisions have been requested to ensure that some flexibility is permitted with the final construction of units, thereby avoiding the unnecessary submission of potential minor variance applications. They include covered porches projecting 3.0 m into a front yard and 1.8 m into a flankage yard, bay windows projecting 0.9 m into any yard, and stairs projecting 3.0 m into any front yard, whereas the By-law permits 1.5 m into the front yard, but does not provide a provision for a flankage yard, stairs and bay windows are permitted to project 0.9 m, whereas the By-law requires 0.6 m. The applicant has also requested that stairs be able to encroach 4.5 m into any required front yard as well as permitting a cantilever or alcove to encroach 0.6 m, whereas the By-law does not regulate them. These provisions are consistent with other developments in Stoney Creek, Ancaster and Glanbrook. The request is justifiable and can be supported, as it is a product of constructing dwelling units on smaller lots, which is a result of recent planning and urban design initiatives to increase densities under the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and the UHOP, and is consistent with the Secondary Plan policies.

**Multiple Residential “RM2-40”, “RM2-40(H1)”, “RM2-40(H1, H2)”, “RM2-41” and “RM2-41(H)” Zones (see Appendix “C” - Blocks 1, 2, 3, 4, 7, 8, 9, 13, 14 and 15):**

The two proposed site-specific Zones are to address two forms of townhouse developments; the modifications are identical for both site-specific Zones, except as it relates to landscaping. Therefore, the proposed street townhouse Zones will have the regulations of the “RM2” Zone, with the following site-specific special provisions:

Minimum Lot Area:

The applicant has requested a reduction in the minimum lot area of 150 sq m for an interior unit, 195 sq m for an end unit, and 240 sq m for a corner unit, whereas

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the By-law requires 180 sq m for an interior unit, 240 sq m for an end unit, and 270 sq m for a corner unit. In order to provide for a higher density and diverse mix of lot areas, this request is supportable, as it conforms to the policies outlined in the Nash Neighbourhood Secondary Plan. Further, similar reductions have been supported and approved within the former municipalities of Stoney Creek and Glanbrook.

Minimum Lot Frontage:

The requested change to the minimum lot frontage is 5.6 m per dwelling unit and 8.0 m for a corner lot, whereas the By-law requires 6.0 m for an interior unit, 8.0 m for an end unit and 9.0 m for a corner unit. These reductions are considered minor. Similar relief has been requested throughout the City and supported, similar to other developments in the Nash Neighbourhood. Staff are of the opinion that the request is considered good planning and appropriate, as it maintains the intent of the By-law and Official Plan and promotes densities consistent with the Nash Neighbourhood Secondary Plan.

Minimum Front Yard

A reduction has also been requested for a minimum front yard of 4.5 m to the dwelling, except 6.0 m to the attached garage, whereas the By-law requires 7.5 m. This proposal includes rear garage townhouses and conventional street townhouses. This proposal will allow for a higher unit yield, while incorporating a new urbanism approach by moving buildings closer to the street. Parking for each unit can be accommodated for accordingly. Staff are of the opinion that the location of these blocks in the subdivision is appropriate for this modification.

Minimum Side Yard:

Modifications to the minimum required side yard are also being requested from 1.2 m and 2.4 m for an end or corner unit. The By-law requires 2.0 m, except 3.0 m for a corner/end unit. Further, where an attached garage fronts onto the flankage street, an additional setback provision has been included which does not permit less than 6.0 m of the flankage street line, this provision ensures that sufficient parking can be addressed. As mentioned above, the applicant has requested specific regulations as it relates to the details of the proposed built form and mixed neighbourhood character. Staff are satisfied that this request is considered minor and maintains good planning principles. The modifications requested are consistent with zoning for similar townhouse developments elsewhere within the City of Hamilton and in the Nash Neighbourhood.

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Minimum Rear Yard:

The applicant has requested that the site-specific zone provision be included to accommodate the rear garage townhouses. The proposed modification would recognize 1.5 m to the detached garage and 6.0 m to the dwelling or the attached garage, whereas the By-law requires 7.5 m. The proposed modification would still allow for some amenity area. This requested modification can be supported by staff as it accommodates a unique housing product, which the current By-law does not contemplate. Further, staff are supportive of new urbanism developments which cater to a variety of persons and diversifies the City’s housing stock. The proposed units are located across from a neighbourhood park and school block. With respect to the “RM2-40” Zone, the applicant has requested a rear yard setback of 7.0 m, whereas the By-law requires 7.5 m. This is considered minor, and would not significantly impact the proposed amenity space. In both Zones, staff are of the opinion that the proposed modifications are considered good planning and supportable.

Minimum Landscape Open Space:

The applicant has requested a minimum landscape open space of 15% for those blocks Zoned “RM2-41” and 20% for those blocks Zoned “RM2-40”, whereas 30 per cent of the lot area which may include the privacy area is required. Staff are satisfied that a reduction of 10 and 15%, respectively, is considered minor and still maintains the intent of the Official Plan and the Zoning By-law. Further, similar reductions have been supported and approved within the former municipalities of Stoney Creek and Glanbrook.

Maximum Lot Coverage:

The applicant has also requested that the maximum 35 and 50% lot coverage requirement be deleted. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks. As a result, this request is considered minor and supportable.

Dimension of Parking Spaces:

The applicant has requested that the parking space size located within a garage have a minimum width of 2.75 m and have a minimum length of 6.0 m, with the permission of stairs encroaching 0.5 m into the length of this parking space, whereas, the By-law requires 3.0 m in width and 6.0 m in length, with a step allowing to encroach 0.5 m. This provision is consistent with other developments

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in Stoney Creek, Ancaster and Glanbrook. The request is considered minor and justifiable and can be supported.

Daylight Triangle:

The applicant has requested relief from the required setback from a “daylight triangle”. The General Provisions Section of By-law No. 3692-92 identifies a *Special Setback for Daylight Triangles*. This provision has been amended from 3.0 m from the hypotenuse of the daylight triangle to 0.5 m for a building or porch, including 0.0 m for porch foundations, walls and eaves, or gutters. Staff are of the opinion that the request is over and above the intent and, therefore, recommends a 1.0 m setback, whereas the By-law requires 3.0 m. This is more consistent with developments in other areas of Stoney Creek and, to date, has not created any negative impacts. Based on this, the request (as modified) can be supported. Furthermore, it maintains the intent of the By-law, while permitting increased densities outlined in the Nash Neighbourhood Secondary Plan.

Yard Encroachments:

As mentioned above, additional provisions have been requested to ensure that some flexibility is permitted with the final construction of units, thereby avoiding the unnecessary submission of potential minor variance applications. They include covered porches projecting 3.0 m into a front yard and 1.8 m into a flankage yard, bay windows projecting 0.9 m into any yard, and stairs projecting 3.0 m into any front yard, whereas the By-law permits 1.5 m into the front yard, but does not provide a provision for a flankage yard, and bay windows are permitted to project 0.9 m, whereas the By-law requires 0.6 m. The applicant has also requested that stairs be allowed to encroach 4.5 m into any required front yard as well as a permitting a cantilever or alcove to encroach 0.6 m, whereas the By-law does not regulate them. These provisions are consistent with other developments in Stoney Creek, Ancaster and Glanbrook. The request is justifiable and can be supported, as it is a product of constructing dwelling units on smaller lots, which is a result of recent planning and urban design initiatives to increase densities under the Growth Plan for the Greater Golden Horseshoe (Places to Grow) and the UHOP, and is consistent with the Secondary Plan policies.

**Holding (H) Provisions:**

The Holding (H) provisions for the modified Zones respecting this proposed draft plan of subdivision are required to address issues related to the closure of the existing land fill operation (H1) and noise impact in the 50 dB range as it relates to the existing rock crushing establishment (H2). These provisions can only be lifted through Council approval at such time as the quarry lands adjacent to the

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proposed residential units have been rehabilitated, and the noise related holding can only be lifted once the rock crushing establishment (All Around Contracting) ceases to operate, both to the satisfaction of the Director of Planning.

**Local Commercial “LC(H1)” and “LC(H2)” (Blocks 16 and 17):**

The proposed commercial block will be subject to the parent Local Commercial “LC” Zone regulations. This Zone only permits the following uses:

- Banks or Financial Institutions;
- Convenience Food Stores;
- Day Nurseries;
- Drug Stores;
- Flower Shops;
- Hardware Stores;
- Libraries;
- Personal Service Shops;
- Pet Food Stores;
- Professional or Business Offices;
- Retail Stores;
- Video Rental Outlets; and,
- Uses, buildings or structures accessory to a permitted use.

This block is subject to the Local Commercial policies of the Nash Neighbourhood Secondary Plan, which is intended to permit commercial establishments serving the daily retail needs of the surrounding residents, and which uses are primarily dependent upon pedestrian access. The Plan requires that no single permitted use occupy more than 500 sq m of gross floor area and no group of permitted uses occupy more than 1,500 sq m of gross floor area. The standard provisions of the Local Commercial “LC” Zone include regulations to implement these Official Plan policies. As such, planning staff support the zoning change to the parent Local Commercial “LC” zone, subject to the Holding provisions mentioned above. The Holding (H) Zone provisions are also applied to the “LC” Zone as it permits sensitive land uses.

4. The proposed zoning changes and draft plan sought by the applicant are intended to implement the policies of the Nash Neighbourhood Secondary Plan. As such, staff support the proposed changes to the Zoning By-law and draft plan of subdivision as it conforms to the Nash Neighbourhood Secondary Plan. However, a number of additional policies of the Nash Neighbourhood Secondary Plan must still be adhered to as the development proposal proceeds towards final construction, but are more appropriately addressed at later stages. Other



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such post-draft plan matters are identified below including discussion about how such matters will be addressed by the proponent and the City.

**Gateway Road Design and Entrance**

Policy B.7.5.1 d) of the Nash Neighbourhood Secondary Plan identifies First Road West, north of Green Mountain Road as a Gateway Road. This has been addressed through the draft plan approval (see Appendix “D” – Condition No. 34). Staff are satisfied that this policy can be met through the fulfilling of this condition.

**Urban Design Brief**

Policy B.7.5.9 of the Nash Neighbourhood Secondary Plan contains various urban design policies intended to create and reinforce a unifying character for the Nash Neighbourhood. The applicant has completed an Urban Design Brief, which is satisfactory to staff. However, to further satisfy this policy, the Brief will be further reviewed to ensure that architectural development standards are adhered to prior to the issuance of building permits (see Appendix “D” – Condition No. 35), thereby meeting these urban design policies.

The Nash Neighbourhood is envisioned as a "complete, compact and connected urban community". “Red Hill – Phase 1” is a vital component of Nash Neighbourhood, with street and open space networks that strongly link with the surrounding communities and provide views to the Niagara Escarpment. First Road West is envisioned as a special street, providing a strong pedestrian-oriented streetscape with a mix of land uses between the roundabouts located at both the north and south portions of the proposed development. Residential built form within this development adds to the housing mix of the broader community and provides higher densities along the community edges and primary street. Built form will address the higher order streets, and their architectural character will be reflective of the adjacent low-density residential buildings through house design, detailing, quality exterior materials, and colour.

5. The proponents have undertaken a Phase 1 and 2 Archaeological Assessment of the subject lands, which has identified the potential for archaeological resources to be found on site and require the completion of a Phase 3 assessment. Therefore the Stage 3 was completed and the Province accepted the Stage 3 Assessment on January 12, 2010. The owners consolidated additional lands they owned with those subject to the original submission. Therefore a subsequent Stage 1 and 2 Archeological Assessment was prepared and submitted to staff on August 15, 2013. The City concurs with the

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recommendation made in the reports, and no longer has an interest in the property with respect to archaeology.

6. **GROWTH MANAGEMENT:**

Growth Management staff advise that the subject lands must be developed under a satisfactory plan of subdivision. With respect to side yard setbacks, Growth Management staff advise that the Zoning By-law should specify the requirement for a 1.2 m minimum setback on the garage side of a lot or where a rear yard catch basin is required, in accordance with the City’s Grading Policy. In addition, the proposed amendment should contain provision to specify that a minimum 2.0 m clearance between dwellings is required in case of back to front drainage or where the major overland flow route is identified on the approved grading plan for the subject lands. As per the City’s grading policy, any rear yard catchbasins shall be within a minimum 1.2 m side yard. The implementing Zoning By-law addresses this concern (see Appendix “B”).

**Information**

The existing width of Green Mountain Road adjacent to the subject lands is 20.12 m. The ultimate width of Green Mountain Road is 26.21 m. Currently, the existing road has a rural cross section. There are no municipal services within the existing road at this time. The owner is advised that Green Mountain Road shall be urbanized from Morrissey Boulevard of the “Victory Ridge” subdivision to First Road West as a condition of development of the subject lands. We note that as a minimum, the standard width of pavement of 11.0 m for collector road complete with curbs on both sides and a 2.0 m wide sidewalk along the north side of the street is going to be required to be completed as a condition of development of the subject lands.

The existing width of First Road West adjacent to the subject lands is 20.12 m. The ultimate width of First Road West is 26.21 m. Currently, the existing road has a rural cross section. There are no municipal services within the existing road at this time. The owner is advised that First Road West shall be urbanized from Green Mountain Road to Mud Street and will include a provision for the installation of a 1200 mm trunk watermain in accordance with the City’s water and wastewater master plan, as a condition of development of the subject lands.

The Secondary Plan for Nash Neighbourhood has identified two additional public streets in the north-south direction as well as one street in the east-west direction through the subject lands, to facilitate the future developments to the north and west of the subject lands. In addition roundabouts are identified in the Secondary Plan at the intersection of Green Mountain Road and First Road

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West, First Road West and Street “C”. Staff note that it will be the Owner’s responsibility to acquire the lands outside of the draft plan lands to complete the recommended roundabouts and to provide for connection of Street “B” to Green Mountain Road.

The required road widenings on Green Mountain Road and First Road West have been identified on the proposed Draft Plan. An approximate 12.0 m x 12.0 m daylight triangle is required to be identified on the final M-plan to accommodate the final roundabout design at First Road West and Green Mountain Road. First Road West is identified as a major collector road in the City’s road classification. The draft plan shall be redlined to provide for a 9.14 m x 9.14 m daylight triangle at the intersection of First Road West with Street “F”.

There are concerns with the proposed location of Street “C” due to the possible grading and servicing issues related to the existing property at 440 First Road West abutting the north boundary of the subject lands. The submitted Preliminary Grading Plan, by MTE Consultants, suggests that the existing grades at the proposed intersection with First Road West should be raised approximately 1.5 m to provide for a storm outlet for the draft plan lands. We note that there is an existing private driveway adjacent to the north property line that is going to be affected with this proposal. Street “C” is intended to provide a major pedestrian traffic connection to the future development on the west side of First Road West in accordance with the approved Secondary Plan. Therefore, the ultimate width of Street “C” shall be established as a 20.0 m wide public street to provide for installation of sidewalks on both sides of the street. A widening and installation of a sidewalk along the north side of the street is going to be required as a condition of development of the adjacent property. The City may require installation of a temporary asphalt sidewalk along the north side of the street as a condition of this development. The owner is advised that due to the unknown timing of development of the property adjacent to the north side of Street “C”, the City will not support cost recoveries for the above ground works. The cost recoveries for local sanitary and storm sewers and watermain installation may be subject to the City’s best effort provisions, if it can be demonstrated that suitable connections can be made to the services in the future without substantial modification or replacement.

It is noted that the proposed street alignment at 90 degree bends of Street “E”, ‘F’ and ‘G’ may not provide for a 13.0 m pavement radius along the inside curb line as per the City Engineering Guidelines and constant width of boulevard to provide for sidewalk and utility installation. Therefore, prior to registration of the final M-Plan, the owner shall demonstrate that the street geometry complies with the City’s Design Criteria.

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Growth Management staff have the following comments based on the Functional Servicing Report (FSR) prepared by Urbantech, dated January 31, 2014:

“Section 4.3 of the FSR has acknowledged the City requirements for installation of the future 1200 mm dia. trunk watermain through the additional lands of the owner on the west side of First Road West. The alignment of the future trunk watermain to the west of First Road West is not known at this time, however, a section of the future 1200 mm watermain on First Road West, between Green Mountain Road and Street “C” as identified on the revised draft plan, is fixed. The exact location and installation of the future 1200 mm watermain is going to affect the required urbanization works within the First Road West right-of-way and must be addressed as a condition of the initial stage of development for the draft plan lands. The City requires that an appropriate sized easement over the additional lands of the owner, to the west of First Road West, be established to provide for installation of the future 1200 mm dia. trunk watermain.

Growth Management staff advise that the Consultant should provide additional details on the preliminary grading plan i.e. ground water level, minimum basement elevation, to demonstrate that the recommendations of the previous study related to the existing landfill, as discussed in Section 11 of the FSR, have been incorporated in the preliminary design.

The Preliminary Grading Plan suggests significant grading works along First Road West adjacent to the subject lands. The Consultant should provide a document to identify the required works that shall be completed to provide temporary unobstructed access to the existing property at 440 First Road West as well the existing dwellings along Ridgeview Drive, prior to commencement of the proposed works on Green Mountain Road and First Road West.

Further, Growth Management staff offer the following additional comments based on the memo prepared by Urbantech dated March 7, 2014.

The storm drainage catchment intended to be serviced by SWM Pond 2 shall be revised to include the drainage from the ultimate Right of Way of Green Mountain Road adjacent to the property at 50 Green Mountain Road to avoid need of a storm drainage easement through private lands previously proposed under the “Victory Ridge” development.

The storm and sanitary flows from the property at 50 Green Mountain Road are intended to be directed to Street “A” under the ultimate development scenario. Therefore, Block 43 on the Draft Plan of Subdivision shall be

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dedicated to the City by the owner’s certificate on the final plan to provide for servicing of this property.

Major and minor drainage outlets for the draft plan lands are located on the additional lands of the Owner adjacent to the west side of First Road West. Therefore, an access and storm drainage easement in the City’s favour shall be established over the additional lands of the Owner prior to registration of the final plan of subdivision in support of the proposed storm drainage concept. Growth Management staff advise that the Consultant has not provided a typical cross section of First Road West on a section between Green Mountain Road and Street “C”, to demonstrate that there is sufficient room for installation of dual storm sewers and watermains, local sanitary sewer and utilities, within a 26.0 m wide right of way. Staff note that additional servicing easements, in the City’s favour, may be required based on the final engineering design for this section of First Road West.

Growth Management staff also note that the need for a dedicated outlet along First Road West from Green Mountain Road to the brow of the Escarpment is driven by the proposed development. It appears that the proposed clean water storm sewer is intended to service the entire catchment. However, an additional local storm sewer is going to be needed to provide for pavement drainage downstream of Street “C”. It appears that the proposed dedicated clean water storm sewer on First Road West, downstream of the proposed development, may need to be in place prior to commencement of any works within the draft plan lands.

Growth Management staff advise that the consultant shall provide additional information to address any erosion and slope stability issues, clarify impact on major and minor storm system downstream of the proposed outfall in order to demonstrate its suitability to service the proposed development and ultimately the entire catchment. The existing sub-watershed model shall be updated with the proposed and ultimate development scenario to demonstrate compliance with the recommendations of the Davis Creek Sub-watershed Study at the Owner’s expense. They advise that the owner shall obtain permits from all approval Agencies.

The proposed stormwater management facility (SWM Pond B2) shall be considered temporary until such time as the design principles of the updated FSR are approved by all parties.”

The applicant and City staff have spent significant time resolving the storm water management issues for the subject lands in the context of how it would be delivered in the short term and how it would fit in with the ultimate plan for storm

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water management in the neighbourhood. In that respect, Growth Management staff support the construction of a storm water management facility on adjacent lands of the owner (“Red Hill - Phase 2” proposed draft plan of subdivision) on the west side of First Road West. The pond itself will be considered temporary and will remain in private ownership with municipal easements over the facility, as it is fulfilling a possible interim condition if the CHCH TV lands come forward for development; i.e. there is potential that this pond could be replaced by a larger downstream pond. Notwithstanding, if the CHCH TV lands do not develop, Growth Management staff are satisfied that the pond could function as a permanent municipal facility. The determination of the facility as permanent will be made in the future and will be subject to further discussion and resolutions as part of the future “Red Hill - Phase 2” draft plan of subdivision. As a result of its interim status, the proposed facility does not qualify for cost sharing with the City.

The submitted parking plan needs to be updated to include the width of driveways for all lots and blocks. The plan should reflect a minimum distance of 9.0 m from an intersection to a parking space. The allocation of so many parking spots along Street “G” is not appropriate as shown. People living on streets in the northern section of the plan should not depend on Street “G” for parking. The plan must meet the City’s minimum 40% requirement.

In regard to the above-noted comments, Growth Management staff have prepared a requisite list of applicable draft plan condition (see Appendix “D” – Condition Nos. 1 to 32). Staff are satisfied that the draft plan conditions address the above-noted matters related to engineering works and grading.

7. A portion of the subject lands contains the fill from a former landfill site identified as Waste Disposal Site # 35 by City of Hamilton Records and Site No. x8024 on the Ministry of the Environment (MOE) Waste Disposal Site Inventory. As such, the proponents will be required to undertake an environmental audit of the property prior to its redevelopment to a more sensitive land use and receive a record of site condition (RSC). At the time of writing of this Report, a Phase 1 Environmental Site Assessment has been undertaken. However, the audit has not yet been submitted to the Ministry of the Environment nor has an RSC been posted on the Environmental Site Registry. This will be a condition of draft plan approval (Appendix “D” – Condition No. 36) to ensure that the RSC is issued prior to site being used for residential purposes.
8. While the proponent is not proposing to dedicate parkland as part of the “Red Hill Phase 1” draft plan, the applicant has a concurrent application for rezoning and draft plan of subdivision across First Road West known as “Red Hill Phase 2”, wherein lands are being dedicated to the City for parkland which is consistent with policies of the Nash Neighbourhood Secondary Plan. As no parkland is

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being dedicated in Phase 1, the proposed development would generally require a Cash-in-Lieu of Parkland dedication payment in accordance with the City’s Parkland Dedication and Cash-in-Lieu of Parkland By-law.

In this regard, the development will be subject to the alternate dedication rate of 0.6 ha per 300 dwelling units as the net density of development for Blocks 15-37 for Street Townhouses and a rate of 5% for Blocks 1-14 and 44 for the Single Detached Dwellings, and a rate of 2% for the commercial area. A caveat has also been incorporated into the recommendation of this staff Report under Section (b)(iii) above which permits the allocation for parkland credits on a land value basis in the event of any over-dedications of parkland.

Staff can advise that the calculation of the payment will be based upon the unit count, as shown on the final M-Plan, plus 2% of the Commercial Block. In accordance with City By-laws, a cash payment to the City of Hamilton in-lieu of the conveyance of the land is generally required prior to the registration of the final plan. In this instance, given that the applicant currently has applications for development immediately to the west (“Red Hill Phase 2”), staff advise that appropriate protocols have been put in place to assure that the City’s best interests have been preserved. This requirement has been included in Recommendation (b) (iii) and through a special draft plan condition (see Appendix “D” – Condition No. 39).

9. As per the Planning Act and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 23 property owners within 120 m of the subject lands on March 5, 2013, and a Public Notice sign was posted on the property on March 8, 2013. In total, three letters were received from surrounding neighbours (see Appendix “F”). The overall issues are generally summarized as follows:

- Construction impacts;
- Disruption to telecommunication service; and,
- Potential impact on the lands to the south (All Around Contracting).

**Construction Impacts:**

Two of the letters submitted came from the neighbouring communication facilities. Hamilton Teleport (Juch Tech) and CHCH TV both own and operate telecommunication facilities in the immediate area. Both parties have indicated concern with respect to the proximity of residential development to their facilities and the construction impact as a result of the proposed development. More

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specifically, the potential to disrupt the services these facilities provide as it relates to the excavation and removal of soil and bedrock.

Empire Homes have recently commenced development of the subdivision east of the existing facilities (Victory Ridge). Through the draft approval process of that subdivision, the same issues were raised. Given the concerns, a detailed construction management plan was prepared. Construction is well under way on that development and, to date, staff are not aware of any issues. Staff will conduct similar construction management practices for “Red Hill Phase 1” to ensure that any potential impacts can and will be mitigated accordingly (see Appendix “D” – Condition Nos. 29 and 48).

**Telecommunication:**

CHCH TV and Juch Tech have raised concerns with potential impact respecting the telecommunication services they provide. Juch Tech raised the same issues with respect to the “Victory Ridge” draft plan of subdivision. Empire appealed the applications the Ontario Municipal Board due to non-decision, and Juch Tech was a party to those proceedings. Based on Juch Tech concerns and the evidence presented, the OMB added additional conditions related to telecommunications and radio frequencies. However, the reason for those special conditions was primarily a result of the direction and proximity of the proposed residential units with the earth station (satellite dishes). With respect to “Red Hill Phase 1”, staff are of the opinion that the proposed residential development is further removed and not in the direction of the existing Juch Tech satellite facilities. Therefore, staff are of the opinion that the proposed “Red Hill Phase 1” draft plan of subdivision would not negatively impact the existing facilities as perceived since the facilities are further removed and directed away from the subject lands.

**All Around Contracting (All Round):**

All Round Contracting has been involved with the proposed applications since their original submission. The main concerns raised by All Round Contracting was the overall impact from the proposed development as it relates to road access and the amount of proposed local roads which would hinder their prospective development rights. In this regard, All Round Contracting and their consultant had met with the applicant to reach a mutual agreement in favour of both parties. This agreement included removing a proposed road and shifting the main access road into Phase 1 which would allow All Round Contracting to benefit. The second concern was with respect to All Round Contracting’s existing operation, and the concern to future residents being aware of the operation. In this regard, the implementing Zoning By-law has been drafted with



**SUBJECT: Applications for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 and for Approval of a Draft Plan of Subdivision known as “Red Hill Developments – Phase 1”, Nash Neighbourhood (Stoney Creek) (PED14138) (Ward 9) - Page 41 of 41**

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a Holding (H) provision (H2) with respect to the stationary noise source. Therefore, all issues raised by All Round Contracting have now been addressed.

**ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could not be developed for the proposed residential draft plan of subdivision. The lands could be developed in accordance with the Neighbourhood Development “ND” Zone which permits minor agricultural uses, one single detached dwelling, a greenhouse and/or buildings.

**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**

1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment
- Appendix “C”: Draft Plan of Subdivision
- Appendix “D”: Draft Plan Conditions
- Appendix “E”: All lands owned by Applicant in Nash Neighbourhood
- Appendix “F”: Abutting Landowner letters

:JM