



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 15, 2015
SUBJECT/REPORT NO:	Application to Amend the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1290 South Service Road (Stoney Creek) (PED15141) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Alvin Chan Senior Planner (905) 546-2424 Ext. 1334 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to **Amended Zoning By-law Amendment Application ZAC-14-040 by 2294643 Ontario Inc., Owner**, for a change in zoning from the Agricultural Specialty "AS" Zone to the Community Shopping Centre "SC2-8(H)" Zone, Modified – Holding, in order to permit the development of seven commercial buildings with a minimum of 7,500 sq m gross leasable floor area, with associated surface parking and loading areas, for lands located at 1290 South Service Road (Stoney Creek), as shown on Appendix "A" to Report PED15141, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED15141, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Map 9 of Schedule "A" of Zoning By-law No. 3692-92;

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- (c) That the proposed change in zoning complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose and effect of the proposed Zoning By-law Amendment is for a change in zoning from the Agricultural Specialty “AS” Zone to the Community Shopping Centre “SC2-8(H)” Zone, Modified – Holding, in order to permit the development of seven commercial buildings with a minimum of 7,500 sq m of gross leasable floor area, with associated surface parking and loading areas.

The proposed Zoning By-law Amendment has merit, and can be supported, since the change is consistent with the Provincial Policy Statement (PPS) (2014), conforms to the Growth Plan for the Greater Golden Horseshoe and complies with the Urban Hamilton Official Plan (UHOP) and Fruitland-Winona Secondary Plan.

Alternatives for Consideration – See Page 36

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands, 1290 South Service Road, totalling approximately 3.5 ha, are located east of Winona Road, north and west of Vince Mazza Way and south of the South Service Road, with frontage on all of the above noted roadways.

The applicant proposes the development of seven commercial buildings with a minimum of 7,500 sq m of gross leasable floor area, with 456 associated surface parking spaces (21 of which are non-permanent spaces within the Ministry of Transportation setback) and five loading spaces. Of note, the conceptual plan (attached as Appendix “C”) includes a design with a total of 9,135 sq m of gross leasable floor area, but will be further refined through the future Site Plan Control process.

In review of the Planning Justification Report, the applicant has requested a change in zoning from the Agricultural Specialty “AS” Zone to the Community Shopping Centre

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"SC2-8(H)" Zone, Modified with modifications to the minimum lot area; minimum gross leasable floor area; minimum front yard; landscape strip adjacent to a public street; minimum distance to lot line and minimum parking space dimensions.

Additionally, an addendum to the original Planning Justification Report was received based on departmental and agency comments, identifying additional modifications to permitted uses; minimum lot frontage; and, minimum side yards.

However, in review, staff note that further modifications are required; in particular: modifications to various definitions; permitted uses; minimum rear yard; minimum landscape open space; and, the minimum parking and loading requirements of the Community Shopping Centre "SC2" Zone, with an "H" Holding Provision to ensure adequate servicing and infrastructure for the proposed development.

The agent / applicant has acknowledged the need for the above additional modifications and is in agreement with the amending By-law (see Appendix "B").

Chronology:

- February 27, 2013: Formal Consultation Meeting for Application No. FC-12-163.
- November 11, 2014: Submission of Application ZAC-14-040.
- December 9, 2014: Application ZAC-14-040 deemed incomplete.
- January 21, 2015: Outstanding materials submitted for Application ZAC-14-040.
- January 30, 2015: Application ZAC-14-040 deemed complete.
- February 11, 2015: Public Notice Sign installed on subject lands.
- February 13, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-14-040 to all property owners within 120 m of the subject lands.
- March 23, 2015: Application ZAC-14-040 amended to further revise requested parking requirement / ratio zoning provision.
- June 30, 2015: Ontario Municipal Board (OMB) Decision PL140601 regarding Fruitland-Winona Secondary Plan issued.
- August 19, 2015: Public Notice Sign updated with Public Meeting Information.

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West	Vacant Lands; Single Detached Dwelling; and, Commercial Agriculture	Prestige Business Park (M3) Zone
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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The proposal provides for an efficient and resilient development and land use pattern that is healthy, liveable and safe as per Policy 1.1.

Furthermore, staff recognize that the application is consistent with the policies that focus growth and development in Settlement Areas (Policy 1.1.3.1). In particular, as per Policy 1.1.3.2, the proposed land use pattern will provide for a mix of land uses for the area that efficiently use the land and resources, and is appropriate for the infrastructure and public service facilities planned or available for this area, including transit.

Policy 2.6.2 restricts development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Accordingly, a Stage 1 and 2 Archaeological Report P064-288-2009 was submitted to the City of Hamilton and the Ministry of Tourism, Culture and Sport. The Ministry of Tourism, Culture and Sport has provided a clearance letter regarding the Stage 1 and 2 Archaeological Assessment, dated August 9, 2011. Staff have reviewed the assessment and concur with the recommendations made in the report; accordingly, the Provincial interest with regard to archaeology has been satisfied.

With respect to natural heritage, as part of the Stoney Creek Urban Boundary Expansion (SCUBE) East Subwatershed Study prepared by Aquafor Beech Limited (May 15, 2013), the subject property was identified as a mineral cultural meadow (CUM1-1) and was comprised of species found in disturbed areas (i.e. wild carrot, chicory, hawkseed, ox-eye daisy, Canada goldenrod and grass species). In addition, a Species at Risk survey, focusing on Barn Swallow (“threatened”), Chimney Swift (“threatened”), Eastern Meadowlark (“threatened”) and Bobolink (“threatened”) was prepared by Stantec in 2012. None of these species were identified on the subject property.

Based on this information, and as no features were located on the subject lands as per Schedule B – Natural Heritage Systems of Volume 1, and Map B.7.4.2 – Natural Heritage Systems, Core Areas of the Fruitland-Winona Secondary Plan, the proposal is consistent with the Natural Heritage Policies, Policy Section 2.1 of the PPS.

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Based on the foregoing, as the subject lands are located within a settlement area to be developed with appropriate infrastructure while protecting the Provincial interest with respect to cultural and natural resources, the proposal is consistent with the PPS.

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

The subject application conforms with the Guiding Principles, Section 1.2.2 Policies through a planned and managed form of growth that supports a strong and competitive economy, while protecting, conserving, enhancing, and wisely using the valuable natural resources of land for current and future generations; optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form; thereby establishing a compact, vibrant, and complete community.

The subject lands are located within the built-up area of the City of Hamilton and the proposal conforms to the Policy Section 2.2.2, which provides direction on managing this growth whereby population and employment growth will be accommodated by, amongst other things, directing a significant portion of new growth to the built-up areas of the community through intensification while encouraging cities and towns to develop as complete communities with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services.

Lastly, as per Policy 4.2.4.1 the lands are of a cultural heritage value, as mentioned above, a Stage 1 and 2 Archaeological Assessment (P064-288-2009) was submitted to the City of Hamilton and the Ministry of Tourism, Culture and Sport, and the Provincial interest has been satisfied.

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

Urban Hamilton Official Plan

The subject lands originally formed part of the appeal of the Fruitland-Winona Secondary Plan under Volume 2 of the Urban Hamilton Official Plan (UHOP).

However, as per OMB Order on June 30, 2015, under File No. PL140601, the subject lands no longer form part of the appeal and all respective policies of the Fruitland-Winona Secondary Plan applicable to the lands are now in full force and effect.

The subject lands are designated “District Commercial” on Schedule “E-1” - Land Use Designations. Additionally, the lands also form part of the Fruitland-Winona Secondary Plan and are designated as “District Commercial” and “Area Specific Policy - Area E” on Map B.7.4-1 – Fruitland-Winona Secondary Plan Land Use Plan.

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The proposed development maintains the intended function of the “District Commercial” designation as per Policy E.4.7.1 of Volume 1, by providing for a “range of retail uses intended to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods, while serving as a focus for the adjacent neighbourhood(s) by creating a sense of place.”

Additionally, save and except for sub-policy (b) whereby offices are only permitted above the first storey, the requested uses comply with those identified under the “Permitted Uses” of Policy E.4.7.2, Volume 1, being:

- “a) commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;
- b) offices provided they are located above the first storey;
- c) residential uses provided they are located above the first storey of a mixed use building; and,
- d) *accessory uses.*”

However, Policy F.1.2.2 states that:

“F.1.2.2 The individual secondary plan policies and designations are contained in Volume 2. Secondary plan designations shall be identified on the maps appended to the specific secondary plan areas. It is intended that secondary plan policies are to be read in conjunction with the policies and designations contained in Volume 1. However, should there be a discrepancy between the policies and/or designations, the policies and designations of the secondary plan shall prevail.”

Of note, the Fruitland-Winona Secondary Plan, in particular “Area Specific Policy - Area E” under Policy B.7.4.18.5 of Volume 2, permits free standing offices. These policies are further discussed in greater detail below.

Policies E.4.7.4 to E.4.7.9, inclusive, of Volume 1, provides direction with respect to the scale of the development; in particular, the following, amongst others would apply:

- “E.4.7.4 The specific permitted heights and densities shall depend on the area and may be further refined through detailed secondary plans or the Zoning By-law.
- E.4.7.5 The built form may include stand-alone stores, multiple unit commercial buildings or live-work buildings.

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E.4.7.7 The maximum amount of retail and service commercial floor space permitted in an area designated District Commercial shall be 25,000 square metres.

E.4.7.8 Office uses on the same lot, shall not exceed 2,000 square metres.”

In review, the development includes stand-alone stores and multiple unit commercial buildings, located at the intersection of a Collector Road (Winona Road) and a Major Arterial (South Service Road), with provisions to regulate a commercial floor space of a maximum 25,000 sq m and 2,000 sq m for office space.

With respect to the design of the subject lands, the following policies of Volume 1 amongst others would apply:

“E.4.7.10 Areas designated District Commercial shall be planned and designed to be integrated with and easily accessible from the surrounding neighbourhood by a range of transportation modes including the automobile, transit, and active transportation.

E.4.7.11 In new areas designated District Commercial or for additions or redevelopments of existing District Commercial designated areas, smaller retail buildings shall be located up to the street to create a strong pedestrian orientation, particularly along adjoining collector roads.

E.4.7.12 Where buildings are located up to the street in accordance with Policy E.4.7.11, the principal entrances shall face the public street providing direct access from the sidewalk. The windows and signage shall also face the street and buildings should have a consistent minimal setback.

E.4.7.13 No parking, driveways, lanes, stacking lanes, or aisles should be permitted between buildings and the public sidewalk except as provided for in Policy E.4.7.16.

E.4.7.15 Parking lots abutting the street shall be screened with low walls, and/or landscape materials to provide a sense of enclosure along the setback line.

E.4.7.16 Single use stores greater than 5,000 square metres may be situated in the interior or at the rear of the site with smaller foot print buildings located close to the street. Alternatively, larger stores could be located up to the streetline along an arterial road or along a collector road provided in the latter situation they are lined with smaller stores, multiple entrances, or other similar means to animate the streetscape along the collector road.”

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In review of the conceptual site plan attached as Appendix “C”, staff note that the design incorporates bike lanes along Winona Road and is located in close proximity to a proposed transit hub within the commercial development to the south, thereby facilitating a range of transportation modes.

Furthermore, the proposed commercial buildings have been located on the periphery of the subject lands to provide for a strong pedestrian environment and will be subject to a future Site Plan Control Application to ensure direct access from public sidewalks.

As a result of the proposed layout, the surface parking and associated drive-aisles are primarily located within the interior of the site. Furthermore, staff note that the subject lands have frontage on all four sides and is therefore not conducive to being able to fully screen these elements from view from every roadway. Notwithstanding, the proposed development will be subject to a Site Plan Control Application to ensure adequate landscaping and screening is incorporated.

Additionally, staff note the location of the loading facilities along Winona Road are potentially screened naturally due to the grade differential for the overpass of the Queen Elizabeth Way. Notwithstanding, as mentioned above, additional screening and landscaping can be incorporated through the Site Plan Control process. Therefore, the proposal complies with Volume 1, of the UHOP.

Fruitland-Winona Secondary Plan:

The subject lands form part of the Fruitland-Winona Secondary Plan which has been appealed to the OMB. Of note, the subject lands were removed from the subject appeal by OMB Order on June 30, 2015, under File No. PL140601. Accordingly, the application is now to be reviewed against the additional policies applicable to the subject lands under the Fruitland-Winona Secondary Plan, which are now in force and effect.

The subject lands are designated “District Commercial” and “Area Specific Policy - Area E” on Map B.7.4-1 – Fruitland-Winona Secondary Plan Land Use Plan. Of note, Policy B.7.4.5.4 of Volume 2 identifies that the lands designated “District Commercial” are subject to the parent policies under Policy Section E.4.7 of Volume 1 which have been analysed above in the UHOP Section (Policy E.4.7.2(b) of Volume 1 restricts offices to above a first floor).

However, Policy B.7.4.18.5 of the Fruitland-Winona Secondary Plan states:

“For the lands located south of the South Service Road and on the east side of Winona Road, as shown as Area Specific Policy – Area E on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

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- a) In addition to Policy E.4.7.2 – District Commercial of Volume 1, the following uses shall be permitted:
- i. Arts and cultural uses;
 - ii. Entertainment uses; and,
 - iii. Free standing offices.
- b) Notwithstanding Policy E.4.7.2 (a) and (c), residential and live work units shall not be permitted.”

Of note, the addendum to the original Planning Justification Report, dated June 2015, has included the additional request for free standing offices. Based on the foregoing, the proposed uses comply with the policies of the Fruitland-Winona Secondary Plan.

The objective of the Secondary Plan, as per Policy B.7.4.2.1 of Volume 2, is to strengthen existing neighbourhoods; in particular, sub-policy (c):

- “c) Encourage new commercial uses that cater to the existing and proposed local neighbourhoods.”

The proposed commercial uses will cater to the existing and proposed local neighbourhood and is designed with streets and a built form that promotes personal safety through natural surveillance by providing “eyes on the street”, and improve accessibility through features such as Urban Braille as per the Safe Community Objective (b) under Policy B.7.4.2.3 of Volume 2.

The following Policies of B.7.4.2.8 of Volume 2 amongst others apply to “commercial” developments, being:

- “b) Provide for the development of larger scale commercial areas that serve the daily and weekly need of residents in the neighbourhood and surrounding area;
- c) Require the provision of appropriate amenities for commercial areas, including parking, signage, landscaping, streetscaping and buffering;
- d) Ensure that any new commercial uses respect and do not negatively impact adjacent residential or institutional uses; and,
- e) Encourage new commercial uses to reflect the character and cultural heritage of the communities of Fruitland and Winona through building design.”

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The proposed development is a large scale commercial development within the “District Commercial” block for the Fruitland-Winona Neighbourhood as per Map B.7.4-1. The proposed conceptual design provides for appropriate amenities, such as, but not limited to, parking, signage, landscaping, streetscaping and buffering.

In particular, there are no adjacent institutional uses and the subject lands are separated from the residential areas to the west by Winona Road and by the adjacent commercial development and the rail corridor for the existing residential area to the south and, therefore, there will be no negative impacts.

Lastly, as previously noted, the development is subject to a future Site Plan Control application to ensure a building design that reflects the character and cultural heritage of the communities with appropriate amenities.

The proposal also complies with the evaluation criteria for development under Policy B.7.4.3(d) being:

- “d) When considering an application for development, the following matters shall be evaluated:
 - i) Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other nuisance effects;
 - ii) The consideration of transition in height and density to adjacent and existing residential development;
 - iii) The relationship of the proposed lot(s) with adjacent and existing lot pattern and configuration; and,
 - iv) In accordance with the policies in Section 7.4.14 – Block Servicing Strategy and all other applicable policies.”

The subject lands form part of the “District Commercial” block for this neighbourhood and are separated from existing residential by a collector roadway and rail corridor. The proposed heights are in keeping with the neighbourhood and shall not exceed 20 m which is consistent with the commercial development to the south. Accordingly, the proposal is compatible with existing and proposed adjacent land uses, lot pattern, and configuration; and will provide for an appropriate transition in height and density.

Lastly, the subject lands are not subject to the Block Servicing Strategy as per Policy B.7.4.14 of Volume 2 and Map B.7.4-4 – Fruitland-Winona Secondary Plan – Block Servicing Strategy.

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The general commercial policy, Policy B.7.4.5.2(a) of Volume 2 reinforces that principal entrances shall address the public street or an exterior open space directly adjacent to the public street. Staff note that due to the grade differential along Winona Road, the opportunity for a pedestrianized streetscape is limited to South Service Road and Vince Mazza Way.

Accordingly, the conceptual plan proposes structures with principal entrances located along these roadways and a minimum façade requirement has been incorporated to ensure through the future Site Plan Control application that appropriate building designs including access is accommodated.

The following Urban Design policies amongst others would apply to this development:

- “B.7.4.10.2 Architectural variation through the incorporation of varied roof lines, materials and colours in each building and from building to building, shall be encouraged.
- B.7.4.10.3 Variation in the number of storeys, porch designs, architectural style and building type from building to building shall be encouraged.
- B.7.4.10.4 Continuous rows of repetitive building façades shall be discouraged.
- B.7.4.10.5 Building façades with architectural details and windows facing both streets shall be encouraged on corner sites.
- B.7.4.10.6 The layout of streets, configuration of lots and the siting of buildings shall ensure:
 - b) Streets and open spaces have an appropriate degree of continuity;
 - d) Pedestrian connections to public streets and other outdoor spaces are encouraged;
 - e) The safety and security of all persons in public places including streets, parks and amenity areas shall be promoted through the design and siting of buildings, entrances, walkways, amenity and parking areas to provide visibility and opportunities for informal surveillance;
 - f) Loading, service/garbage and parking facilities shall be integrated into the design of buildings to minimize disruption to the safety and attractiveness of the adjacent public realm. Where this integration is not feasible, these facilities shall be:

- i) grouped and/or located to minimize their visual impact on the public street;
 - ii) screened with enhanced landscaping and fencing constructed; and,
 - iii) designed in keeping with the design of the building;
- h) Parking should be located away from the street to maintain unimpeded views of the building façade and to enhance a pedestrian oriented environment; and,
- i) Parking lots abutting the street should be screened with low walls and landscape materials to provide a sense of enclosure along the setback line.”

In review, staff note that the submitted Urban Design Brief along with the conceptual site plan attached as Appendix “C”, proposes buildings up to the street with loading and parking screened from view through the use of established grades; building locations; landscaping; and, appropriate pedestrian connections and visibility.

Generally, staff are satisfied the policies above have been met, subject to additional detailed design to be reviewed at the Site Plan Control stage with respect to the screening of the loading facilities adjacent to Winona Road and proposed landscaping.

Based on the foregoing, the proposal complies with the policies of the UHOP and the Fruitland-Winona Secondary Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Recreation Division, Community and Emergency Services Department.
- CN Rail.

The following Departments and Agencies have provided comments on the applications:

Hamilton Street Railway has advised that:

- HSR operates Trans-Cab within this area with no planned changes in service;

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- Street orientation and pedestrian entrances are important. Direct short walking distances between dwellings and transit service are preferable; and,
- HSR supports the inclusion of high quality pedestrian amenities at this development like walkways, lighting etc.

The proposed conceptual plan (attached as Appendix “C”) includes walkways and high quality pedestrian amenities with buildings and entrances close to the street. Notwithstanding, the proposed development will be subject to a future Site Plan Control application for detailed design, where these matters can be further reviewed and implemented.

Environment and Sustainable Infrastructure Division (Public Works Department) have requested a transportation demand management options report.

The owner / applicant provided a report on June 15, 2015, which was reviewed by staff and deemed satisfactory, subject to additional details and implementation of the transportation demand management options through the future Site Plan Control application.

Additionally, the Public Works Department has also identified that the design should account for Accessibility for Ontarians with Disabilities Act (AODA) standards, the inclusion of street trees and sidewalks with a minimum width of 1.5 m.

As mentioned above, the incorporation of these matters will be applied through the future Site Plan Control application.

Lastly, Public Works Department staff have advised that the recommendations of the SCUBE Transportation Master Plan be followed. Of note, Geomatics and Corridor Management Section, Public Works Department staff have reviewed the application and have not identified any concerns.

Operations Division (Public Works Department) have advised that this development is not eligible for municipal waste collection services. The development will therefore be subject to private waste haulage.

Forestry and Horticulture Section (Public Works Department) have requested that a landscape plan and street tree planting plan be required as part of the future Site Plan Control Application.

Tax Administration / Banking Section (Corporate Services Department) have identified an outstanding tax balance of \$5,871.08 as of April 2015.

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Staff note that standard condition 3(t) of the Site Plan Control process obligates the owner/applicant to submit proof from the Taxation Division that the Municipal Taxes are current on the subject lands. As such, this matter will be addressed through the future Site Plan Control application.

Hamilton Municipal Parking System (HMPS) (Planning and Economic Development Department) have advised that the requested parking ratio of one space per 21 sq m of gross floor area as opposed to the standard requirement for one space per 20.5 sq m of gross floor area is supportable, given that any parking overflow will not have a negative impact to near-by residential neighbourhoods, as customers may choose to shop at surrounding retail stores or other big box stores in the area where parking is available, and as there is an opportunity for shared parking with these other commercial developments.

Furthermore, an additional 21 non-permanent parking spaces have also been provided within the 14 m setback from the Ministry of Transportation Corridor. Based on the foregoing, HMPS staff have no concerns with the proposed parking ratio being one space per 20.5 sq m of gross floor area.

Geomatics and Corridor Management Section (Public Works Department) have advised that all road works previously identified as part of the Penady Development on Winona Road, Vince Mazza Way, South Service Road and Fifty Road, must be completed and operational prior to the opening of the subject development to customer traffic.

The Applicant will be required to engineer and construct physical improvements to the road network on South Service Road, Vince Mazza Way and Winona Road. Potential works will be confirmed in detail at the Site Plan stage; however, Corridor Management staff advises that the applicant / owner will be responsible for roadway improvements on the adjacent road network required for the proposed development, which may include, but not limited to:

- “• Physical pavement modifications to the road network such as an increased length for the proposed westbound left turn lane on South Service Road at Vince Mazza Way;
- An eastbound right turn lane with a potential future traffic signal installation at the intersection of South Service Road at Vince Mazza Way. A security deposit would be held by the City for future works;
- Upgrades to municipal street lighting for pedestrian accessibility;
- Pavement marking drawing revisions and traffic sign installation; and,

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- Funding to have additional street trees installed on Winona Road to complement the traffic calming speed cushions that will be installed as part of the adjacent commercial development approvals.”

Of note, the applicant / owner is advised that Corridor Management staff are not supportive of the proposed right in / right out driveway to South Service Road and advises of the following:

- “• South Service Road is a controlled access roadway and as such it is our recommendation that the proposed driveway access to South Service Road not be permitted. Driveway access to the site is provided to Vince Mazza Way on two sides of the property and therefore appropriate access will be available;
- A traffic signal installation may be deemed a required improvement at the intersection of South Service Road at Vince Mazza Way. A driveway to the site off South Service Road would be considered a conflict with the traffic signal and required intersection upgrades;
- The slight curvature of South Service Road west of the site combined with the concrete / grass embankment of the Winona Road overpass at the edge of shoulder reduces the sightlines available for outbound drivers;
- The reconstruction of South Service Road related to the large scale commercial development on the adjacent site involves a physical pavement widening on the south side of South Service Road. Introducing a commercial driveway at the location where eastbound drivers will be transitioning to the new widened pavement is not considered ideal; and,
- The 2021 Total Traffic volumes included in the Applicant’s TIS indicate that a minimal volume of traffic will use the proposed right turn in/right turn out driveway to South Service Road. Those customers can easily use the intersection at Vince Mazza Way.”

In review, staff note that the owner / applicant has identified and acknowledged that the access to South Service Road on the conceptual plan (attached as Appendix “C”) is to be determined through the future Site Plan Control Application. Additionally, the potential site works are to be addressed through the recommended “H” Holding Provision which requires the completion of an External Works Agreement to address such improvements.

Based on the foregoing, staff are satisfied the above concerns have been appropriately addressed and the proposed zoning by-law amendment is therefore supportable.

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Additionally, Geomatics and Corridor Management staff provide the following comments with respect to the proposed conceptual plan and future Site Plan Control application:

- “• The applicant is advised that the marketing and website information for this development, once occupied, shall provide routing information identifying the use of the arterial road network and not Winona Road for access;
- As a condition of future Site Plan Approval, the applicant/owner will need to apply for and receive an Access Permit from the Public Works Department;
- The road network layout for Vince Mazza Way and for South Service Road provided on the submitted plan does not correspond to the current design staff are reviewing per the Penady External Works Agreement. South Service Road will be widened at Vince Mazza Way to provide a westbound left turn lane. Vince Mazza Way will have a 3 lane cross-section in the north-south section, and it will intersect as a 4 leg intersection with the Penady driveways rather than the ‘bend’ configuration shown on the submitted plan;
- The width and radius required for the proposed internal parking aisles will be dependent on the requirements for delivery trucks, fire trucks and garbage truck for Buildings D-G and will be reviewed at the Site Plan stage;
- Recommend that one inbound lane be provided for the driveways off Vince Mazza Way, and not two as currently shown on the concept plan attached as Appendix “C” to this report;
- Recommend that the driveway at the south side of the property to Vince Mazza Way utilize one outbound lane and that it not be marked with pavement markings to indicate outbound right turns to Winona Road. It is not the intention of the site development to direct commercial traffic onto Winona Road. Commercial customers should be using the arterial roadways, in particular, South Service Road and Fifty Road;
- The driveway at the east side of the property to Vince Mazza Way can have two outbound lanes as indicated, however only one inbound lane is recommended;
- The construction of municipal sidewalks, in particular along Vince Mazza Way, along with street light upgrades may be required and determined through the future Site Plan Control application;
- Bike locker facilities will be incorporated into the site design at appropriately placed locations;

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- The applicant is advised that at the development stage we will require the provision of a Construction Management Plan that will identify any potential lane closures to facilitate construction of the development;
- We require minimum 1.2 m clearance between the proposed accesses and any adjacent tree, fire hydrant or utility pole. Any relocation or removal of these items required to accommodate the development will be the applicant's expense;
- We require 5.0 m x 5.0 m vision triangles adjacent to any access in which any landscaping at maturity or entrance feature must not exceed a height of 0.7 m above the centreline elevation of the respective roadways; and,
- All access works within road allowance must be completed by a contractor bonded by the City of Hamilton. Prior to completing any access work a site meeting between the applicant's contractor and City staff will be required."

In review, Planning staff note that the above matters will be addressed through detailed design as part of the future Site Plan Control Application or through application of the respective conditions of approval.

Hamilton Conservation Authority (HCA) have advised that the subject applications may be approved subject to conditions. Notwithstanding, in review of the Functional Servicing Brief (FSB), HCA staff have advised that:

- “• HCA has concerns with the ability of the recommended underground tank system to maintain infiltration rates, since it has been discovered through geotechnical studies undertaken on the adjacent Penady (Winona Crossing) lands to the east and south, that the area contains shallow bedrock and highly impermeable clay soils. As such, the use of infiltration rate of 20mm/hour applicable to sandy loam soils may not be appropriate for the 3mm runoff infiltration recommendation in the SCUBE report;
- A system incorporating conventional underground stormwater detention chambers cannot be utilized as part of a quality control system since the chambers are designed for storm runoff quality control only and no valid studies are available to confirm effectiveness of this system from a quality control perspective;
- As the site is larger than 2ha in size, the FSB must demonstrate that the stormwater management plan considers integrated lot-level quality control measures. Particularly, incorporation of a treatment train approach is required to ensure that the first flush runoff entirely passes through at least one LID measure prior to entering the oil/grit separation unit;
- Calculations supporting installation of oil/grit separators at the north and south inlets to the underground storage facility are required; and,

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- If landscaped-based LIDs with the sub-surface drainage cannot be incorporated into the site quality control system, permeable pavers could be installed with parking areas that would not be used for heavy vehicular traffic and manoeuvring. This approach may also provide additional storage from a quality control standpoint and reduce the underground storage requirements. Please be advised that additional information about implementation of lot-level quality control techniques within commercial/institutional developments can be found on the CVC website, including site information and treatment train techniques employed (e.g. permeable pavers in parking lot) at the I-max Headquarters in Mississauga that had similar soils and stormwater management constraints at the Winona Crossing site.”

Based on the above noted concerns with the proposed stormwater management design, HCA recommends that an “H” Holding Provision be put on the subject property until such time as the proponent demonstrates that an appropriate treatment train approach can be implemented on site, using LIDs to satisfy the Level 2 quality control requirement or that the appropriate Site Plan Conditions 3(b) and 3(c) be applied to a future Site Plan Control Application recognizing the need for LIDs such as bioretention swales, permeable pavers, etc. (similar to the stormwater quality control measures on the adjacent Winona Crossing/Penady lands to the south and east).

In discussion with Development Engineering staff, these matters are best addressed through an “H” Holding Provision within the amending By-law (See Appendix “B”); accordingly, the requisite clause has been incorporated and Planning staff is satisfied that the above concern has therefore been appropriately addressed.

Ministry of Transportation (Ontario) have identified that the owner / applicant should be advised that MTO Building and Land Use Permits are required for all development within 45 m of the QEW highway property line or within 395 m of the centre point of an intersection on the QEW, prior to any construction taking place.

As well, all proposed permanent buildings and structures (above and below ground), utilities, frontage roads / fire routes, essential parking facilities, storm-water management ponds and associated berms or any amenity deemed essential to the operation of the site, must be set back a minimum of 14.0 m (45 ft) from the property limit of the QEW.

As part of MTO’s permit process, submission requirements will include:

- “• a completed MTO Building Land Use application form;
- the permit fee;
- 4 copies of the proposed site plan;
- 4 copies of the proposed site grading / drainage plans for the site;
- 4 copies of the proposed site servicing plans; and,
- 2 copies of a Storm Water Management Report for the site.”

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The plans should clearly indicate the MTO 14 m setback line in relation to the proposed works. In addition, the submission requirements will also include illumination plans (and calculations) and / or a Traffic Impact Study for MTO review and approval.

Planning staff note that the comments above have been provided to the applicant / owner advising them of the future requirement for a land use permit through the future Site Plan Control application. Additionally, the conceptual plan (attached as Appendix “C”) clearly shows the required 14 m setback and includes non-required parking as a temporary use.

Based on the foregoing, staff are of the opinion that the above requirements will be appropriately addressed through the future Site Plan Control application.

Canada Post has advised that mail service for this development is to be provided through a community mailbox (CMB), with the location to be determined.

Staff note that the proposed location of the community mailbox will be determined through the future Site Plan Control application.

Horizon Utilities has advised that they have no objections to the proposal, but advise the applicant/owner of the following:

- “• Do not excavate within two metres of hydro poles and anchors;
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense;
- Horizon Utilities must be contacted if the removal, isolation or relocation of existing plant is required, all cost associated with this work will be at the owners expense;
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255; and,
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (t997) Section 3.1 (3.1.18.1);
 - Electrical Safety Code Rule 75-312;l
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards);
 - CAN/CSA-C22.3 No. 1-10, Overhead System; and,
 - C22.3 No. 7- 10 Underground Systems.”

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Accordingly, the above comments have been provided to the owner / applicant for their information and action.

PUBLIC CONSULTATION

In accordance with the 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 property on February 13, 2015, for the proposed Zoning By-law Amendment application.

To date, two public submissions have been received, one of which requesting notice of public meeting and decision with no comments provided with respect to the subject development. The remaining public submission identified concerns regarding conformity to the UHOP and Fruitland-Winona Secondary Plan; permitted uses (Department Store and / or Warehouse Membership Club); landscaping and buffering; parking requirements; traffic concerns; and, site servicing (see Appendix "E").

Detailed review and discussion of these concerns are provided below in the Analysis and Rationale Section of this Report.

Furthermore, a Public Notice Sign was posted on the property on February 11, 2015, and updated on August 19, 2015, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on August 28, 2015.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) It complies with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan; and,
 - (iii) The proposed development is compatible with existing development in the immediate area and represents good planning by, among other things, providing for the development of a complete community through the addition of commercial uses, enhancing and continuing the streetscape within the neighbourhood, while making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary.
2. The applicant has requested amendments to Stoney Creek Zoning By-law No. 3692-92 in order to permit the development of seven commercial buildings

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with a minimum gross leasable floor area of 7,500 sq m, with associated surface parking and loading areas.

In particular, modifications to the definitions; permitted uses; lot area; lot frontage; minimum gross leasable floor area, minimum front yard, minimum landscape open space, minimum parking requirements, and minimum parking space dimensions of the Community Shopping Centre “SC2” Zone and Part 2 “Definitions” are proposed and analysed below.

Community Shopping Centre “SC2-8(H)” Zone, Modified – Holding:

Definitions (Lot):

Notwithstanding the definition of Lot within Part 2, Definitions and Section 4.4.2, Restriction on Change, those lands zoned Community Shopping Centre “SC2-8(H)” by this By-law shall be considered one lot.

Staff have no concerns and support the proposed modification as it will ensure that the setbacks and gross leasable floor area provisions are applied correctly for the entire development, should the owner / applicant decide to sever the subject lands in the future for potential tenants / owners.

Definitions (Lot Line – Front):

Notwithstanding the definition of “Lot Line – Front” under Part 2 of the Zoning By-law, as the subject lands have frontage on a public road for all four property boundaries, and to ensure the provisions below are appropriately applied to the subject lands, the applicant proposes to identify the southerly portion of Vince Mazza Way with a distance of 125.840 m as shown on Appendix “C” as the Front Lot Line.

Staff have no concerns and support the proposed modification as it is technical in nature due to the property having frontage on all four property boundaries.

Definitions (Commercial Recreation):

In order to facilitate a physical fitness gym as requested by the Ward Councillor and the owner / applicant, the additional use of “Commercial Recreation” has been proposed; however to ensure clarity, the definition has been slightly altered to include yoga studios, martial arts clubs, or similar facilities where instruction is received, to ensure flexibility in potential tenants.

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As the proposed modification is to provide clarity on the permitted uses, and as a “Commercial Recreation” use is appropriate for the subject lands, staff support the proposed modification in definition.

Definitions (Auditorium):

In order to ensure the definition of an “Auditorium” properly reflects the commercial operation, a modification to the definition has been proposed, whereby amusement centres would be permitted as an accessory use to an Auditorium. This modification has been proposed to ensure a movie theatre and the uses normally accessory to this use are appropriately permitted.

As an “Auditorium” is an appropriate use for the lands, and as an amusement centre would only be permitted accessory to such a commercial operation, staff support the requested modification.

Definitions (Floor Area – Gross Leasable):

In review, staff note that the current definition does not appropriately address the intent and purpose of this provision. The intent and purpose is to ensure a gross leasable floor area for the entire site and not on the basis of an individual building / structure as is currently defined.

Accordingly, a modification has been proposed to the definition to ensure the application of this provision would apply to the entire site. As the proposed modification provides clarity and maintains the intent and purpose of the By-law, staff support the requested modification.

Definitions (Landscape Strip and / or Landscape Open Space):

Notwithstanding the definition of “Landscape Strip” and / or “Landscape Open Space” under Part 2 of the Zoning By-law, the owner / applicant has requested that hydro vaults and / or other similar utility structures, and / or flag poles, signs and / or other similar landmark features be permitted within the Landscape Strip.

As appropriate design and amenities of the commercial development will be subject to additional screening and / or landscaping through a future Site Plan Control application, staff support the requested modification, as the additional structures will not detract from the intent of the Landscape Strip.

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Permitted Uses:

To ensure conformity with the policies of the UHOP and the Fruitland-Winona Secondary Plan and to provide greater flexibility with respect to potential tenants, a number of uses have been removed and / or modified.

In particular, additional uses of a “Personal Service Shop”; “Commercial Recreation”; “Animal Hospital or Shelter”; and, “Veterinary Facility” are to be added, while “a single use over 10,000 sq m;” “Amusement Centre;” “Art Galleries;” and “Places of Recreation or Entertainment” are to be prohibited. Notwithstanding, staff do note that elements of an “Amusement Centre” would typically be accessory to an “Auditorium”; accordingly, a modification to permit “Amusement Centres” as an accessory use has been included. Staff have no concerns with the removal of these uses and restrictions to an “Amusement Centre”.

Moreover, Policy E.4.7.3(b) of Volume 1 prohibits “Garden Centres” as a primary use; accordingly, the “Garden Nursery Centres” use shall be restricted to an accessory use to a retail store and / or department store. In addition, to ensure the scale of accessory “Garden Nursery Centres”, staff have included and support provision (p) within the amending By-law to regulate such a use and restricting it to a maximum period of 120 days annually, with no more than 10% of the total parking provided on these lands being dedicated to this use. Accordingly, staff have no concerns with the inclusion of these prohibitions / restrictions.

In review of the uses to be added, staff note Policy E.4.7.2(a) of Volume 1 permits “Personal Services” and staff therefore support the proposed uses as the requested uses of “Personal Service Shop” and “Commercial Recreation” would constitute a Personal Service.

The proposed “Animal Hospital or Shelter” and “Veterinary Facility” is a commercial use that would meet the function of the “District Commercial” designation as described under Policy E.4.7.1 of Volume 1, as it would serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. Based on the foregoing, staff support the above modifications to the permitted uses.

Minimum Lot Area:

Staff note that the built form and development remains consistent with those found in the area, and the requested relief to the lot area from 5 ha to recognize the existing holding of 3.4 ha reflects the existing lot patterns and configurations of the area.

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Staff note that the concept plan attached as Appendix “C” identifies a lot area of 3.5 ha; however, as per the Development Engineering staff comments, given the possibility of a future required road widening which is to be determined at the Site Plan Control stage, the owner / applicant has requested a slight reduction to ensure flexibility should City of Hamilton require a road widening along the north-south leg of Vince Mazza Way. Based on the foregoing, staff support the requested modification to the minimum lot area.

Minimum Lot Frontage:

As per the change in definition noted above to “Lot Line – Front” a reduction in lot frontage from 150 m to 125 m is required. The reduction in lot frontage is minor in nature and will not impact the existing streetscape, neighbourhood character or sense of place. As the site can be appropriately designed with appropriate amenities for commercial areas, staff support the requested modification.

Minimum Gross Leasable Floor Area:

As mentioned above, due to the reduced lot area and to ensure an appropriate site design with full amenities the resultant minimum gross leasable floor area is to be reduced from 14,000 sq m to 7,500 sq m for the entire site.

Staff note that although the concept plan attached as Appendix “C” shows 9,135 sq m of gross leasable floor area, the applicant has requested a slightly lower minimum to allow flexibility for site design and building locations, in order to better facilitate potential future commercial tenants.

In order to allow for potential phasing of the development and zoning conformity, individual buildings less than the requirements of the regulation will be deemed to conform, provided all buildings form part of an approved phased Site Plan Control Application.

Staff support the requested modification as it will maintain the intended function of the “District Commercial” and is subject to a future Site Plan Control application to ensure a comprehensive design that satisfies the intent and purpose of the Fruitland-Winona Secondary Plan.

Minimum Front Yard:

In order to address Policy E.4.7.11 and E.4.7.13 of Volume 1; the Streetscape and Built Form policies of the Fruitland-Winona Secondary Plan, being Policies B.7.4.10.2 to B.7.4.10.6, inclusive of Volume 2; and, the Fruitland-Winona Urban Design Guidelines, the proposed development concept contemplates buildings closer to the street to create a strong pedestrian orientation.

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Accordingly, a reduction in front yard setback from the minimum required 20.0 m to 5.0 m has been requested. As this reduction is to facilitate the UHOP policies noted above and a high quality site design, staff support the requested reduction.

Minimum Rear Yard:

In order to ensure the required Ministry of Transportation setback of 14.0 m is adhered to, staff have included an increase to the minimum rear yard from the required 10.0 m to 14.0 m. Staff support the requested modification.

Minimum Landscape Open Space – Abutting a public street:

Similar to the above, in order to comply with the UHOP policies and to facilitate a high quality site design, buildings have been brought up to the street which result in a reduction of the landscape strip adjacent to any public street from 5.0 m to 4.4 m.

The intent and purpose of this provision is to ensure adequate screening, buffering and landscaping for development adjacent to roadways. Staff support the reduced 4.4 m landscape strip as it is minor in nature given it is of an adequate size for landscaping purposes and will facilitate the envisioned streetscape while maintaining appropriate buffering and screening.

Of note, there is no proposed modification to the minimum required 10% landscape open space.

Minimum Landscape Open Space – Abutting any zone other than a commercial or industrial zone:

Similar to the above, in order to comply with the UHOP policies and to facilitate a high quality site design, buildings have been brought up to the street which result in a reduction of the landscape strip. As the subject lands abut an Institutional “I” Zone to the north, a reduction from 9.0 m to 7.4 m is required.

Staff note that the intent and purpose of this provision is to ensure adequate separation and buffering to sensitive land uses. In review, the Institutional “I” Zone applies to Queen Elizabeth Way and not an actual Institutional use.

Furthermore, there is no proposed modification to the minimum required 10% landscape open space.

Accordingly, staff support the reduction in minimum landscape strip, as it would have minimal negative impacts on adjacent land uses and a 7.4 m landscape

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strip will provide sufficient land for landscaping, buffering and screening of the proposed development.

Parking:

Notwithstanding, Section 4.10, the owner / applicant has requested a slight reduction in the parking ratio from the required one space per 20.5 sq m of Gross Floor Area, to one space per 21 sq m of Gross Floor Area. In review of the conceptual plan attached as Appendix “C”, the proposed reduction would reduce the overall parking for the development by 11 spaces. Hamilton Municipal Parking staff are satisfied with the proposed reduction.

Additionally, staff note that the owner / applicant has provided an additional 21 temporary parking spaces within the 14 m setback of the MTO and the subject lands are located to the north of a planned transit hub. Detailed review of the parking shall be ensured through the future Site Plan Control application and MTO permit process.

In addition, parking space dimension reduction for both standard parking spaces and barrier-free parking spaces have also been requested, being 2.6 m x 5.5 m for a standard parking space and 4.4 m x 5.5 m for a barrier-free parking space, opposed to the required 2.75 m x 5.8 m for a standard parking space and 4.4 m x 5.8 m for a barrier-free parking space.

Staff note that the requested parking space dimension reductions reflect the standards of the Comprehensive Zoning By-law for the City of Hamilton, being By-law No. 05-200, and is therefore supportable. Based on the foregoing, the proposed reductions are minor in nature and supportable.

Additionally, the owner / applicant has also requested a reduction in the landscape area to a lot line for parking areas, from the required 5.0 m to 4.6 m. Staff note that generally the required 5.0 m landscape area is maintained throughout the site; however the easterly and southerly lot lines (Vince Mazza Way) are irregular and result in reductions.

Lastly, to ensure implementation of the envisioned built form of the UHOP for this area, an additional restriction on parking location has been included prohibiting parking between a building façade and street with a minimum setback of 4.6 m from a street.

Staff support the reduction as it is minor in nature, given that 4.6 m will maintain ample space for landscaping purposes while also maintaining an adequate buffer and screening from Vince Mazza Way and a consistent streetscape.

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Minimum Loading Requirements:

Commercial buildings of 1,000 sq m to 1,999 sq m would require a loading space; however, no loading space is proposed for Building “D”. Accordingly, a modification to the range has been proposed being from 1,200 sq m as opposed to the current 1,000 sq m minimum, which would alleviate the requirement for a loading space for Building “D”. No changes are proposed to the other ranges and loading requirements within Section 4.9.2 of the By-law.

In review, staff support the requested modification as it is minor in nature. As the proposal would be subject to a future Site Plan Control Application for detailed site design, should a loading space be necessary for this tenant, it can be incorporated through the Site Plan Control process.

Minimum Side Yard:

Although the parent Community Shopping Centre “SC2” Zone does not mandate a minimum required side yard setback, in order to ensure appropriate site design with buildings brought up to the street, staff have included and support the requirement for a minimum 4.4 m setback for all side yards to reflect the proposed concept plan attached as Appendix “C”.

Maximum Gross Floor Area for all “Offices”:

As per Policy E.4.7.8 of Volume 1, medical offices or clinics and Professional or Business offices on the same lot shall be restricted to a maximum of 2,000 sq m. Accordingly, staff have included and support the proposed provision, item (n) within the amending By-law to address this concern.

Built Form:

To ensure that the development creates a strong pedestrian orientation with principal entrances facing the public street for direct access from the sidewalk as per the policies of the UHOP, the minimum ground floor façades for each individual roadway has been included within the amending By-law.

In particular, 65% for Winona Road; 50% for the North-South leg of Vince Mazza Way; 40% for the East-West leg of Vince Mazza Way; and, 35% for the South Service Road.

Similar to the minimum gross leasable floor area provision, in order to allow for potential phasing of the development and zoning conformity, individual buildings less than the requirement of the regulation will be deemed to conform, provided all buildings form part of an approved phased Site Plan Control Application.

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As the proposed modification is to ensure the envisioned design requirements of the UHOP and the Fruitland-Winona Secondary Plan, staff support the proposed modification.

“H” Holding Provision:

In review by the Development Engineering Section and Geomatics and Corridor Management Section, Public Works Staff, an “H” Holding Provision has been requested for the following item, prior to any development occurring onsite:

“That the owner / applicant enters into an appropriate development agreement with the City to extend the sanitary sewer and watermain, and to complete any road or traffic improvements on the adjacent streets, or to pay his / her share of the works, in accordance with the City’s financial policies and /or conditions, in case those works have been completed by others, all to the satisfaction of the Senior Director of Growth Management.”

In addition, as per the Hamilton Conservation Authority comments within the Relevant Consultation section of this Report, an “H” Holding provision is also required for the proposed stormwater management design; in particular:

“That the owner / applicant demonstrates that an appropriate treatment train approach can be implemented onsite using LIDs to satisfy the level 2 quality control requirements, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority.”

3. Engineering Details:

Water Servicing

The proposed development is intended to be serviced from the westerly extension of a 300mm dia. watermain along the South Service Road from the existing 400 mm dia. watermain on Fifty Road to Vince Mazza Way. The existing 200 mm dia. watermain on Vince Mazza Way is intended to be upgraded to a 300 mm dia. The Owner will be required to construct the 300 mm dia. watermain on the South Service Road from the north / south leg of Vince Mazza Way to Winona Road for looping purposes, in the event the proposed works by others are not completed.

Sanitary Sewer Servicing

There are presently no sanitary sewers to serve the subject lands. The closest sanitary sewer outlet is a 1200 mm dia. sanitary service on South Service Road at Oriole Drive approximately 260 m west of the development. Therefore, the extension of a sanitary sewer outlet along the South Service Road is required.

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It is recommended that these works be co-ordinated with the adjacent property and development (Winona Crossing Commercial Development), as sanitary sewers are proposed on South Service Road and on Vince Mazza Way. However, should the adjacent development not be prepared to co-ordinate these works at the appropriate time, the necessary works can be completed independently by the applicant / owner of 1290 South Service Road.

Therefore, the City will require a Holding Provision until such time as the sanitary sewer has been extended to service the subject lands by either the applicant or others.

Roadway

It is noted that Winona Road, South Service Road and Vince Mazza Way which abut the subject lands are rural cross sections. Under the Winona Crossing Commercial Development, Winona Road and South Service Road will be reconstructed and upgraded to an urban cross section. The south side of South Service Road will also be urbanized.

The east / west leg of Vince Mazza Way is a 26.0 m right of way. However, there is a section of Vince Mazza Way with a current width of 23.0 m which is less than the required 26.0 m.

It is expected Vince Mazza Way will be reconstructed in the near future through the adjacent development of 1310 South Service Road, 345 Fifty Road and 400 Winona Road under Site Plan Control DA-13-022, which will determine the ultimate design of Vince Mazza Way. The current design provides for a complete street and does not identify the need for a road widening at this time, but dependent on timing of the developments, staff may reconsider this requirement at the Site Plan Control stage for further road improvements, if required.

However, Staff advise that at a minimum the proponent shall agree to establish an easement in favour of the City along the north / south leg of Vince Mazza Way to provide for future sidewalk, utility installation, grading, etc. The limit of the easement shall be set at a distance of 13.0 m off the existing centreline of the street. The proposed westerly entrance as indicated on Figure 3 may be in conflict with the proposed left turning lane storage.

Minor Storm Sewer Servicing

There are no piped existing systems available for surface and groundwater collection by direct connection.

It has been identified that Watercourse 10.2 runs along the westerly limits of the subject lands on Winona Road. This existing ditch provides a storm outlet for municipal roadway drainage and the external southerly lands.

Therefore, under a future Site Plan Control application, the Owner will be required to improve the existing drainage ditch along Winona Road from Vince Mazza Way to South Service Road. Cross sections of the enhanced ditch and maintenance access shall be provided by the Owner. Staff will require the Owner to establish a minimum 5.0 m wide easement in favour of the City to provide for proper maintenance access to the ditch.

Stormwater Management

The Owner proposes an oil grit separator / storage tank combination discharging into a channel on the west limits of the subject lands flowing northerly. It appears that the stormwater management proposal does not follow the treatment train approach that provides any redundancy in the proposed concept from a water quality perspective.

Therefore, staff advise the Owner that at the Site Plan Control stage additional LID techniques such as permeable pavement, bio swales etc. will be required to be implemented on site. Any stormwater management techniques must be consistent with those that have been approved for use by the City on the adjacent lands that drains to the same drainage outlet, Watercourse 10.2.

The City's criteria for water quality and quantity management have not been addressed. Prior to conditional Site Plan approval the proponent shall submit a revised FSR to address the following:

1. There is no discussion within the FSR with respect to water quality treatment. Please note that 'Normal' water quality treatment (Level 2 per MOE Guidelines) is required for all runoff prior to being discharged from the site.

The City of Hamilton supports and encourages the construction of sustainable buildings and sustainable land development. We request that the proposed development incorporate green infrastructure, as applicable, to address stormwater management needs for the site.

For planning and design guidance of low impact development practices please refer to the "Low Impact Development Stormwater Management Planning and Design Guide, Version 1.0 (2010)" prepared by the Credit Valley Conservation Authority and Toronto Region Conservation Authority. The evaluation of LID practices shall be summarized within the Functional Servicing Report.

2. Oil / Grit separators have been shown on the functional drawing, but there was no discussion within the Functional Service Report. As per the City's design criteria, oil / grit separators are not to be used as standalone

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- stormwater management practice (ref. Table 2.2, Criteria and Guidelines for Stormwater Infrastructure Design, September 2007).
3. There is no discussion of how flows greater than those being controlled, will be conveyed to the municipal right-of-way (i.e. emergency overland flow route). Please revise the report and revise the design to include an emergency overland flow route. The major overland flow route should be directed to the Winona Road municipal ditch.
 4. The proposed orifice plates are not an accepted control device for these lands, as they discharge to infrastructure (culverts) owned by the Ministry of Transportation; the control shall be provided by an orifice pipe. Please note this method of control was a requirement for the adjacent development.
 5. The proposed underground storage tank is not sufficiently detailed for the City to consider it functional. We note the following concerns:
 - A footprint area of 2,800 sq m is shown on the plans, with a tank depth of 1.0m, providing a volume of 2,800 sq m. Please confirm that the internal storage area has a void space of 100% (i.e. is fully open and accessible, similar to a StormTrap system). If the underground tank is to be designed using a camber system (e.g, Cultec, Brentwood, etc.), then the illustrated footprint is inadequate.
 - Please demonstrate that in the event the tank outlet or inlets are blocked, that there is adequate above-grade storage available and that there will be no impact to the receiving system. Please note that this was a requirement for the adjacent development, and has been requested because of the Ministry of Transportation's stormwater management requirements.
 - Please provide the following details: tank invert, tank obvert, outlet invert within, the municipal ditch.
 6. The recommendations of the report shall summarize the stormwater management requirements to be advanced.
 7. The report shall be stamped and signed by a qualified licensed Professional Engineer.

Recommendations

Growth Management staff advise that an “H” Holding Provision be placed on the subject lands until such time that the owner enters into an appropriate development agreement with the City to extend the sanitary sewer and watermain, and to complete any road or traffic improvements on the adjacent

streets or to pay his / her fair share of the works in case those works have been completed by others, all to the satisfaction of the Senior Director of Growth Management.

In review of the comments, above, staff have included the requested “H” Holding Provision within the amending by-law.

4. To date, two letters have been received from the public in response to the preliminary circulation, one of which requesting notice of Public Meeting and decision with no comments provided with respect to the subject development.

The remaining public submission identified concerns regarding conformity with the UHOP and Fruitland-Winona Secondary Plan; permitted uses (Department Store and / or Warehouse Membership Club); landscaping and buffering; parking requirements; traffic concerns; and, site servicing, all of which are addressed below.

Permitted Uses:

The public submission identified concerns with respect to the lack of a Commercial Needs and Impact Assessment and the requested uses of a “Department Store” and / or “Warehouse Membership Club”.

In review, staff note that as per OMB Order dated June 30, 2015, under File No. PL140601, the Fruitland-Winona Secondary Plan is now in force and effect. The subject lands are designated for “District Commercial” development and the proposed uses are in keeping with the intent and purpose of this designation and the Fruitland-Winona Secondary Plan.

Additionally a “Warehouse Membership Club” is not proposed within the amending by-law.

With respect to a department store, staff note that the District Commercial designation permits retail; however, single uses over 10,000 sq m is prohibited. Accordingly, staff have no concerns with the permitted use of a department store as it is retail in nature, and have included a prohibition of any single use over 10,000 sq m within the amending by-law to ensure compliance with the UHOP.

Landscaping and Buffering:

The public submission identifies that setbacks and buffering applicable to the adjacent commercial development should be applied to the subject lands. Generally, staff note that the required landscape strips are being maintained throughout the development. There are three landscape reductions proposed.

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The first is due to the irregular lot lines of Vince Mazza Way which result in a reduction of the landscape strip to a public street from the required 5.0 m to 4.4 m.

Staff are of the opinion that the reduction is minor in nature, as it only applies to Building “E” and as an adequate width will be maintained to ensure appropriate landscaping, screening and buffering from the roadway while keeping with a consistent streetscape.

A reduction in landscape strip for the north lot line that abuts an Institutional Zone is proposed from the required 9.0 m to 7.4 m. Staff note that the intent and purpose of this provision is to ensure adequate separation and buffering to sensitive land uses. Notwithstanding the Institutional “I” Zone to the north, staff support the requested reduction as the Queen Elizabeth Way separates the subject lands from the institutional zone; and therefore maintains adequate separation and buffering from sensitive land uses.

Lastly, a reduction in landscape strip for parking areas from the required 5.0 m to a lot line to 4.6 m has also been requested. Staff are of the opinion that the reduction is minor in nature, as it only applies to a corner of the southerly parking area and the parking area between buildings “F” and “G”, and adequate width will be maintained in all other areas.

Of further note, the proposed modification implements the policies of the UHOP and the Fruitland-Winona Secondary Plan, with respect to buildings being located up to the street. Additionally parking areas are restricted from being located between a building and street and any parking areas are setback a minimum of 4.6 m which provides ample area for landscaping and buffering purposes.

Therefore, staff support the modification as the reduction will provide for an adequate width to ensure appropriate landscaping, screening and buffering from the roadway, while maintaining a consistent streetscape.

Parking Requirements and Dimensions:

Similar to the above, the public submission is of the opinion that the required parking space dimensions should be the same as those for the adjacent commercial development.

The applicant has requested a slight decrease in the required parking ratio from one space per 21 sq m to one space per 20.5 sq m. In review of the conceptual plan attached as Appendix “C”, the proposed reduction would reduce the overall parking for the development by 11 spaces.

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However, staff note that the owner / applicant has proposed an additional 21 non-permanent parking spaces within the 14 m setback of the MTO and the subject lands are located to the north of a planned transit hub.

Lastly, the proposed parking space dimensions reflect the standards of the Comprehensive Zoning By-law for the City of Hamilton, being By-law No. 05-200.

Based on the foregoing, staff are of the opinion that the requested reduction is minor in nature and therefore supportable.

Traffic:

The public submission identifies that extensive upgrades to the transportation networks are required; in particular, upgrades as part of the adjacent development are required for this development to function appropriately and the associated cost sharing.

The applicant provided a Traffic Impact Study prepared by Crozier & Associates dated August 2014 for the proposed development. In review, staff are satisfied with the findings, subject to the necessary road improvements being incorporated, as per the recommended “H” Holding Provision.

Accordingly, staff are of the opinion that sufficient road capacity is available for the proposed development and will incorporate any necessary road improvements.

As for timing, cost sharing and the physical implementation of the necessary improvements, staff have reviewed the proposal and will ensure any necessary improvements related to each individual development and the associated cost sharing will be appropriately addressed and incorporated as per the “H” Holding Provision for an External Works Agreement.

Site Servicing:

Similar to the above, the public submission identifies that extensive upgrades are required to the services for the area and concerns related to the associated cost sharing for these improvements.

Development Engineering staff have reviewed the application as per the comments provided within Sub-section 3 of the “Analysis and Rationale for Recommendation” section above and are generally satisfied with the proposed servicing subject to the future required Site Plan Control application and the respective “H” Holding Provision.

The cost sharing of the necessary service improvements will be appropriately addressed and incorporated as per the “H” Holding Provision for an External Works Agreement.

Based on the foregoing, staff are satisfied that adequate municipal services are available for the proposed development.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the applicant would be able to develop the lands in accordance with the Agricultural Specialty “AS” Zone, which would permit Agricultural Uses; a Single Detached Dwelling; Uses, buildings or structures accessory to a permitted use; and, a Home Occupation.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

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

Strategic Objective

- 1.1 Continue to grow the non-residential tax base.
- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.4 Improve the City's transportation system to support multi-modal mobility and encourage inter-regional connections.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

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

Strategic Priority #3

Leadership & Governance

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*WE work together to ensure we are a government that is respectful towards each other
and that the community has confidence and trust in*

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law No. 3692-92 Amendment
- Appendix “C”: Concept Plan
- Appendix “D”: Public Submissions

:AC/th