



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 5, 2016
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 288 Glover Road, Stoney Creek (PED16084) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Delia McPhail Planner (905) 546-2424 Ext. 6663 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan (UHOP) Amendment Application UHOPA-16-03, by Branthaven (Fruitland) Inc., Owner**, for an amendment to remove the subject lands from Urban Area Specific “USC-3” Volume 3, Chapter B – Area Specific Policies and to replace it with an Urban Site Specific Policy Area within Volume 3, Chapter C - Urban Site Specific Policy, and to delete the subject lands from Block 2 of the Block Servicing Strategy Area Delineation, in order to permit the development of the lands located at 288 Glover Road, Stoney Creek, for 77 townhouse dwelling units and a stormwater management pond, as shown on Appendix “A” to Report PED16084, be **DENIED** for the following reasons:
- i) The proposal is not consistent with the Provincial Policy Statement;
 - ii) The proposal does not comply with the vision of the Urban Hamilton Official Plan as the applications do not ensure appropriate and orderly development and are considered premature as the Fruitland-Winona Secondary Plan is currently under appeal and before the Ontario Municipal Board; and,

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- iii) The proposal is considered premature as the Block Servicing Strategy required by the Fruitland-Winona Secondary Plan has not been completed to demonstrate how the lands can be developed appropriately in a coordinated and integrated fashion and not with impact to other developments in the Fruitland-Winona Secondary Plan area.
- (b) That **Zoning By-law Amendment Application ZAC-16-012, by Branthaven (Fruitland) Inc., Owner**, to change the zoning from the Small Scale Institutional “IS” Zone to a modified Multiple Residential “RM3” Zone, to allow 77 townhouse dwelling units and a stormwater management pond, on lands located at 288 Glover Road, Stoney Creek, as shown on Appendix “A” to Report PED16084, be **DENIED** for the following reasons:
- i) The proposal is not consistent with the Provincial Policy Statement;
 - ii) The proposal does not comply with the vision of the Urban Hamilton Official Plan as the applications do not ensure appropriate and orderly development and are considered premature as the Fruitland-Winona Secondary Plan is currently under appeal and before the Ontario Municipal Board; and,
 - iii) The proposal is considered premature as the Block Servicing Strategy required by the Fruitland-Winona Secondary Plan has not been completed to demonstrate how the lands can be developed appropriately in a coordinated and integrated fashion and not impact other developments in the Fruitland-Winona Secondary Plan area.

EXECUTIVE SUMMARY

The proposed Official Plan Amendment intends to remove the subject lands from Urban Area Specific “USC-3” Volume 3, Chapter B – Area Specific Policies of the Urban Hamilton Official Plan, and to delete the subject lands from Block 2 of the Block Servicing Strategy Area Delineation, in order to facilitate the development of the subject lands for 77 townhouse units prior to the Fruitland-Winona Secondary Plan (FSWP) being in effect (the FWSP is currently before the Ontario Municipal Board).

The Area Specific Policy USC-3 identifies that no development shall proceed for lands in the FSWP until such time as the required studies identified in the policy are finalized by the City, which include the completion of a Secondary Plan unless otherwise specifically exempted by the policies of USC-3. The proposed Zoning By-law Amendment is for a change from the Small Scale “IS” Institutional Zone to a modified Multiple Residential (RM3) Zone in Stoney Creek Zoning By-law No. 3692-92. Modifications to density, setbacks, lot coverage, landscaping, and parking are proposed

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to complement the development concept proposed by the applicant to permit the development of 77 townhouse units and a stormwater management pond.

The proposal does not have merit and cannot be supported since the applications are not consistent with the Provincial Policy Statement, and do not comply with the Urban Hamilton Official Plan. The proposed development is considered to be premature until such time as the Ontario Municipal Board has made a decision on the Fruitland–Winona Secondary Plan and the Block Servicing Strategy has been completed.

Alternatives for Consideration – See Page 24

FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND (Chronology of events)

Regional Official Plan Amendment No. 14 and Stoney Creek Official Plan Amendment No. 99

On October 23, 2003, the City of Hamilton adopted amendments to the Regional Official Plan (ROPA 14) and the Stoney Creek Official Plan (OPA 99) to expand the urban boundary in lower Stoney Creek to include lands east of Fruitland Road to the Hamilton municipal boundary, between Highway No. 8 and Barton Street, as well as lands north of Barton Street on the west side of Fifty Road and north of the CNR tracks. Two appeals were filed against ROPA 14 and OPA 99. In November of 2005, the Ontario Municipal Board issued a decision on the appeals (OMB Decision/Order No. 1202, issued April 30, 2007) which approved the City and Province’s settlement to allow the lands outside the Greenbelt area to be designated “Urban” with a Special Policy Area. The subject lands were included as Parcel D within the Special Policy Area.

The Special Policy Area required the preparation of a general land use plan, a transportation study, water, wastewater and storm water analysis and an evaluation of the appropriateness of commercial development for all of the lands, including Parcel D. Once these studies were complete, the Special Policy requires that a Secondary Planning process be completed prior to the development proceeding for Parcels B-2, C and D. ROPA 14 and OPA 99 as approved by the OMB, were incorporated in the

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UHOP as Special Policy Area “USC-3.” To implement the planning process as directed by the OMB, the City began the Secondary Planning process in 2007.

Fruitland-Winona Secondary Plan (FWSP)

Extensive formal public consultation began in June 2007, and continued to June 2010. On June 4, 2013, a Statutory Public Meeting was held to present the amendments to the former Regional Municipality of Hamilton-Wentworth Official Plan and the former City of Stoney Creek Official Plan to adopt the Fruitland-Winona Secondary Plan. The Secondary Plan was approved, with modifications, by Council on June 26, 2013. In addition, the SCUBE Sub-watershed study and a set of Urban Design Guidelines were also approved. The complementary official plan amendments were appealed to the OMB in July, 2013.

Subsequently, on August 16, 2013, the Ontario Municipal Board (OMB) released its decision on the UHOP, which had been under appeal since March 2011. This decision brought the UHOP into effect, designating the subject lands “Neighbourhoods” on Schedule “E-1”, and also repealed (deleted) large portions of the Stoney Creek Official Plan. As a result, the Fruitland-Winona Secondary Plan could not be incorporated into the Stoney Creek Official Plan, since it no longer existed. An amendment to the Urban Hamilton Official Plan was required to incorporate the Fruitland-Winona Secondary Plan. Therefore, another Statutory Public Meeting was held to consider an amendment to the UHOP. The Fruitland-Winona Secondary Plan was approved by Council on May 14, 2014. The Notice of Adoption was issued on May 14, 2014, and was subsequently appealed to the OMB.

Official Plan and Zoning By-law Amendment Applications (UHOPA-14-013/ZAC-14-023)

On May 30, 2014, the owner of the subject lands submitted a Zoning By-law Amendment application and subsequently applied for an Urban Hamilton Official Plan Amendment in August 2014, in order to remove the lands from Urban Area Specific “USC-3” Volume 3, Chapter B – Area Specific Policies of the UHOP, and to rezone the subject lands from the Small Scale Institutional “IS” Zone to a modified Multiple Residential “RM3” Zone in order to permit 92 townhouse dwelling units on five condominium roads. Following an information meeting held by the Ward Councillor and further correspondence with staff, the owner withdrew the applications to allow more time for the FWSP appeal process at the OMB to advance, so that the land use direction for the area would become more certain, and to allow staff additional time, in order to sufficiently advance the Block Servicing Strategy.

Proposal

The subject lands, known as 288 Glover Road, are located on the south side of Barton Street, east of Glover Road, and north of Willow Street, in the City of Stoney Creek (see

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Appendix “A” to Report PED16084) and are designated as “Low Density Residential 3” in the Fruitland–Winona Secondary Plan.

The current applications propose to remove the lands from Urban Area Specific “USC-3” Volume 3, Chapter B – Area Specific Policies of the UHOP, and to rezone the subject lands from the Small Scale Institutional “IS” Zone to a modified Multiple Residential “RM3” Zone in order to permit 77 townhouse dwelling units on four condominium roads and a stormwater management pond.

Chronology:

- December 18, 2015: Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications (UHOPA-16-03 and ZAC-16-012) are received for the development of 77 townhouses units and a stormwater management pond.
- January 7, 2016: Applicant provided additional reports/studies required.
- January 22, 2016: Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications deemed complete.
- January 26, 2016: Applications circulated to staff and commenting agencies.
- February 5, 2016: Public Notice Sign posted on the property.
- February 11, 2016: Notice of Complete Application and Preliminary Circulation is mailed to 79 property owners within 120 m of the subject lands.
- February 3, 2016: Staff met with Owner and Consultants to discuss pre-maturity of the proposal based on the outstanding appeal of the Fruitland-Winona Secondary Plan and the outstanding completion of the Block Servicing Strategy and provided the Owner/Applicant an opportunity to withdraw the applications. Owner wished to proceed with the applications.
- March 9, 2016: Public Notice sign updated to reflect Planning Committee date.
- March 18, 2016: Notice of Public Meeting given in accordance with the *Planning Act*.

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Details of Submitted Application

Owner/Applicant: Branthaven (Fruitland) Inc. (c/o Anthony Girolami)

Agent: Glenn Schnarr & Associates Inc. (c/o Mark Bradley)

Location: 288 Glover Road (Stoney Creek)

Description: Frontage (Barton): +/- 91 m

Flankage (Glover): +/- 165 m

Frontage (Willow): +/- 99 m

Depth: +/- 182 m

Lot Area: +/- 1.9 ha

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Place of Worship	Small Scale Institutional "IS" Zone.
<u>Surrounding Lands:</u>		
North	Industrial Uses	Prestige Industrial (M3) Zone.
South	Single Detached Dwellings	Rural Residential "RR" Zone.
West	Farming/Woodlot	Agricultural Specialty "AS" Zone and Intensive Recreation "IR" Zone.
East	Single Detached Dwellings	Rural Residential "RR" Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Planning Act, R.S.O. 1990, c. P. 13

In Part One of the *Planning Act*, Section 2 provides legislation relating to matters of provincial interest. With respect to the responsibilities of municipal authorities, regard shall be given to matters of provincial interest, among others. As it relates to the subject lands, the following applies:

Part I Provincial Administration, Section 2:

“(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems; and,

(h) the orderly development of safe and healthy communities;...”

Orderly development refers to systematic planning and development. In this regard, the notion of orderly development is paramount as it guides and ensures good urban planning practice which is efficient and organized. The Fruitland–Winona Secondary Plan (FWSP) is a comprehensive secondary planning document which provides policy direction based on good planning and is premised on the notion of orderly development through its policies. The proposed applications do not encompass the guiding principle of orderly and appropriate development in the absence of an approved Secondary Plan and a comprehensive Block Servicing Strategy.

The proposed planning applications would predetermine future development rights of abutting land owners, in that the comprehensive review of municipal servicing including grading and stormwater management (Block Servicing Strategy) has not been completed. The proposed applications do not have regard to the *Planning Act* in that adequate services, including grading and stormwater management, cannot be determined until the appropriate studies have been completed. Staff is of the opinion that the proposed applications are premature and would not be appropriate, nor be considered orderly development in the absence of the FWSP being in full force and effect, and the Block Servicing Strategy being completed.

Provincial Policy Statement (2014)

The application has been reviewed against the applicable policies of the Provincial Policy Statement (PPS), including:

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.

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- 1.1.3.7 Planning authorities shall establish and implement phasing policies to ensure:
- b) the orderly progression of development within designated growth areas and the timely provision of the infrastructure and public service facilities require to meet current and projected needs.
- 1.6.6.1 Planning for *sewage and water services* shall:
- a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:
 - 1. *municipal sewage services* and *municipal water services*; and
 - b) ensure that these systems are provided in a manner that:
 - 1. can be sustained by the water resources upon which such services rely;
 - 2. is feasible, financially viable and complies with all regulatory requirements; and,
 - 3. protects human health and the natural environment;
 - c) promote water conservation and water use efficiency; and,
 - d) integrate servicing and land use considerations at all stages of the planning process;
- 1.6.6.7 Planning for stormwater management shall:
- a) minimize, or, where possible, prevent increases in contaminant loads;
 - b) minimize changes in water balance and erosion;
 - c) not increase risks to human health and safety and property damage;
 - d) maximize the extent and function of vegetative and pervious surfaces; and,
 - e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.
- 2.2.1 Planning authorities shall protect, improve or restore the *quality and quantity of water* by:
- a) using the *watershed* as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
 - f) planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
 - h) ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces.”

The subject lands are within the Council adopted FWSP, which is currently under appeal and before the OMB. The policies in the FWSP identify that a Block Servicing Strategy (BSS) is required to ensure that all upstream, downstream, and adjacent lands are incorporated into an overall strategy for how the existing land uses and future

development applications will be adequately serviced with municipal water, sanitary and storm sewers. The BSS has been separated into three blocks in the Secondary Plan area and the subject lands are located within Block 2, which also comprises lands west of Glover Road between Barton Street and Highway No. 8 to the westerly limits of Watercourse No. 6. The BSS is necessary since the FWSP area has relatively flat topography, and requires specific grading and detailed servicing and stormwater management provisions in order to adequately service the growth expected in the area. While a Functional Servicing and Stormwater Management Report by Urbantech Consulting, dated December 2015, was submitted in support of the applications, staff note that it does not comprehensively address how the development can be appropriately serviced, since the Block Servicing Strategy that will address the FWSP area comprehensively has not been completed.

Further, Policy 1.1.3.7 above is consistent with the *Planning Act* direction respecting orderly development. In this regard, the City has established a phased approach for servicing the FWSP area which requires the completion of a Block Servicing Strategy prior to development proceeding for three different areas of the Plan. While the BSS for these areas may occur simultaneously, the intent is that each of the three areas be studied comprehensively. The proposed applications fail to respect the Council-approved approach and vision respecting the comprehensive review and servicing of the area, which is not in keeping with this policy and the principle of good planning.

- “2.1.1 Natural features and areas shall be protected for the long term.
- 2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.
- 2.1.7 *Development and site alteration* shall not be permitted in *habitat of endangered species and threatened species*, except in accordance with *provincial and federal requirements*.
- 2.1.8 *Development and site alteration* shall not be permitted on *adjacent lands* to the *natural heritage features and areas* identified in policies 2.1.4, 2.1.5, and 2.1.6 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*.
- 3.1.1 Development shall generally be directed to areas outside of:
 - b) *hazardous lands* adjacent to *river, stream and small inland lake systems* which are impacted by *flooding hazards* and/or *erosion hazards*; and

3.1.2 *Development and site alteration* shall not be permitted within:

- c) areas that would be rendered inaccessible to people and vehicles during times of *flooding hazards, erosion hazards* and/or *dynamic beach hazards*, unless it has been demonstrated that the site has safe access appropriate for the nature of the *development* and the natural hazard; and,
- d) a *floodway* regardless of whether the area of inundation contains high points of land not subject to flooding.”

Based on mapping from the UHOP, specifically Schedule B-Natural Heritage Systems and Map B.7.4.2-Natural Heritage System, components of the Natural Heritage System have not been identified on the subject property. However, a Core Area (Watercourse 7.0, regulated by Hamilton Conservation Authority) has been identified adjacent to the property. The proposed development is partially within the regulated floodplain, and given the proposed change to the existing drainage patterns, the HCA is not supportive of the proposed applications until these matters have been satisfactorily addressed. The stormwater management strategy for these lands and the adjacent lands forms part of the Block Servicing Strategy that is currently being prepared. Therefore, the applications are not consistent with policies 3.1.1 and 3.1.2 noted above.

As part of the Stoney Creek Urban Boundary Expansion (SCUBE) Subwatershed Study, a Species at Risk survey, focusing on Barn Swallow (“threatened”), Chimney Swift (“threatened”), Eastern Meadowlark (“threatened”) and Bobolink (“threatened”) was completed by Stantec in 2012. It was identified that potential Barn Swallow, which faces loss of nesting habitat, loss of foraging habitat and large-scale decline of flying insects, was observed at the corner of Barton Street and Glover Road. As part of the previous applications, the applicant submitted a Species at Risk Screening, prepared by Plan B Natural Heritage, dated April 7, 2015. Although potential nests had been identified within the church that was located on the property, the building had been demolished prior to the submission of that report. Since the building on site has been removed, Natural Heritage staff no longer has concerns with respect to Species at Risk.

Based on the foregoing, this development proposal is not consistent with the PPS.

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

The Plan’s main objective is to provide direction in developing communities in order to achieve a better mix of housing, jobs, shops and services in close proximity to each other. The subject lands are “Designated Greenfield Area” in the Plan. Policy 2.2.7 indicates that new development in greenfield areas shall be planned as complete communities, and further, that the designated greenfield area of each municipality shall

be planned to achieve a minimum density of not less than 50 residents and jobs per hectare.

The Council-adopted FWSP was developed in accordance with the “Designated Greenfield Area” policies of Places to Grow, including the determination of appropriate land uses and densities. While the proposal does not meet specific policies of the FWSP (Block Servicing Strategy), the proposal does generally conform to the policies contained within Place to Grow.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” - Urban Structure Plan and designated as “Neighbourhoods” on Schedule “E-1” - Urban Land Use Designations. In Volume 3, Chapter B – Stoney Creek Area Specific Policy of the UHOP, the subject lands are identified as Parcel “D” of “USC-3”. The following policies from Volume 1 and Volume 3 are relevant to this proposal. A discussion of the Council-adopted the FWSP, which will be incorporated into Volume 2 of the UHOP once in effect, will be provided in the proceeding section.

Volume 1

“C.2.5.2 New development and site alteration shall not be permitted within provincially significant wetlands, significant coastal wetlands or significant habitat of threatened and endangered species.”

As mentioned above, a Species at Risk Screening Survey had been completed and staff has no further concerns.

“F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:

- a) the impact of the proposed change on the City’s vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
- b) the impact of the proposed change on the City’s communities, environment and economy and the effective administration of the public service.”

In considering an OPA, the City must consider how the proposal may impact the City’s vision. The FWSP was developed pursuant to the guiding policies of the UHOP and provides detailed and community specific guidance with respect to growth and change for the Fruitland-Winona community. The FWSP provides detailed land uses, densities,

design requirements, and infrastructure requirements and other implementing actions and procedures appropriate for the community to develop as a complete community. The proposed applications circumvent the secondary planning process and reflect a change to the City's vision for the area as the FWSP is not yet in force and effect. Further, the applications do not respect the appropriate and orderly use of land or the efficient provision of infrastructure detailed in the Secondary Plan by proceeding in advance of the required studies, more specifically, the Block Servicing Strategy.

As mentioned above, the notion of orderly development is paramount as it guides and ensures good urban planning practice which is efficient and organized. The FWSP is a comprehensive secondary planning document which provides policy direction based on good planning and is premised on the notion of orderly development through its policies. The proposed applications do not encompass the guiding principle of orderly and appropriate development in the absence of an approved Secondary Plan and the required studies.

Staff is of the opinion that the proposed Official Plan Amendment to allow the proposed development does not comply to this policy as it is not in keeping with the City's vision as developed under a secondary plan.

Volume 3: Map 1 – Area Specific Policies Key Map

“USC-3 Lands located at: 1) Fruitland Road, Barton Street, Glover Roads, and Highway No. 8; 2) South east corner of Barton Street and Glover Road, municipally known as No. 288 Glover Road; 3) East side of McNeilly Road, Barton Street, western limits of Winona and Highway No. 8; 4) The eastern limits of Winona, Barton Street, properties just west of Fifty Road, and Highway No. 8; and, 5) east of Winona Road, South Service Road of the QEW, City limits, CNR Railway.

1.0 Area Specific USC-3, comprised of Parcels A, B, B-1, B-2, C, D inclusive, shown on Map SC-2 includes the following lands bounded by:

- a) Fruitland Road, Barton Street, Glover Road, and Highway No. 8;
- b) South east corner of Barton Street and Glover Road, municipally known as No. 288 Glover Road;
- c) East side of McNeilly Road, Barton Street, western limits of Winona Urban Community and Highway No. 8;
- d) The eastern limits of Winona, Barton Street, properties just west of Fifty Road, and Highway No. 8; and,
- e) East of Winona Road, South Service Road of the QEW, City limits.

1.1 Lands located within Area Specific Policy USC-3 are intended to be planned in a comprehensive manner. No *development* shall proceed for these lands until the

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following studies have been completed for all of the lands located within Area Specific USC-3 to the satisfaction of the City.

Parcels A, B, B-1, B-2:

- a) Prior to *development* of (1) the lands between Barton Street and the CNR tracks east of Winona Road and west of Fifty Road identified as Parcel A on Map SC-2, including 1361 Barton Street (0.96 ha) and 347 Fifty Road (2.95 ha) and (2) the area between Winona Road and the Hamilton Municipal boundary north of the CNR tracks and south of the QEW identified as Parcels B, B-1 and B-2 on Map SC-2, the following policies shall be satisfied:
 - i) The City shall prepare a general land use concept for all the lands identified as Area Specific USC-3 on the basis of:
 1. housing density, type, and mix;
 2. projected population;
 3. school requirements;
 4. commercial lands; and,
 5. employment lands.
 - ii) As part of the City's commercial and employment land needs analysis in clause i), the City shall evaluate the appropriateness of commercial development on the lands identified as Parcel B on Map SC-2.
 - iii) The City shall undertake a transportation analysis based on the land uses in Policy 1.1 a) i).
 - iv) The land owners shall undertake, a water, wastewater and storm water analyses for the storm drainage areas in which Parcels A and B are located to support the land uses determined in Policy 1.1 a)i) to the satisfaction of the City). and,
 - v) The cost of the studies:
 1. identified in Policy 1.1 a) i and ii) above shall be paid for by the land owners located within in Parcels B, B-1, and B-2; and,
 2. identified in Policy 1.1 a) iv) above shall be at the complete cost of the landowners located within in Parcels A, B, B-1, and B-2.

Parcels B-2, C and D

- d) Following the completion of the requirements identified in a) above, an integrated Secondary Planning Process under the *Planning Act* and the Municipal Engineering Association's Class Environmental Assessment

process shall be completed for the remaining lands within Area Specific Policy USC-2 identified on Map SC-2.

Parcel C

- e) Sections and policies of the Greenbelt Plan, including Section 5.2.1, permit the implementation of the urban land use designations and policies of this Plan, as described in Chapter F – Implementation of Volume 1, for the lands located at and identified as Parcel C on Map SC-2:
 - i) Glover Road, Barton Street, Concession 1, dividing Lots 11 and 12 and Highway No.8 (30.87 ha approximately).
 - ii) 970 Barton Street (0.788 ha);
 - iii) 1361 Barton Street (0.96 ha); and,
 - iv) 347 Fifty Road (2.95 ha).”

Special Policy Area “USC-3” provides direction as to the special requirements that must be completed prior to the development of the subject lands (Parcel D). These requirements involve the completion of a comprehensive planning process that includes a land use concept plan, transportation analysis, municipal servicing and an employment land needs analysis for a complete community. It is noted that the Secondary Planning process for this area has been undertaken, culminating in the approval of the FWSP on May 14, 2014; however, the Plan is under appeal and not in force and effect.

The applicant has applied for an OPA to remove the lands from Special Policy Area “USC-3”, in order to allow the proposed development to proceed in advance of an OMB decision of the appealed Secondary Plan, and in advance of the completion of the Block Servicing Strategy. Staff are not supportive of this amendment as it is not in keeping with Policy F.1.1.5, since the proposed applications do not have regard to the City’s vision for the FWSP area, as it relates to the potential impacts related to comprehensive evaluation of the whole community including municipal servicing. Based on the foregoing, this development proposal is premature and does not comply with the Urban Hamilton Official Plan.

Fruitland-Winona Secondary Plan (FWSP)

The FWSP was adopted by Council in April 2014. The Secondary Plan area comprises approximately 370 ha and is planned to accommodate an estimated population of 15,500 people. The Plan is not in force and effect however, it is the approved direction and vision of Council. The subject lands are designated “Low Density Residential 3” in the FWSP. This designation permits all forms of townhouse dwellings and existing places of worship, in addition to the permitted uses identified in Section E.3.4.3 of Volume 1 of the UHOP, which includes single-detached, semi-detached, duplex, triplex,

and street townhouse dwellings. The proposed built form of development, identified in the Concept Plan, attached as Appendix “B” to Report PED16084, includes block townhouses and rear lane townhouse dwelling units. Therefore, the proposal is consistent with the “Low Density Residential 3” designation of the FWSP in its current form. However, there may be concerns with the interface of this proposal with other existing developments that may result in adjustments to the FWSP, once the appeals are resolved and the Secondary Plan is in effect.

The applicable policies of the FWSP that are relative to the subject lands are, as follows:

“7.4.3 General Policies

- e) Development on Barton Street adjacent to the Barton Street Pedestrian Promenade, located along the south side of Barton Street, as identified on Map B.7.4-3 - Fruitland-Winona Secondary Plan - Transportation Classification Plan, shall be integrated visually and functionally into the Barton Street Pedestrian Promenade in accordance with Section 7.4.10.16 and Policy 7.4.13.2, of this Plan. An Urban Design Report shall be required to demonstrate how the proposed buildings integrate with the adjacent Barton Street Pedestrian Promenade and address matters such as the following:
 - i) Pedestrian connections;
 - ii) Built form; and,
 - iii) Landscaping.
- f) Parking for developments along Barton Street shall be encouraged to be located away or appropriately buffered from the Barton Street Pedestrian Promenade.
- g) Where possible, connections to the Barton Street Pedestrian Promenade with adjacent natural areas, streets, trails and parks shall be encouraged in accordance with Section 7.4.10.16 of this Plan.”

The applicant submitted an Urban Design Brief prepared by Adesso Design Inc., dated January 6, 2016. At this time, since the proposal cannot be supported, the Brief is considered premature.

“7.4.4.5 Low Density Residential 3 Designation

In addition to Section E.3.4 – Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 3 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) In addition to the uses permitted in Policy E.3.4.3 of Volume 1, the following additional uses shall be permitted:
 - i) All forms of townhouse dwellings; and,
 - ii) Existing Places of worship.
- b) Notwithstanding Policy E.3.4.4 of Volume 1, for lands designated Low Density Residential 3 the *net residential density* shall be greater than 40 units per hectare and shall not exceed 60 units per hectare.”

The proposed development concept, attached Appendix “B” to Report PED16084, would comply with the policies outlined in the “Low Density Residential 3” designation, as Council-approved. As stated above, the block and rear lane townhouse units identified in the Concept Plan, Appendix “B” to Report PED16084, are a permitted form of townhouse dwelling and comply with the UHOP. In addition, the proposed net unit residential density (upnh) of the development is calculated within the range of 48 to 51 upnh, and complies with the “Low Density Residential 3” designation with respect to density. However, staff note that the FWSP is currently appealed to the OMB and the proposed designation could be further revised through the OMB proceedings and the evidence provided through the hearing process. In this regard, the proposed units are considered premature until such time as the OMB decision-making process has been finalized.

“7.4.10.16 Barton Street Pedestrian Promenade

The Barton Street Pedestrian Promenade is a 4 m wide trail planned to extend from Fruitland Road to Fifty Road on the south side of Barton Street as identified on Map B.7.4-3 – Fruitland-Winona Secondary Plan – Transportation Classification Plan.

In addition to Policy 7.4.13.2 of this Plan, the following policies shall apply to the Barton Street Pedestrian Promenade and lands fronting the south side of Barton Street:

- a) The City shall complete a Streetscape Master Plan for Barton Street which will address the design of the Barton Street Pedestrian Promenade;
- b) The Barton Street Pedestrian Promenade shall be designed as a meandering City owned multi-use paved trail system within the road right-of-way on the south side of Barton Street;
- c) The Barton Street Pedestrian Promenade shall provide a safe paved pathway for pedestrians and cyclists to connect public spaces such as schools, storm water management facilities, and City parks to future transit services;

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- d) *Urban Braille* shall be incorporated into the design of the Barton Street Pedestrian Promenade; and,
- e) The required road widening for the pedestrian promenade, shall not exceed 4 m, however, widenings less than 4 m may be taken where identified through the Barton Street Environmental Assessment.”

The applicant has identified a 3.1 m road widening along the Barton Street frontage in the Concept Plan, attached as Appendix “B” to Report PED16084. Staff note that the Environmental Assessment process for improvements to Barton Street is in its initial stages and, as a result, the size of the road widening has not been determined, making the applicant’s proposed road widening and proposal premature. At the appropriate time, the proposed development and the Barton Street Pedestrian Promenade will be evaluated.

“7.4.11.1 In addition to Section 2.0 – Natural Heritage System of Volume 1, the following policies shall apply to lands within the Fruitland-Winona Secondary Plan Area:

- b) All development within the Fruitland-Winona Secondary Plan area shall comply with the *Endangered Species Act, 2007* or its successor legislation.”

As mentioned previously, this policy has been addressed since a Species at Risk Screening Survey has been completed for the subject lands and Natural Heritage staff concur with the recommendations and conclusions and have no further concerns or requirements.

“7.4.14 Block Servicing Strategy

The Fruitland-Winona Secondary Plan area is characterized by a relatively flat topography which requires specific grading and detailed servicing provisions to adequately service the future development area so development proceeds in a coordinated and comprehensive manner. A Block Servicing Strategy shall be required for the areas identified on Map B.7.4-4 – Fruitland-Winona Secondary Plan – Block Servicing Strategy.

7.4.14.1 The following policies shall apply to lands identified as the “Servicing Strategy Area” as identified on Map B.7.4-4 – Fruitland-Winona Secondary Plan – Block Servicing Strategy Area Delineation:

- b) The City shall develop a Block Servicing Strategy for the Blocks identified on Map B.7.4-4 Fruitland-Winona Secondary Plan - Block Servicing Strategy Area Delineation;

- c) All *development* within the lands identified as the “Servicing Strategy Area” shall conform to the Block Servicing Strategy;
- e) Notwithstanding subsection (b) above, if a developer(s) wishes to proceed with development in advance of approval of the City initiated Block Servicing Strategy, the developer(s) may undertake a Block Servicing Strategy subject to the following:
 - i) The Block Servicing Strategy submission shall be to the satisfaction of the City, in accordance with the Block Servicing Strategy Terms of Reference and shall include a minimum of one Block, as identified on Map B.7.4-4 – Fruitland-Winona Secondary Plan - Block Servicing Strategy Area Delineation.
- f) The Fruitland-Winona Sub-Watershed Studies shall form the basis of all Block Servicing Strategies;
- g) A Block Servicing Strategy shall conform to the vision, objectives and policies of this Plan and shall identify the land use designations, densities and natural heritage features, including *Vegetation Protection Zones* and *Restoration Areas*, in accordance with this Plan;
- h) A Block Servicing Strategy shall have regard for existing development in accordance with Policy 7.4.3 (d) of this Plan by reflecting the general scale and character of the established development pattern in the surrounding area by taking into consideration lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;
- i) A Block Servicing Strategy shall guide phasing within each Block area within the Fruitland-Winona Secondary Plan;
- n) A Block Servicing Strategy shall be used by the City to guide the review of planning applications within the respective Block Servicing Strategy area;
- p) The recommendations of a Block Servicing Strategy shall be incorporated into the City's Staging of Development Report as appropriate;
- s) A Block Servicing Strategy, for the area identified as Block 2 on Map B.7.4-4 – Block Servicing Strategy Area Delineation, shall determine the floodplains along Watercourse 6.0, downstream of Highway No. 8 (between sections 2232.182 and 1785.033).

7.4.17 Implementation

In addition to Section F.1.0 – Implementation, the following policies shall apply to the implementation of the Fruitland-Winona Secondary Plan:

General Policies

- 7.4.17.1 Prior to the submission of a development application, excluding severances and minor variances, for lands within the Fruitland- Winona Secondary Plan area, a Block Servicing Strategy shall be prepared, in accordance with the policies of Section 7.4.14 – Block Servicing Strategy of this Plan, and approved to the satisfaction of the City. No development application that creates new lots through the subdivision of land or consent or any Zoning By-law Amendment application shall be deemed complete unless it implements the Block Servicing Strategy or provides justification for changes to the Block Servicing Strategy to the satisfaction of the City.
- 7.4.17.2 All development applications shall demonstrate that they comply with the approved Block Servicing Strategy.
- 7.4.17.3 All *development* shall proceed in accordance with the approved Block Servicing Strategy.
- 7.4.17.4 Where an amendment to this Plan is proposed, the City may also require an amendment to the Block Servicing Strategy.”

The FWSP has been adopted by Council and represents Council’s vision for the growth and development of the Plan area. This Plan provides clear direction related to the Block Servicing Strategy (BSS), which must be completed prior to any development applications proceeding. Moving the applications forward prior to completion of the BSS and other required studies is premature and may have impacts on future servicing and infrastructure requirements in the Study area. With respect to Policy 7.4.14.1(e), the applicant has not provided any indication to proceed with the BSS in advance of the City’s initiated BSS. Further, the City requires that the BSS be completed in order to guide the review of planning applications. Since the BSS has not been completed, as per Policy 7.4.17.2, development cannot proceed.

Therefore, the subject applications are considered premature, until such time as the FWSP is in effect and the Block Servicing Strategy is completed.

Stoney Creek Zoning By-law No. 3692-36

The subject lands are zoned Small Scale Institutional “IS” Zone in Stoney Creek Zoning By-law No. 3692-36, which permits the following uses:

- (a) Cemeteries;
- (b) Churches;
- (c) Community Centres;
- (d) Day Nurseries;
- (e) Elementary Schools;
- (f) Group Homes;
- (g) Hospices;
- (h) Libraries;
- (i) Museums;
- (j) Places of Worship;
- (k) Police Stations (By-law 4032-94);
- (l) Residential Care Facilities;
- (m) Post Offices;
- (n) Accessory dwelling units to a permitted use; and,
- (o) Uses, buildings or structures accessory to a permitted use but specifically excluding any commercial or retail uses

In order to permit the proposed form of development, the applicant proposes to rezone the subject lands to a modified Multiple Residential “RM3” Zone. Modifications to address density, minimum setbacks, lot coverage, minimum landscaping and parking would be required to facilitate the proposal. The proposed request for a change in zoning to permit this residential development in the absence of the FWSP and Block Servicing Strategy is considered premature as it does not meet the intent of the UHOP to consider this area as part of a complete community that is planned comprehensively.

RELEVANT CONSULTATION

No Concerns / Comments

- Forestry and Horticulture Section, Public Works Department;
- Waste Management Division, Public Works Department;
- Parking Services, Hamilton Municipal Parking System;
- Recreation Division, Community and Emergency Services Department.
- Environment and Sustainable Infrastructure, Public Works Department; and,
- Horizon Utilities.

Geomatics and Corridor Management Section, Engineering Services Division, Public Works Department

Corridor Management staff provided technical comments related to the subject applications and the future Site Plan Control application. The applicant had submitted a Traffic Impact Study (TIS) with the previous OPA/ZBA applications, and staff noted that the reduction of the number of dwelling units and the removal of a driveway from Willow Lane has been accepted by staff. In addition, staff advised that the intersection control at Barton Street and Glover Road has been upgraded to an all-way stop intersection, and the level of service would be in the range of A-C at full build-out of the proposed development, which is acceptable. Further discussion concerning the timing of road improvements, as part of the larger Glover Road and Barton Street urbanization project, as well as streetlight upgrades, potential temporary lane or sidewalk closures, and the construction of municipal sidewalks, will be required at the Site Plan Control stage of development.

Public Health Services, Health Protection Division

Staff advise that a detailed pest control plan shall be developed and implemented throughout each construction / development phase until project completion. The plan must be formulated by a professional exterminator, licensed by the Ministry of Environment and Climate Change, and shall include monitoring, removing potential food sources, and eliminating or preventing areas for harbourage. Pest control efforts should also remain in place for the area in and around the stormwater management facility for the duration of use.

Staff also requires the formulation of a dust mitigation plan, which identifies all potential sources of dust generation and provides details regarding effective dust abatement strategies to be implemented for the duration of the development and shall include dust control measures for adjacent lands, including but not limited to, roadways, sidewalks, etc. Finally, the plan must also include contact information for the personnel responsible for performing dust mitigation actions, as necessary.

In order to ensure the proposed development connects to the bicycle network, staff recommend the installation of short term bicycle parking facilities for visitors, as well as secure indoor bicycle parking for residents. The proposed development should also provide attractive and direct walkways for pedestrians, linking building entrances with public sidewalks and key destinations, such as schools. These requirements would be reviewed as part of a future Site Plan Approval application.

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 79 property owners within 120 m of the subject lands on February 11, 2016, and a Public Notice sign was posted on the property on February 5, 2016. One letter was received indicating the resident was supportive of the applications, and one petition signed by 22 residents was received in opposition to the applications, citing concerns with respect to the proposed scale, density, access, and possible spill-over of parking onto local roads. In addition, there were questions concerning the proposed stormwater management pond and the lands being developed in advance of the FWSP being in force and effect. Both correspondences are attached as Appendix “C” to Report PED16084.

Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act*.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed amendments to the Urban Hamilton Official Plan and Stoney Creek Zoning By-law No. 3692-92 do not have merit and cannot be supported for the following reasons:
 - i) The proposal is not consistent with the Provincial Policy Statement (PPS);
 - ii) The proposal does not comply with the vision of the Urban Hamilton Official Plan as the applications do not ensure appropriate and orderly development and are considered premature, as the Fruitland-Winona Secondary Plan is currently under appeal and before the Ontario Municipal Board; and,
 - iii) The proposal is considered premature as the Block Servicing Strategy required by the Fruitland-Winona Secondary Plan has not been completed to demonstrate how the lands can be developed appropriately and not impact other developments in the Fruitland-Winona Secondary Plan area.
2. As indicated in the UHOP policies listed and discussed in the Policy Section of this report, staff is of the opinion that the proposed development is considered premature until such time as the FWSP is finalized by the OMB and that the Block Servicing Strategy is completed. As mentioned above, Policy F.1.1.5 of the UHOP must be considered when making amendments to the UHOP or a Secondary Plan, and that the City shall have regard to the impact of the proposed change on the City’s vision, communities and environment. The

proposed OPA does not have regard for these matters, as it is proposing development to proceed prior to final approval of the Secondary Plan and necessary studies being completed.

The FWSP was developed pursuant to the guiding policies of the UHOP, and provides detailed and community specific guidance with respect to growth and change for Fruitland-Winona. The FWSP provides detailed land uses, densities, design requirements, and infrastructure requirements and other implementing actions appropriate for the community to develop under the guise of good planning principles. The proposed applications circumvent the secondary planning process and vision, as they do not ensure the appropriate and orderly use of land or the efficient provision of infrastructure in the absence of the required studies, more specifically, the Block Servicing Strategy, as outlined in the FWSP.

Special Policy Area “USC-3” of the UHOP provides policy direction in this scenario as the FWSP is under appeal. Special Policy Area “USC-3” provides direction as to the special requirements that must be completed prior to the development of the subject lands (Parcel D). These requirements include the necessity for a Secondary Planning process under the *Planning Act*. It is noted that the Secondary Planning process for this area has been undertaken, culminating in the approval of the FWSP on May 14, 2014. However, the Plan is under appeal and not in force and effect.

For all of the reasons noted above, staff find that the applications are premature and do not comply with either the UHOP or the vision of the Council-adopted FWSP and, therefore, recommend denial of the applications.

3. Growth Management staff have reviewed the Functional Servicing and Stormwater Management Report (prepared by Urbantech Consulting, dated December 2015), as well as preliminary engineering drawings, prepared for the proposed site development at 288 Glover Road in Stoney Creek. Despite inconsistencies between the submitted engineering materials and the Concept Plan, attached as Appendix “B” to Report PED16084, staff indicate that they did not have any technical engineering concerns from a servicing perspective. However, the servicing solution may not be the most efficient or comprehensive strategy in the absence of a completed Block Servicing Strategy. In addition, comments from Public Works staff indicated that the completion of the Block Servicing Study (BSS) is necessary to ensure the water distribution system’s ability to accommodate the ultimate development of the Fruitland-Winona Secondary Plan (FWSP) area, including the proposed development of the subject lands. A draft of the BSS is anticipated to be completed in the fall of 2016.

4. There are other issues that will need to be addressed in the future, at the appropriate time, once the issues related to prematurity have been addressed. With respect to urban design, the applicant submitted an Urban Design Brief prepared by Adesso design Inc. dated January 6, 2016. Similarly, a Noise Feasibility Study prepared by HGC Engineering, dated December 9, 2013, was submitted by the applicant, which will require modification prior to approval. In addition, a Record of Site Condition will be required due to the change in land use.
5. With respect to archaeological potential, staff advise that a Stage 1 - 2 Archaeological Report was prepared by Amick Consultants Ltd., dated April 27, 2010, has been submitted and reviewed. Staff concurs with the recommendations made in the report, and conclude that municipal interest in archaeology has been met.

ALTERNATIVES FOR CONSIDERATION

1. Should the applications be approved, the lands could be developed for the proposed residential uses. Direction would be required for staff to prepare the appropriate implementing Official Plan Amendment and Zoning By-law in order to implement the proposed development.
2. Alternatively, if the applications are denied, the lands could be developed in accordance with the Small Scale Institutional "IS" Zone which permits institutional uses and uses, buildings or structures accessory to a permitted use.
3. A third alternative would be to Table / Defer this application until such time as the FWSP and the BSS are in effect / complete. This alternative requires the Owner's agreement.

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

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.

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- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Concept Plan
- Appendix "C": Public Comments

DM