



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 19, 2016
<b>SUBJECT / REPORT NO:</b>	City Initiated Official Plan Amendment and Application for a Zoning By-law Amendment for Lands Located at 3 Shippee Avenue, Stoney Creek (PED16093) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Melanie Schneider Planner II (905) 546-2424 Ext. 1224  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to **City Initiative CI-16-D**, for Urban Hamilton Official Plan Amendment No. XX, to correct text errors within the Urban Lakeshore Secondary Plan for lands located 3 Shippee Avenue (Stoney Creek), as shown on Appendix “A” to Report PED16093, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16093, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
- (b) That approval be given to **Zoning Application ZAC-15-045, by Fifty Road Joint Venture, Owner**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential – One “R1-6(H)” Zone, Modified, Holding to permit the development of five lots for single detached dwellings on lands located at 3 Shippee Avenue (Stoney Creek), as shown on Appendix “A” to Report PED16093, on the following basis:

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- (i) That the draft By-law, attached as Appendix “C” to Report PED16093, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.

**EXECUTIVE SUMMARY**

The City Initiated Official Plan Amendment is proposed to provide consistency between the text of the Urban Lakeshore Secondary Plan, specifically, Policy B.7.3.6.1 of Volume 2 of the UHOP and associated mapping. The text incorrectly describes the subject lands as “Low Density Residential 3” whereas Map B.7.3-1 designates the lands as “Low Density Residential 2e.” The proposed Official Plan Amendment will provide consistency between mapping and text of the UHOP to ensure appropriate lot sizes and densities are described for the subject lands.

The proposed Zoning By-law Amendment is for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential – One “R1-6(H)” Zone, Modified, Holding. The proposed Zoning By-law Amendment will allow for the development of five lots for single detached dwellings with a Holding Provision to allow for an External Works Agreement to extend municipal services to the site.

The City Initiative and Zoning By-law Amendment application have merit and can be supported because they are consistent with the Provincial Policy Statement (PPS), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and comply with the Urban Hamilton Official Plan (UHOP), as recommended for amendment. The proposal is considered to be compatible with existing development in the area and provides for an efficient urban form that uses existing infrastructure while being in keeping with the character of the area.

***Alternatives for Consideration – See Page 15***

**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 applications for amendment to the Official Plan and Zoning By-law.

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**HISTORICAL BACKGROUND**

- August 21, 2015: Application ZAC-15-045 deemed complete.
- August 31, 2015: Notice of Complete Application and Pre-Circulation was mailed to 52 property owners within 120 m of the subject property.
- September 16, 2015: A Public Notice sign established on the property.
- March 14, 2016: City Initiative CI-16-D deemed complete.
- March 23, 2016: Public Notice sign updated.
- April 1, 2016: Circulation of Notice of Public Meeting to 52 property owners within 120 m of the subject property.

**Background:**

The subject property is located on the west side of Shippee Avenue at the northwest corner of McCullom Road and is municipally known as 3 Shippee Avenue, Stoney Creek. The subject lands are 0.34 ha in size and are currently vacant. The lands are west of Hamilton Conservation Authority Lands (i.e. the Fifty Point Conservation Area), and are south of Lake Ontario. The applicant proposes to create five lots for single detached dwellings through Part Lot Control Application PLC-15-030, subject to approval of the proposed Zoning By-law Amendment, an External Works Agreement and the lifting of the “H” Holding Provision.

**City Initiative, Official Plan Amendment (CI-16-D)**

The City Initiated Official Plan Amendment is proposed to provide consistency between the text of the Urban Lakeshore Secondary Plan, specifically, Policy B.7.3.6.1 of Volume 2 of the UHOP and associated mapping. The text incorrectly describes the subject lands as “Low Density Residential 3” whereas Map B.7.3-1 designates the lands as “Low Density Residential 2e.” The proposed Official Plan Amendment will provide consistency between mapping and text of the UHOP to ensure appropriate lot sizes and densities are described for the subject lands. Staff recommend that the lands be placed within a Site-Specific Policy Area to identify the lands as “Low Density Residential 2e”. The Policy Area will require a minimum lot width of 18m for the lands, notwithstanding the minimum required density of 20 to 40 units per hectare (see Appendix “B” to Report PED16093). The proposed policies are consistent with the intent of the Urban Lakeshore Secondary Plan.

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**Zoning By-law Amendment (ZAC-15-045)**

The purpose of this application is for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential – One “R1-6(H)” Zone, Modified, Holding in order to develop the lands for five lots containing single detached dwellings with frontage on Shippee Avenue and extend municipal services to the site, through an External Works Agreement. No modifications to the applicable provisions to the “R1-6” Zone are proposed. In order to facilitate the proposal and divide the lands into five lots, the applicant has submitted an associated Part Lot Control Application, PLC-15-030, which will be heard at a future City Council meeting, as shown on the Concept Plan (see Appendix “F” to Report PED16093).

**DETAILS OF SUBMITTED APPLICATION:**

**Owner / Applicant:** Fifty Road Joint Venture Inc. c/o Silvio and Marko Guglietti

**Agent:** A.J. Clarke & Associates c/o Franz Kloibhofer

**Location:** 3 Shippee Avenue (Stoney Creek) (see Location Map at Appendix “A” to Report PED16093)

**Property Size:**

Frontage	93 m
Area	0.34 ha
Depth	48.94 m

**Servicing:** Watermain, no other services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands</u></b>	Vacant	Neighbourhood Development “ND” Zone
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Stormwater Management Pond	Conservation Lands (P5) Zone
<b>East</b>	Water Pumping Station, Hamilton Conservation Area	Open Space (P4) Zone
<b>South</b>	Single Detached Dwellings	Single Residential – One “R1-6” Zone, Modified

**West**

Single Detached Dwellings

Single Residential – One  
“R1-6” Zone, Modified

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* and the *Greenbelt Act* require that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan and the Greenbelt Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the Official Plan, as proposed for amendment, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the Provincial Policy Statement (2014); and,
- Conforms to the Growth Plan for the Greater Golden Horseshoe.

### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The subject lands are also designated “Low Density Residential 2e” in the Urban Lakeshore Secondary Plan, Volume 2 of the UHOP. The subject lands also fall within Area Specific Policy A — Fifty Point Neighbourhood - East of Fifty Road. The subject lands are designated “Low Density Residential” in the Fifty Point Secondary Plan. The following policies, amongst others, apply:

General Residential Intensification Policies

“B.2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

B. 2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed buildings with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lots with the lot pattern and configuration within the neighbourhood;

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- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood; and,
- j) infrastructure and transportation capacity and impacts.”

The application is to facilitate the future creation of five lots in order to construct five single detached dwellings, consistent with the surrounding Plan of Subdivision “Fifty Road Joint Venture – Phase 1” (see Appendix “D” to Report PED16093). The proposed change in zoning is compatible with the existing lot pattern, character in terms of lot width and use proposed, existing function of the neighbourhood, and provides intensification by proposing five lots within Block 151 of Plan 62M-950. The subject lands will maintain the same zoning as adjacent lands (“R1-6” Zone) to ensure compatibility in terms of built form / massing, height, setbacks from the street and building separation. The proposed zoning will ensure private amenity space is provided in the form of a minimum 7.5 m rear yard setback. The lands are also adjacent to public amenity space, under the jurisdiction of the Hamilton Conservation Authority. Staff do not anticipate any impacts with regards to shadowing, overlook, noise, lighting, traffic, and other nuisance effects with the proposal.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
  - a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
  - d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.”

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The subject lands are located within the interior of the existing neighbourhood, bound by Fifty Road, Lake Ontario and McCollum Road. The height of any proposed dwellings shall be limited to a maximum of 11 m, or approximately two and a half storeys by the Single Residential – One “R1-6(H)” Zone, Modified, Holding of the Zoning By-law (see Appendix “C” to Report PED16093). The lands do not have direct access to major or minor arterial road and will continue the established low density lot pattern of the Registered Plan of Subdivision known as “Fifty Road Joint Venture – Phase 1”, 62M-950 (see Appendix “D” and Appendix “E” to Report PED16093).

Secondary Plan

The subject lands are designated “Low Density Residential 2e” in the Urban Lakeshore Secondary Plan, Volume 2 of the UHOP. The subject lands also fall within Area Specific Policy A – Fifty Point Neighbourhood – East of Fifty Road. The subject lands are designated “Low Density Residential” in the Fifty Point Neighbourhood Plan.

Chapter B of Volume 2 states the following regarding the Low Density Residential Designation:

“B.7.3.1.4 Low Density Residential 2e Designation

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2e on Map B.7.3-1-Urban Lakeshore Area – Land Use Plan:

- a) the permitted uses shall be single, semi-detached, duplex, link dwellings, and cluster homes; and,
- b) the density shall range from 20 to 40 units per hectare.

B.7.3.6.1 To maintain the unique character of the Fifty Point Neighbourhood, special design features shall be provided on lands designated Low Density Residential 3 west of Fifty Road. These lands are shown as an Area Specific Policy – Area A on Map B.7.3 -1 – Urban Lakeshore Area – Land Use Plan and the following policies shall apply:

- a) Notwithstanding Policy 7.3.1.5 b) of this secondary plan, a maximum of 637 dwelling units shall be permitted within the lands shown as Area Specific Policy – Area A on Map B.7.3 -1 – Urban Lakeshore Area – Land Use Plan.
- b) A geographic gradation of densities and lot sizes shall be established the lowest densities located closer to Lake Ontario



and the higher densities interspersed throughout the area, but with a greater concentration closer to the Queen Elizabeth Way.

- c) To create a strong neighbourhood identity along the edge of the neighbourhood, a minimum frontage of 18 m for single detached lots along McCollum Road and 15 m lots along Fifty Road shall be required. In no case shall lots with a lot frontage less than 15 m be permitted. A lot having less than 18 m of frontage shall only be permitted within 500 m of Baseline Road.”

OPAs 32 and 61 of the former Stoney Creek Official Plan were amendments to the lands identified as Special Policy Area ‘E’ which is located east of Fifty Road. While transitioning the secondary plan from the former Official Plan to the UHOP, the existing Special Policy Area ‘E’ was changed to Area Specific Policy - Area ‘A’. A technical error was made in Policy B.7.3.6.1 preamble of the Urban Lakeshore Secondary Plan of the UHOP with respect to which side of Fifty Road the special policy area was located. Therefore, an amendment to the text is required to revise the wording from “west” to “east” so that it reads “east of Fifty Road”.

While transitioning the secondary plans from the former Official Plans to the UHOP, the existing secondary plans were placed into newly created designation categories established by staff to standardize the secondary plan designations and associated densities. For Area Specific Policy - Area ‘A’, the mapping designates the lands as Low Density Residential 2e, however the text notes the designation as Low Density Residential 3 which does not exist in the map legend. The density on the lands totals 18.9 units /ha. Therefore, the designation assigned to the mapping is more correct than what was assigned in the text (i.e. LDR3). As such, an amendment to the text is required to revise the designation reference from “3” to “2e” so that it reads: ‘Low Density Residential 2e’.

Policy 7.3.6.1(a) of Area Specific Policy – Area ‘A’ contains a reference to Policy 7.3.1.5(b) Low Density Residential 3. Because the LDR3 designation was the wrong designation applied, an amendment to Policy 7.3.6.1(a) is required to revise the Policy reference from “7.3.1.5(b)” to “7.3.1.4(b)”.

As such, staff are bringing forward a city initiated Official Plan Amendment to correct these errors in response to this application, since these errors occurred during the transition from the Stoney Creek Official Plan to the current Urban Hamilton Official Plan (see Appendix “B” to Report PED16093). A comprehensive Housekeeping Amendment will be forthcoming to correct the technical error as it relates to the whole Area Specific Policy – Area ‘A’.

With respect to Policy B.7.3.6.1c), the subject lands are approximately 965 m from the Baseline Road and have frontage along McCollum Road. As such, the requirement for a

minimum lot frontage of 18 m applies to the subject lands. Given that the applicant is proposing to meet the 18 m requirement, the intent of maintaining the unique residential character of the area is satisfied. Staff note that with the additional proposed five lots, there are approximately 617 units within Area Specific Policy – Area A and the density requirements under Policy 7.3.1.5 b) of Volume 2 of the UHOP no longer applies. Accordingly, the proposal meets the intent of the Secondary Plan, subject to the city initiated Official Plan Amendment.

### Servicing

Policy C.5.4 provides direction with regards to storm water management:

“C.5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.”

The applicant has submitted a Functional Servicing Report, prepared by Rand Engineering, dated July 7, 2015 in support of the application. Staff are satisfied with the findings of the report which ensure stormwater management will be appropriately accommodated through the urbanization of Shippee Avenue. In order to implement the urbanization, an External Works Agreement will be required and is further discussed in the Analysis and Rationale section of this report.

Based on the foregoing, the proposal complies with the policies of the UHOP as proposed for amendment.

### **RELEVANT CONSULTATION**

**Corridor Management Section of Public Works** have indicated they do not oppose the proposal, however, in order to implement the development, urbanization of Shippee Avenue will be required and will be carried out by an External Works Agreement. At this time, a municipal sidewalk along the west side of Shippee Avenue will be constructed. Corridor Management staff will require a review of the street light levels along that Shippee Avenue corridor. Upgrades to street lighting levels will likely be required. Therefore the Corridor Management office will require a Lighting Level Plan for review and approval. Plans can be forwarded for review to Mike Field, Project Manager Street Lighting & Electrical Engineering when the applicant seeks to complete the required External Works Agreement.

The applicant will be required to apply for and receive Access Permits from the Municipal Parking Office. Prior to commencing any work within the road allowance, staff recommend that the applicant / owner contact all the respective Utilities. Any costs for Utility relocation or other items are the sole responsibility of the applicant/owner.

A minimum clearance of 1.2 m must be provided between any proposed access and adjacent poles, traffic signs, etc. Any relocation of these items to comply with the City's requirements will be undertaken at the applicant's expense.

**Hamilton Municipal Parking System, Planning and Economic Development** has no concerns with the proposal as long as it does not preclude the applicant from providing all required parking. All driveways and garages should be appropriately dimensioned to ensure their use for parking. HMPS is not supportive of encroachments into parking spaces.

**Urban Forestry and Horticulture Section, Public Works Department** have identified that there are no existing street trees along Shippee Avenue. Staff have requested a Landscape Plan which outlines the location of any proposed Street Trees and cash payment for City installation, as required through the Subdivision Agreement for "Fifty Road Joint Venture – Phase 1". Accordingly, this requirement will be addressed through the External Works Agreement.

**Hamilton Conservation Authority** has reviewed the proposal and agrees with the supplied Functional Servicing Report. Staff have no objection to the proposed five residential lots but do recommend that silt sacks be installed in all catchbasins receiving drainage from the subject property.

### **Public Consultation**

In accordance with Council's Public Participation Policy, the Zoning By-law Amendment Application was circulated as part of the Notice of Complete Application to 52 property owners within 120 m of the subject lands on August 31, 2015. One petition containing 15 signatories has been received by staff and the issues and concerns are related to the extension of municipal services to a private road to the north of the subject lands known as Windemere Road, the width expansion of Shippee Avenue and sidewalk installation along Shippee Avenue (see Appendix "F" to Report PED16093). The issues and concerns in the correspondence are discussed in the Analysis and Rationale for Recommendation Section of this Report.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement, which supports compact development and the provision of a full range of housing opportunities;
  - (ii) It conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), which encourages the development of compact communities within built-up areas;

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- (iii) It complies with the policies in effect for the Urban Hamilton Official Plan, subject to the approval of the UHOP Amendment; and,
  - (iv) The proposal would be compatible with existing and planned development in the surrounding area, and represents good planning.
2. The issues which have been examined for the proposed Zoning By-law Amendment relate to land use and servicing. These issues are summarized below as follows:

Official Plan Amendment

The proposed Official Plan Amendment provides corrections to the Area Specific Policy – Area “A” as it relates to Map B.7.3-1 and the original intent of carrying forward the Secondary Plan from the former Stoney Creek Official Plan. The proposed Official Plan Amendment aims to correct text errors as land use designations were transitioned from the former local Official Plans into the UHOP. The changes in text will provide additional clarity and consistency between the Secondary Plan text and associated mapping. Accordingly, staff are supportive of the proposed Official Plan Amendment.

The Proposed Land Use

The proposed development is located on lands which are designated “Neighbourhoods” on Schedule “E-1” of the UHOP, “Low Density Residential 2e” in the Urban Lakeshore Secondary Plan of Stoney Creek, and is consistent with the planned intent of the surrounding area, consisting of low density residential development. The five lots would continue the established lot patterns in the Fifty Road Joint Venture – Phase 1 Subdivision, as conceptually illustrated on the Plan of Subdivision 62M-950 (see Appendix “D” of Report PED16093). The proposed zoning will be consistent with the lands to the west and south which both are comprised of the same “R1-6” Zone, Modified that is proposed on the subject lands. The proposed lotting will also be consistent with the Urban Lakeshore Secondary Plan which shows large lots on the northwest corner of McCollum Road and Shippee Avenue.

3. Servicing

Existing servicing was examined by City staff to ensure adequate services were available for the proposed development. The applicant has submitted a Functional Servicing Report dated July, 2015 and a Preliminary Grading Plan, prepared by Rand Engineering and dated June, 2015, for staff review.

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Staff concur with the findings of the report which indicates that the proposed development can be adequately serviced by the proposed sanitary sewer system / extension and water distribution systems on Shippee Avenue.

Shippee Avenue is currently substandard at this location and is to be reconstructed to full urban standards in order to facilitate this proposed development. The Owner will be required to enter into and register with the City of Hamilton an External Works Agreement. The required municipal upgrades along Shippee Avenue include the extension of the existing 250 mm municipal sanitary, storm sewer, individual private sewer, and water drain connections to each proposed lot, grading and drainage, sidewalks, curbing, driveway approaches, cash payment for street trees, inspection of grading and services to be installed, erosion and sedimentation controls, any other required roadway or traffic improvements, including securities for these items and any damages to the existing City infrastructure or public property during construction, which are necessitated by the development of the subject lands.

In order to implement the required External Works Agreement, staff advise that a Holding (H) Provision will be placed on the subject lands until such time that:

- a) That the Owner submits a water service assessment to the satisfaction of the City Public Works Department which tabularizes the expected occupancy and provides a water demand estimation, and needed fire flow calculation, based on the “Water Supply for Public Protection, Fire Underwriters Survey, 1999”.
- b) That the Owner enters into an External Works Agreement with the City of Hamilton and registers it on title, to the satisfaction of the Senior Director of Growth Management. All costs associated with the works, including the cost of the Agreement preparation, securities etc. will be at the expense of the Owner. An administration fee for the City’s review and supervision of the Owner’s engineering services and administration of security in connection with the construction and installation of the Works will be required along with the signed copies of the External Works Agreement in accordance with the City’s current User Fee Schedule.
- c) That the owner agrees to urbanize Shippee Avenue along the frontage of Block 151 R.P. 62M-950, including the road profile and installation of a sanitary and storm sewer (within the urbanized portion of the road) and shall demonstrate how the external lands to the north can be serviced with a suitable outlet, to the satisfaction of the Senior Director of Growth Management.

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4. Based on final approval and on the submitted 62R plan (see Appendix “F” to Report PED16093), the following municipal addresses will be assigned as follows:
  - a) Part 5 – 3 Shippee Avenue;
  - b) Part 4 – 7 Shippee Avenue;
  - c) Part 3 – 11 Shippee Avenue;
  - d) Part 2 – 15 Shippee Avenue; and,
  - e) Part 1 – 19 Shippee Avenue.
  
5. The circulation of the application to consider a Zoning By-law Amendment application has resulted in the submission of a collective petition from nearby property owners along Windemere Road (see Appendix “F” to Report PED16093).

The issues identified in the neighbourhood correspondence are discussed as follows:

Extension of Sanitary and Storm Sewers to Windemere Road

Fifteen signatories of a petition from property owners residing along Windemere Road have identified concerns that extension of municipal services have not occurred from McCollum Road to Windemere Road. Staff note that Windemere Road is a privately owned street north of the subject lands, with several names of ownership and easements in favour of private landowners. As such, the City does not have jurisdiction over these lands. As part of the current application, the applicant will be required to enter into an External Works Agreement to extend services from McCollum Road to the northerly limit of the subject lands.

The signatories of the petition also identify that a neighbourhood meeting was held at the time of the Draft Plan of Subdivision application for the “Fifty Road Joint Venture – Phase 1” Subdivision, 62M-950, where they were assured services would be extended to Windemere Road. Staff note that Schedule “F” – Engineer’s Estimate of Cost of Services of the “Fifty Road Joint Venture – Phase 1” Subdivision Agreement does not include the extension of services along Shippee Avenue from McCollum Road to Windemere Road. Accordingly, staff are unsure of the origins of this claim. Windemere Road currently is serviced by a watermain but sanitary and storm sewers are not present. Staff also note that the subject lands are within a separate drainage area than Windemere Road which impacts serviceability between the subject lands and Windemere Road. The Subdivision Agreement does not include the extension of services along Shippee Avenue and therefore, the applicant was not required to ensure these services were extended

to Windemere Road under the associated Subdivision Agreement. However, the development will bring municipal services close to Windemere Road and facilitate the future municipal extensions should residents wish to connect, independent of this proposal. Should the residents wish to proceed with the extension of services along Shippee Avenue, from the northerly limit of lands located at 3 Shippee Avenue to Windemere Road, the property owners would be responsible for these works. The applicant will be required to cap the extension of services at the northerly limit of the subject lands to ensure there is capacity to extend services to Windemere Road at a future date.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Official Plan Amendment and Zoning By-law Amendment applications be denied, the Official Plan would include text errors that do not coincide with associated mapping and the property would remain under the Neighbourhood Development “ND” Zone which permits only existing structures on the subject lands.

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

### **Strategic Priority #1**

A Prosperous & Healthy Community

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

### **Strategic Objective**

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

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**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A" - Location Map
- Appendix "B" - Proposed Amending By-law to Volume 2 of the Urban Hamilton Official Plan
- Appendix "C" - Proposed Amending By-law to Stoney Creek Zoning By-law 3692-92
- Appendix "D" - Plan of Subdivision 62M-950
- Appendix "E" - Draft Plan 62R-
- Appendix "F" - Correspondence

MS/th