



Hamilton

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT  
Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 11
<b>COMMITTEE DATE:</b> April 30, 2013	
<b>SUBJECT/REPORT NO:</b> Applications for Amendments to the City of Stoney Creek Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1361 Barton Street (Stoney Creek) (PED13073) (Ward 11)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Joe Muto (905) 546-2424 Ext. 7859
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to **Official Plan Amendment Application OPA-12-019, by the Hamilton Wentworth Catholic District School Board, Owner**, for Amendment No. [REDACTED] to the Stoney Creek Official Plan, to amend Schedule “A” General Land Use Plan to re-designate lands from “Special Policy Area ‘F’ - Parcel ‘A’” to “Institutional”, for the lands located at 1361 Barton Street, (Stoney Creek), as shown on Appendix “A” to Report PED13073, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED13073, be adopted by Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Hamilton-Wentworth Official Plan.

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- (b) That approval be given to **Zoning Application ZAC-12-050, by the Hamilton Wentworth Catholic District School Board, Owner**, for the addition of lands to Zoning By-law No. 05-200 to the Neighbourhood Institutional (I1, H51) Holding Zone, as shown on Schedule “A” to Report PED13073, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED13073, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law be added to Schedule “A”, Map No. 1312, of Zoning By-law No. 05-200; and,
  - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [REDACTED].

**EXECUTIVE SUMMARY**

The purpose of these applications is to amend the City of Stoney Creek Official Plan, and the City of Hamilton Zoning By-law. The applicant is requesting to permit the development of the lands for a Catholic Elementary School.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement, and conform with the Growth Plan for the Greater Golden Horseshoe and the Hamilton-Wentworth Official Plan. The proposed development is an essential community facility, which is compatible with and complementary to the existing and planned development in the immediate area.

*Alternatives for Consideration - See Page 20.*

**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 (1) Public Meeting to consider applications for Amendments to the Official Plan and Zoning By-law.

**HISTORICAL BACKGROUND** (Chronology of events)

The applicant has submitted applications to amend the City of Stoney Creek Official Plan, and to zone the subject lands as Neighbourhood Institutional (I1) Zone, under Zoning By-law No. 05-200, with a Holding (H) provision to address traffic, servicing, and archaeology which, once satisfied, would permit the development of a Catholic Elementary School.

The subject lands are located in the former City of Stoney Creek, in the Winona Urban Area, on the north side of Barton Street, between Winona Road and Fifty Road. The property is currently vacant and municipally known as 1361 Barton Street, with a total land area of 2.3 hectares (see Appendix "D").

The applicant had applied for a severance to establish the lands required to develop the proposed Elementary School site. The conveyed parcel would be for the future school site, and the retained parcel would be used for future residential purposes by adding the lands to the draft plan of subdivision, known as "Foothills of Winona - Phase 2". The Committee of Adjustment granted conditional approval of the application on April 12, 2012 (see Appendix "F").

**Proposal:**

The applicant has submitted applications to re-designate and re-zone the lands to allow a Catholic Elementary School. The proposed school will have a ground floor area of 3,700 sq m., enhanced landscaping, a total of 68 parking spaces, a lay-by for school bus drop-off, 2 play areas comprised of both sod and asphalt, and 1 kindergarten play area, which will be primarily sodded (see Appendix "D"). The current proposal for the change in zoning is seeking to add the lands to the parent Neighbourhood Institutional (I1) Zone of Hamilton Zoning By-law No. 05-200. This Zone will permit the Catholic Elementary School. Through review of the application, it is recommended that a Holding (H) provision also be incorporated into the implementing Zoning By-law to address issues related to archaeology, municipal servicing, urbanization costs, and traffic.

**Official Plan Amendment (OPA):**

The subject lands are designated as "Special Policy Area 'F' - Parcel A" (SPA 'F') Schedule "A" - General Land Use Plan in the Stoney Creek Official Plan. SPA 'F' was implemented through OPA No. 99, which was approved on October 29, 2003, and amended April 30, 2007, by the OMB. OPA No. 99 directs comprehensive development within the Stoney Creek Urban Boundary Expansion Area (SCUBE). SPA 'F' identifies that no development will proceed in the absence of required studies to address land use, transportation, and analysis of servicing for water, sanitary, and stormwater. SPA

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'F' has transitioned from SCUBE into the draft Fruitland-Winona Secondary Plan (FWSP). The Draft FWSP has completed the public and agency consultation process, and this will be presented to the Planning Committee in the Spring of 2013. The Draft FWSP identifies the subject lands as having the proposed "Institutional" designation. Therefore, the proposed OPA (see Appendix "B") to allow the "Institutional" designation is in keeping with the Draft FWSP.

**Zoning By-law Amendment:**

The subject lands are currently zoned Agricultural Specialty "AS" Zone in Stoney Creek Zoning By-law No. 3692-92. The proposed institutional use is to be added to Hamilton Zoning By-law No. 05-200 as Neighbourhood Institutional (I1) Zone, as this is the applicable By-law for all Institutional Zones across the City of Hamilton (see Appendix "C"). The proposal is going to maintain the parent Neighbourhood Institutional (I1) Zone, and will not require any modifications. However, a Holding (H) provision will be imposed, and will not be removed until such time as the archaeological, traffic, and servicing related issues are addressed (see Appendix "C"). This is discussed in the Analysis/Rationale for Recommendation section below.

**Chronology:**

- February 23, 2012: Submission of Formal Consultation Application FC-12-019.
- March 21, 2012: FC-12-019 is discussed at the Development Review Committee, and shortly thereafter a Formal Consultation Document is issued to the applicant identifying the requisite list of planning applications, studies, and reports necessary to deem any future Planning Act application(s) complete.
- November 22, 2012: Applications OPA-12-019 and ZAC-12-050 are received. Applications are deemed complete on December 5, 2012.
- December 11, 2012: Applications OPA-12-019 and ZAC-12-050 are circulated to the relevant departments and agencies.
- December 11, 2012: Notice of Complete Application and Preliminary Circulation is mailed to all residents within 120m of the subject lands.
- April 12, 2013: Notice of Public Meeting is mailed to all residents within 120m of the subject lands.

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**DETAILS OF SUBMITTED APPLICATIONS:**

**Location:** 1361 Barton Street, in the former City of Stoney Creek (See Appendix “A”).

**Owners:** Hamilton Wentworth Catholic District School Board (c/o Vince Rimelli)

**Agent:** WEBB Planning Consultants (c/o James Webb)

**Property Size:**            Area:            2.3 hectares  
Frontage:            178m (along Barton Street)  
Depth:                133m

**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	Agricultural Specialty “AS” Zone
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Vacant	Agricultural Specialty “AS” Zone
<b>South</b>	Winona Park and Existing Single Detached Residential	Community Park (P2) Zone, Single Residential “R1” and “R2” Zones, and Rural Residential “RR” Zone
<b>East</b>	Vacant	Agricultural Specialty “AS” Zone
<b>West</b>	Vacant	Agricultural Specialty “AS” Zone

**POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS**

**Provincial Policy Statement:**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the applications are consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

Policy 2.6.2 of the PPS provides policy related to archaeological potential. The subject lands are proposed to be placed into a Holding (H) provision until such time as an Archaeological Assessment is completed on the subject lands, to the satisfaction of the Ministry of Tourism and Culture, and the City of Hamilton.

Since the neighbouring residential development proposal has recently undergone an Archaeological Assessment of the lands with no significant archaeological concern, staff is of the opinion that, provided the subject lands are placed under a Holding (H) provision until such time as an Archaeological Study has been submitted and approved, the Provincial interest has been appropriately addressed (see Appendix “C”).

Based on the foregoing, the application is consistent with the Provincial Policy Statement.

**Places to Grow:**

The Places to Grow Plan is formally known as The Growth Plan for the Greater Golden Horseshoe, and it was prepared and approved under the Places to Grow Act, 2005, by the Province of Ontario. The Plan’s main objective is to provide direction in developing communities with a better mix of housing, jobs, shops, and services in close proximity to each other. The Growth Plan also identifies policy on *Community Infrastructure*. The proposed lands would fall under this definition, as it refers “...to lands, buildings, and structures that support the quality of life for people and communities by providing public services for health, education, recreation, socio-cultural activities, security, and safety...”. Further, Policy 3.2.6 on *Community Infrastructure* identifies that it should be planned to meet the needs of a growing population to foster complete communities.

Based on the above, the immediate area is currently targeted for growth, as outlined in the draft Fruitland-Winona Secondary Plan. Further, the proposed Catholic Elementary School is required to accommodate the existing and planned growth forecasted within the area. The existing Catholic Elementary School in the community is currently over capacity, and the proposed school would essentially meet the needs of the growing population in the existing community.

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Based on the foregoing, this development proposal conforms to Places to Grow.

**Hamilton-Wentworth Official Plan:**

The Hamilton-Wentworth Official Plan was amended through Amendment No. 14 to the Plan per the April 30, 2007, OMB decision, which placed the subject property in the “Urban Area” of the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of uses, defined through Area Municipal Official Plans and based on full municipal services, will be permitted in the Urban Areas. Further, Policy B-7.2 identifies that School Boards and Area Municipalities cooperate to ensure that educational facilities and programs are established in a manner which is consistent with the mission and values of the educational organizations and the policies of the Plan to meet the needs of the people.

Policy B-9.2 identifies that the City shall protect and preserve regionally significant historical and cultural resources where development is proposed. Since the Archaeological Assessment for the lands has not been finalized, a Holding (H) provision addressing this concern has been incorporated into the implementing Zoning By-law (see Appendix “C”). As such, the intent of this Policy is being maintained.

Based on the foregoing, the proposal meets the general intent of the policies identified in the Hamilton-Wentworth Official Plan.

**City of Stoney Creek Official Plan:**

Similar to the Hamilton-Wentworth Official Plan noted above, the 2007 OMB decision also amended the subject lands by adding them into the “Urban Policy Area” and designating them as “Special Policy Area ‘F’ - Parcel A” (SPA ‘F’).

SPA “F” provides policies for the area of land formerly known as the Stoney Creek Urban Boundary Expansion Area (SCUBE). Through the OMB hearing, various lands were identified to be protected under the Greenbelt legislation, and the remainder of the lands identified as SPA ‘F’ were identified as requiring further study via the Secondary Planning process. The Secondary Planning process is now in the final stages, and the general land use concept for the land is formally known as the Draft Fruitland-Winona Secondary Plan. The proposed Elementary School is to be designated “Institutional”.

Further, the “Institutional” policies in Section A.5, state that Elementary Schools are considered to be “local type” small scale institutional uses intended to serve the immediate needs of the surrounding residents. These uses are permitted within the “Institutional” designation, and their locations are guided via the respective Secondary Plan policies.

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Based on the above, the proposal meets the general intent of the Stoney Creek Official Plan, and upon the finalization of the Official Plan Amendment, will be in conformity with the Official Plan and in keeping with the Draft Fruitland-Winona Secondary Plan.

**Urban Hamilton Official Plan:**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified. However, the final decision on the Urban Hamilton Official Plan has been appealed.

With respect to the subject lands, the UHOP provides modifications throughout the various Plan schedules and appendices, which include 1361 Barton Street, within the Urban Boundary. More specifically, Volume 3, Chapter B - Urban Area Specifics of the UHOP, identifies the subject lands as USC-3. This Area Specific Policy mimics the current SPA 'F' in the Stoney Creek Official Plan, with the exception of adding a sliver of land on the east side of the subject lands into the Urban Boundary, as identified in Volume 3: Map SC-2 of the UHOP.

The UHOP also designates the subject lands as "Neighbourhoods" in Schedule E - Urban Structure Plan, and Schedule E-1 - Urban Land Use Designations. The general policies of the "Neighbourhoods" designation indicate that local community facilities, such as schools, are permitted within the designation. Policy E.3.2.8 provides locational criteria and considerations, as well as urban design. Further, Section B.3.5.5 of the Plan sets out policy for Educational Facilities, which provides guidance for new facilities, and confirmation that the City will cooperate with the School Boards to ensure that educational facilities are located in close proximity to the population they intend to serve. The proposed Elementary School meets the intent of these policies.

Based on the foregoing, no modifications to the UHOP will be necessary and, therefore, would be in keeping with the general intent of the Urban Hamilton Official Plan.

**City of Hamilton Staging of Development:**

The proposal is consistent with the criteria for Staging of Development, in that utilities and services are available, there are no unanticipated budgetary impacts, it supports a healthy growing economy, provides for employment opportunities and, upon finalization of the Official Plan Amendment, will conform with the land use policies of the City of Stoney Creek Official Plan. The application has been identified in the Staging Plan as an Anticipated Submission of Draft Plan of Subdivision, which is known as the "Foothills of Winona - Phase 2". The proposed school site is linked with the proposed draft plan in regards to servicing. This is further discussed below in the Analysis/Rationale for Recommendation section.



**RELEVANT CONSULTATION**

**Forestry and Horticulture Section, Maintenance and Operations Division (Public Works Department)** advised that there are Urban Forestry tree conflicts that can be resolved with the submission of a Tree Management Plan (TMP). They further advise that there are no significant Municipal Tree Assets located on the road allowance, however, there are internal private trees located onsite. With respect to tree management, Tree Protection is a measure of efforts to preserve existing trees during the Planning of New Developments, Infrastructure Enhancements, Utility Upgrades and Residential Improvements. The Forestry and Horticulture Section requests that a Tree Management Plan be prepared by a Landscape Architect. All trees within this proposed development area must be surveyed, identified, and accurately plotted on the Plan. They advise that Tree Management, combined with Arboricultural Best Practices and Reforestation, ensures the sustainability of our Urban Forest.

With respect to infrastructure, they have advised that improvements to existing infrastructure, or the extension of existing roads, are often required to service the needs of the proposed Development. Any new road or sidewalk construction adjacent to this site, including underground service upgrades or new installations that are directly related to this proposed development, must include within the design the identification and management of Municipal trees. Municipal services (Sewer, Water, and Storm) are stated to be extended through the proposed “Foothills” development.

In summary, they advise that there are no Municipal Tree Assets located on the road allowance of this proposed development. Private Trees regulated under Stoney Creek Tree By-law No. 4401-96 must be plotted and identified on a Tree Management document, prepared and signed by a Landscape Architect. A Landscape Planting Plan, prepared and signed by a Landscape Architect, will be required. This Plan, along with the Tree Management Plan, must be submitted for review and comments by the Forestry and Horticulture Section. These requests will be addressed and secured through the Site Plan Control process.

**Strategic Planning Section, Corporate Assets and Strategic Planning Division (Public Works Department)** advise the following:

1. Collection of garbage and yard waste will be required through a private waste hauler(s).
2. Collection of recyclable material (blue carts) will be provided through the City of Hamilton, providing that a Recycling Service Agreement is in place.

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3. The collection of organic waste (green carts) is currently provided as a Pilot Program. This service could be expanded to additional schools, depending on the success of the Pilot Program and the interest from both the School Board and the City.
4. The following note is to appear on the Site Plan:

*"The subject property is eligible for municipal collection of recyclable material through the City of Hamilton, providing that a Recycling Service Agreement is in place and subject to compliance with specifications indicated by the Operations and Waste Management Division.*

*The subject property is ineligible for municipal collection of garbage, organics, and leaf and yard waste through the City of Hamilton. Waste collection services must be arranged with a private waste hauler(s)."*

5. Site design for recyclable material facilities will be in accordance with the following specifications:
  - A recycling area to accommodate a front-end fibre bin;
  - If the fibre bin is in an enclosed area, the collection vehicle requires a 2.75m (9 feet) wide inside clearance per container for the collection vehicle to provide service;
  - A cart area to accommodate a minimum of two blue carts, with dimensions of 1.0m x 0.8m per cart; or,
  - The collection area and access to it shall be exclusive of any vehicular parking and play areas on the site.

Based on the above, the Strategic Planning Section does not object to the proposed development, as the school will be subject to private waste hauling; and as it relates to recyclable materials, the above items must be satisfied. These details are operational to the school site, and will be reviewed through the Site Plan Control process.

**Traffic Engineering and Operations Section, Operations and Maintenance Division (Public Works Department)** advised that they have no objection to the proposed Official Plan Amendment; however, they provide the following with respect to the rezoning application:

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They recommend that a Holding (H) provision be implemented via the implementing Zoning By-law, which requires that the existing Traffic Impact Study (TIS), prepared by Paradigm Transportation Solutions Ltd. (PTSL), receive approval of the Director of Engineering Services, Public Works Department. Staff has reviewed the TIS, and has included comments on the Study, which are identified below. At this time, Corridor Management (CM) staff does not accept the TIS in its current form, and has suggested some areas of the Study, which requires additional review and information, as requested, for staff consideration. Therefore, a Holding (H) provision related to updating the TIS has been included, to the satisfaction of the Director of Engineering Services, Public Works Department.

Future Site Plan Conditions for the Information of the Applicant:

CM staff advises that conditions of Site Plan Approval may include the following:

- That the Applicant construct a municipal sidewalk on the north side of Barton Street, along the frontage of the school property and west of the site, to meet the existing municipal sidewalk closer to Napa Lane.
- That the Applicant will be required to hard surface any pedestrian connections required on the south side of Barton Street, at a location to be determined, satisfactory for pedestrians to cross between the south and north sides of Barton Street.
- That the Applicant upgrade the existing street lighting along the required municipal sidewalk, should the existing lighting standards not meet the levels required for the north side sidewalk.
- That the Applicant be responsible for the installation of reduced speed limit (40 km/h) flashing school zone solar beacons on Barton Street, through the frontage of the school. All costs associated with the provision of this measure will be at the expense of the applicant/owner, and dedicated to the City of Hamilton. The anticipated cost for purchase and installation is \$17,000. The location will be determined by the City and the School Board, however, approximately 150m in advance of the school site facing approaching traffic, and must be operational prior to opening of the school.

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Traffic Impact Study (TIS) Comments:

Among other items identified in their February 4, 2013 letter, CM staff advises that existing traffic on the road network is illustrated in a TIS report, as well as the assignment of traffic from the proposed development, and then a final illustration with the combined total traffic. However, the submitted TIS only includes the volume of traffic projected for this site, and does not illustrate existing or total traffic. They advise that is generally helpful and standard to include visual aid of seeing the 'Before and After' scenarios. Through the formal consultation process, CM staff indicated that a full TIS was not required, but did, however, recommend, at a minimum, an illustration of the vehicle trips and regulatory intersection control for the full build out of the subdivision and school.

Staff advised that they would require to have identified AM and PM level of service analysis results for the intersections of Barton Street at Winona Road and Barton Street at Fifty Road, considering existing traffic and build out of the school property and the adjacent "Foothills of Winona - Phase 2" development. Therefore, staff requests further traffic count information regarding this matter. CM staff would appreciate additional information regarding the School Board's anticipated projections for the number of bus trips, parent drop-offs, etc. Staff advises that the PM peak hour of the school is typically between 2:30 p.m. and 3:30 p.m., and does not correspond with the PM peak hour of the roadway.

CM staff requests that this or any other count data gathered on site be included in the TIS to assist in understanding the existing neighbourhood traffic flow. This split was also applied to traffic flow generated by the Elementary School. CM staff requires additional information related to the 70% of school traffic arriving and departing from the school via Fifty Road. Residential traffic in the peak hours may travel for work purposes or shopping using the Fifty Road/QEW route. However, CM staff assumes that the percentage of school related bus and parent drop-off trips from/to the west (Winona and the catchment area to the west) may be higher than 30%. CM staff had requested that the Hamilton-Wentworth Catholic District School Board (HWCDSD) consider the potential need for an eastbound left-turn lane on Barton Street, along the school frontage in the TIS, as Barton Street has only two lanes. Barton Street is designated as an arterial roadway and truck route, and will handle additional traffic, with the ultimate Fruitland-Winona community being built out. CM staff realizes that the congestion occurs at a school for only a short period of time and generally on weekdays, however, CM staff is of the opinion that the road and sidewalk network may need to be upgraded to accommodate that demand and maintain a continuous flow.

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The Transportation Master Plan identifies that Barton Street will ultimately be a 3-lane roadway, and once reconstructed, there will be a left-turn lane for the school. It is my understanding that the Environmental Assessment process for the widening of Barton Street, from Fruitland Road to Fifty Road, is scheduled to commence this year. CM staff will provide additional information on that process, when available.

Although not identified in the Report, the intersection of Barton Street at Street 'A' (as outlined in the "Foothills of Winona - Phase II" Draft Plan of Subdivision) will be a significant intersection, especially as it relates to pedestrian activity and the proposed Elementary School, the existing Winona Park on the south side of Barton Street, and the future residents of the proposed "Foothills of Winona" Neighbourhood. It will be a condition of future Site Plan approval that the applicant ensure that pedestrian connections are provided from the existing asphalt sidewalk on the south side of Barton Street to the north side, and also along the north side of Barton Street. School Crossing Guard requirements at the west and east limits of the school area should also be considered, and will be further reviewed at the Site Plan stage. Further, CM concerns will be addressed through the Holding (H) provision in the implementing Zoning By-law.

The **Hamilton Conservation Authority (HCA)** advised in their letter of March 1, 2013, that the subject property is located within the Stoney Creek Watercourse No. 9 Sub-watershed Area, which drains to Lake Ontario, approximately 1.5 km to the north. As proposed, the development will result in a significant increase in the imperviousness of the site (approximately 61%, including future portables, according to the November 2012, Preliminary Functional Servicing Report, prepared by MTE Consultants Inc., for the HWCDSB). HCA advises that they will require the implementation of stormwater quantity and Normal (Level 2) quality control, as well as the installation of appropriate sediment and erosion control measures.

HCA also advises that the Preliminary Functional Servicing Report indicates that the school site will be constructed prior to the "Foothills of Winona" development, and that at final build-out conditions (including school and subdivision construction), there will be no on-site quantity controls provided on the school site itself, with quantity control to be accommodated by a future stormwater management facility to be constructed within the "Foothills of Winona" development. The Report also indicates that under "interim conditions" (prior to the "Foothills of Winona" development), a temporary swale will be constructed on the north side of the school site that will drain northerly, where it will be intercepted by a future storm sewer system within the future Sonoma Lane right-of-way. The Report concludes that under interim conditions, no on-site quantity control is required for the school development, as "the total 100 year discharge to the 1500mm diameter storm sewer on Sonoma Lane is 1.866m<sup>3</sup>/s, which is less than the original design flow of the 2.114m<sup>3</sup>/s established in the "Foothills of Winona - Phase 1" storm sewer design". With respect to quality control, the Report recommends the use of an oil/grit separator to be installed at the downstream end of the proposed storm sewer

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system. In this regard, HCA advises that since the school site is larger than 2.0 ha in area, additional quality control is required, and they recommend the use of Low Impact Development (LID) techniques. They further advise that similar water quality control concerns were also identified by HCA staff, in conjunction with HCA's review of the July 2011 Functional Servicing Report, prepared by AMEC Earth and Environmental, for the proposed "Foothills of Winona - Phase 2" development.

Based on the above, HCA advises that stormwater quantity control for the school site is contingent upon the "Foothills of Winona - Phase 2" development. Therefore, given that the proposed "Foothills" development is before the OMB, and the outstanding concerns that HCA has identified above, they recommend that the proposed HWDCSB development be placed in a Holding (H) provision until the HCA concerns have been satisfactorily addressed.

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

- Recreation (Community Services Department).
- Environment and Sustainable Infrastructure Division (Public Works Department).
- Hamilton Municipal Parking System.
- Hamilton Street Railway.
- Hydro One.
- Horizon Utilities.

**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 53 property owners within 120m of the subject lands on December 11, 2012, and a Public Notice sign was posted on the property on December 21, 2012. One email of concern was submitted by the Board of Director's for the Winona Peach Festival (see Appendix "E"), and is discussed in the Analysis/Rationale for Recommendation section of this Report. The Notice of Public Meeting was also circulated in accordance with the provisions of the Planning Act.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The applications have merit and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement, and conform with Places to Grow.

- (ii) They conform to the Hamilton-Wentworth Official Plan.
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area.
  - (iv) The proposed development provides for a valued community asset, which meets the needs of area residents.
  - (v) The proposal implements a condition of approval for Severance Application SC/B:12-15 (see Appendix "F" - Condition 3).
2. Hamilton Zoning By-law No. 05-200 will be amended to include the Elementary School block within the Neighbourhood Institutional (I1) Zone parent provisions. However, the Holding (H) provision has been incorporated into the implementing Zoning By-law to address the servicing, traffic, and archaeology issues. Those items are addressed further in this section below.
  3. The adjacent lands, "Foothills of Winona - Phase 2", proposes the development of 292 residential units, consisting of a mix of single detached, semi-detached, and street townhouse dwelling units, as well as 4 streets, and a stormwater management pond. The applicant submitted planning applications for changes in zoning and Official Plan, and approval of a draft plan of subdivision (File Nos. ZAC-11-041, OPA-11-005, and 25T-201107) on August 12, 2011. Those applications provided technical studies with their submission, which were circulated to the various departments and staff, and various concerns were raised. On July 3, 2012, the applicant appealed the applications to the OMB. The OMB hearing was scheduled to commence on April 15, 2013. It has been identified that stormwater servicing of the proposed lands for the Elementary School is contingent on outletting to the proposed stormwater facility on the "Foothills" draft plan. In this regard, the proposed Holding (H) provision has been drafted in a fashion that would allow the proposed school site to accommodate stormwater runoff on a temporary basis.
  4. Since the April 30, 2007, OMB Decision (Order No. 1202), the City has been preparing a land use concept for all the lands identified in "SPA 'F'". SPA 'F' also outlines two Parcels (A and B), with the subject lands within Parcel A. The OMB decision specified that the City prepare a general land use concept for SPA 'F' for all the lands, which should include the appropriate public and agency consultation, as well as the technical studies and reports identified by the OMB. With respect to Parcel A, the decision permits development to proceed prior to the completion of the Secondary Planning process for the entirety of SPA 'F', provided that certain policies are satisfied. A majority of these studies and the draft land use concept are now complete, and has led to the latest draft of the

Fruitland-Winona Secondary Plan area. The draft Secondary Plan is anticipated to come before the Planning Committee in the Spring of this year. With regard to the subject lands, the decision states that “...*The land owners shall undertake, to the satisfaction of the City, a water, wastewater, and stormwater analyses for the storm drainage areas in which Parcels A and B are located to support the land uses determined...*”. In this regard, staff is recommending a Holding (H) provision in the implementing By-law to address these issues. Staff is of the opinion that the intent of the OMB decision is being maintained through this process.

The existing Elementary School (Immaculate Heart of Mary Catholic Elementary School) for this catchment area is currently over capacity. The design capacity for Immaculate Heart is for 506 students, however, it has a current enrolment of over 860 students, and is currently accommodating the students through the introduction of portable classrooms. The proposed school on the subject lands will alleviate the existing overcrowding and, therefore, accommodate the existing and planned growth for this area of Stoney Creek, which includes the neighbourhoods of Winona, Fifty Point, and Lakeshore. The proposed school will be designed for 550 students, as well as 60 teachers and administration staff, comprised of 50 full-time positions and 10 part-time positions. The HWCDSB has currently been approved for funding to construct the proposed school, and the Board has targeted September 2014 to have the school in operation.

The proposed “Institutional” designation for the subject lands is in keeping with the proposed draft Secondary Plan and, given that the Holding (H) provision is being imposed through the implementing Zoning By-law to address archaeology, traffic, servicing, and stormwater concerns, staff is of the opinion that the intended land use is considered good planning, and should be supported.

5. The Development Engineering Section has reviewed the applications, and advises that they have no objections. However, they recommend that a Holding (H) provision be placed through the implementing Zoning By-law until such time that the following conditions have been satisfied, to the satisfaction of the Senior Director of Engineering Design and Construction, prior to the development of any portion of the subject lands:
  1. That the owner enters into a Development Agreement with the City of Hamilton to address the following:
    - The extension of the sanitary sewer on Barton Street, including private sanitary drains, from its current terminus to the east limits of the subject lands;



**SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1361 Barton Street (Stoney Creek) (PED13073) (Ward 11) - Page 17 of 20**

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- The payment of urbanization fees deferred at the severance stage across the frontage of the subject lands; and,
  - The installation of any road upgrades required for the school identified in an approved Traffic Impact Study (TIS), prepared for the “Foothills of Winona - Phase 2” Plan of Subdivision, and Future Site Plan application for the Winona CES.
2. That the owner demonstrates that a satisfactory solution can be implemented to address stormwater management requirements for the site, in both the interim and ultimate (full build out of “Foothills of Winona - Phase 2”) condition, including that the owner has appropriate drainage rights in place to allow for implementation, operation, and maintenance of the interim Stormwater Management Plan.

In addition to the above referenced recommendation, Engineering staff provides the following information:

Sanitary Sewers:

There are no existing sanitary sewers on Barton Street that are available to service the property. The existing 300mm sanitary sewer on Barton Street terminates 130m east of Napa Lane. This sewer will have to be extended along the frontage by the owner to service the lands. Conversely, if it is extended along the frontage by others, the owner will have to contribute their fair share. Until the sanitary sewer is constructed on Barton Street, there is no sanitary outlet for this development. The applicant should be aware that there are no cost recoveries available for the extension of the sewer across the frontage of Winona Park.

Storm Sewers and Storm Water Management:

There are no existing storm sewers on Barton Street or on Fifty Road. A suitable storm water outlet, including quantity and quality control, must be provided, prior to development of any portion of the subject lands.

Surface run-off is proposed to be captured and conveyed westerly into the 1500mm diameter trunk sewer that terminates at the easterly limits of the existing Sonoma Lane. The owner must consider over controlling the run-off discharge of the proposed Catholic Elementary School development to assure that the existing homes along Sonoma Lane, Winona Road, and Pettit Street will not become flood susceptible. Regardless, the City cannot allow any new development to create or exacerbate downstream flooding.

**SUBJECT: Applications for Amendments to the City of Stoney Creek Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 1361 Barton Street (Stoney Creek) (PED13073) (Ward 11) - Page 18 of 20**

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The storm design should include Hydraulic Grade Line (HGL) calculations to determine whether the underside footing elevations for existing houses on Sonoma lane, Winona Road, and Pettit Street are above the 100 year HGL. The owner shall demonstrate that a satisfactory solution can be implemented to address stormwater quality and quantity control requirements for the site, in both the interim and ultimate (full build out of "Foothills of Winona - Phase 2") conditions, including that the owner has appropriate drainage rights in place to allow for implementation, operation, and maintenance of the interim Stormwater Management Plan.

Water Main:

There is an existing 200mm water main on the north side of Barton Street, and an existing 500mm trunk watermain on the south side of Barton Street. The proposed Catholic Elementary School will connect into the 200mm watermain on the north side of Barton Street.

Transportation:

Barton Street is a rural cross section with shallow ditches. There are no sidewalks, curbs, and gutters. However, it is an arterial roadway and truck route. Barton Street will be required to be upgraded to an urbanized cross section in the future; however, a date for the upgrade has not been established.

The City will be undertaking a Class Environmental Assessment process for the widening of Barton Street, from Fruitland Road to Fifty Road, to establish the exact alignment and cross section for what has been identified in the SCUBE Transportation Master Plan as a 2-lane road, with a continuous left-turn lane.

As a condition of development, the owner of the subject lands will be required to dedicate the necessary lands required for road widening to the ultimate width of the road allowance (see Condition No. 7 - Appendix "F"). In addition, it is recommended that the owner be required to contribute to the cost of urbanization along the frontage of the subject lands under the Holding (H) provision, as the application for land severance (File No. SC/B-12:15) was successful in having these fees deferred to a future development stage.

6. Through the Formal Consultation process, it was identified that an Archaeological Assessment of the subject lands would be required upon submission of the planning applications. Upon submission of the planning applications, the Archaeological Report was absent. The applicant advised that the Archaeological Report was being prepared as an addendum to the *Archaeological Assessment (Stages 1-2) Foothills of Winona (Phase 2) Development*. Unfortunately, this did not occur prior to the change in season. It

is, therefore, recommended that a Holding (H) provision be imposed through the implementing Zoning By-law, until such time as an Archaeological Assessment is completed, to the satisfaction of the Director of Planning, and the Ministry of Tourism, Culture and Sport.

7. As outlined above, Corridor Management has identified some outstanding technical concerns with the TIS submitted in support of the proposed school development. Their concerns are outlined in detail above and, as such, CM has requested that a Holding (H) provision be placed on the lands until such time as the TIS is revised to address the outstanding concerns raised, to the satisfaction of the Director of Engineering Services, Public Works Department. Planning staff is supportive of this approach, as it maintains the intent of the Stoney Creek Official Plan regarding traffic impacts.
8. The subject lands went before the Committee of Adjustment for a land severance application (File No. SC/B-12:15) on April 5, 2012. The application involved severing excess lands from 1361 Barton Street (for the 2.3 ha Elementary School site) and merge them with the lands known as 1329 Barton Street ("Foothills of Winona - Phase II" Draft Plan of Subdivision) for future residential development. The application was conditionally approved by the Committee of Adjustment on April 12, 2012. One of the conditions imposed, among others, is for the applicant to apply for and receive approval of Official Plan and Zoning By-law Amendment applications (see Appendix "F" - Condition 3).
9. One letter/email of concern was submitted by the Board of Director's for the Winona Peach Festival (see Appendix "E"). In their email, dated January 10, 2013, they raise questions with respect to the future construction of the proposed Elementary School. They are not opposed to the school, however, they do raise concern with respect to the potential for increased traffic and construction related impacts, as it relates to Festival activities. The applicant was apprised of this email, and has committed to work with the Peach Festival Organizers to ensure that the construction processes do not impede on the weekend of the Annual Peach Festival.
10. With respect to urban design, staff has reviewed the preliminary concept site plan of the proposed Elementary School. Some minor concerns were raised with respect to the location of the garbage enclosure. Based on staff feedback, the applicant has revised the concept plan to address those concerns (see Appendix "D"). Staff is of the opinion that the proposed development meets the overall intent of good urban design principles and urban design policies, outlined in Policy A.5.2.6 in the Stoney Creek Official Plan, and Section B.3.3 of the UHOP, which will be secured and approved through Site Plan Control.

**ALTERNATIVES FOR CONSIDERATION**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Should the applications be denied, the lands could not be developed for the proposed Catholic Elementary School, and would remain designated “SPA ‘F’” and zoned as Agricultural Speciality (AS) Zone, which only permits agricultural uses and one single detached dwelling and/or uses buildings or structures accessory to a permitted use.

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

**Strategic Priority #1**

A Prosperous and Healthy Community

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

**Strategic Objective**

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

**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment (Stoney Creek)
- Appendix “C”: Draft Zoning By-law Amendment (05-200)
- Appendix “D”: Concept Site Plan
- Appendix “E”: Email from Public Circulation
- Appendix “F”: Committee of Adjustment Notice of Decision

:JM

Attachs. (6)



**Schedule "1"**

**--DRAFT--**

**Amendment**

**to the**

**Official Plan of the City of Stoney Creek**

The following text, together with Schedule "A" - General Land Use Plan, attached hereto, constitutes Official Plan Amendment No. [REDACTED].

**Purpose:**

The purpose of this Amendment is to redesignate the lands known municipally as 1361 Barton Street from "Special Policy Area "F" - Parcel A" to "Institutional" in the Stoney Creek Official Plan, in order to permit the development of the lands for a Catholic Elementary School.

**Location:**

The lands affected by this Amendment are located at 1361 Barton Street, in the City of Stoney Creek.

**Basis:**

The Amendment can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement, and conforms to Places to Grow and the Hamilton-Wentworth Official Plan;
- It provides for a valued community asset, which meets the needs of area residents; and,
- The proposal is compatible with the development pattern approved for the surrounding lands.

**Actual Changes:**

**Schedule Changes:**

1. Schedule "A" - General Land Use Plan - be revised by changing the lands know municipally as 1361 Barton Street from "Special Policy Area "F" - Parcel A" to the "Institutional" designation, as shown on the attached Schedule "A" to this Amendment.

**Implementation:**

An implementing Zoning By-law Amendment will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2013.

**The City of Hamilton**

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R. Bratina  
Mayor

---

Rose Caterini  
Clerk





**Authority:** Item [REDACTED]  
Planning Committee  
Report 13-[REDACTED] (PED13073)  
CM: [REDACTED]

**Bill No.** [REDACTED]

**CITY OF HAMILTON**

**BY-LAW No.** [REDACTED]

**To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 1361 Barton Street, Stoney Creek**

**WHEREAS** the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

**AND WHEREAS** the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

**AND WHEREAS** Zoning By-law No. 05-200 was enacted on the 25<sup>th</sup> day of May, 2005;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2013, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986, upon approval of Amendment No. [REDACTED];

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 1312 of Schedule "A" to Zoning By-law No. 05-200, is amended by incorporating the following:

- (a) Neighbourhood Institutional (I1) Zone boundaries for the lands comprised of Block 1;

the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Schedule "D" of By-law No. 05-200 is amended by adding additional Holding (H) provisions as follows:

"51. Notwithstanding Section 8.1 of this By-law, within the lands zoned Neighbourhood Institutional (I1) Zone, on Map 1312 of Schedule "A", known as 1361 Barton Street (Stoney Creek) no development shall be permitted until such time as:

1. Municipal servicing is addressed, to the satisfaction of the Senior Director of Growth Management.
2. An Archaeological Assessment has been completed, to the satisfaction of the Director of Planning, and the Ministry of Tourism, Culture and Sport.
3. The existing Traffic Impact Study (TIS), prepared by Paradigm Transportation Solutions Ltd. (PTSL), receives approval by the Director of Engineering Services, Public Works Department.
4. The owner enters into a Development Agreement with the City of Hamilton, to the satisfaction of the Senior Director of Growth Management, to address:
  - i. The extension of the sanitary sewer on Barton Street, including private sanitary drains from its current terminus to the east limits of the subject lands;
  - ii. The payment of urbanization fees deferred at the severance stage across the frontage of the subject lands; and,

- iii. The installation of any road upgrades required for the school identified in an approved Traffic Impact Study (TIS), prepared for the "Foothills of Winona - Phase 2" Plan of Subdivision and Future Site Plan application for the Winona CES.
5. The owner demonstrates that a satisfactory solution can be implemented to address stormwater management requirements for the site, in both the interim and ultimate (full build out of "Foothills of Winona - Phase 2") condition, including that the owner has appropriate drainage rights in place to allow for implementation, operation, and maintenance of the interim Stormwater Management Plan, to the satisfaction of the Senior Director of Growth Management, and the Hamilton Conservation Authority."
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.
4. That this By-law No. [REDACTED] shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2013.

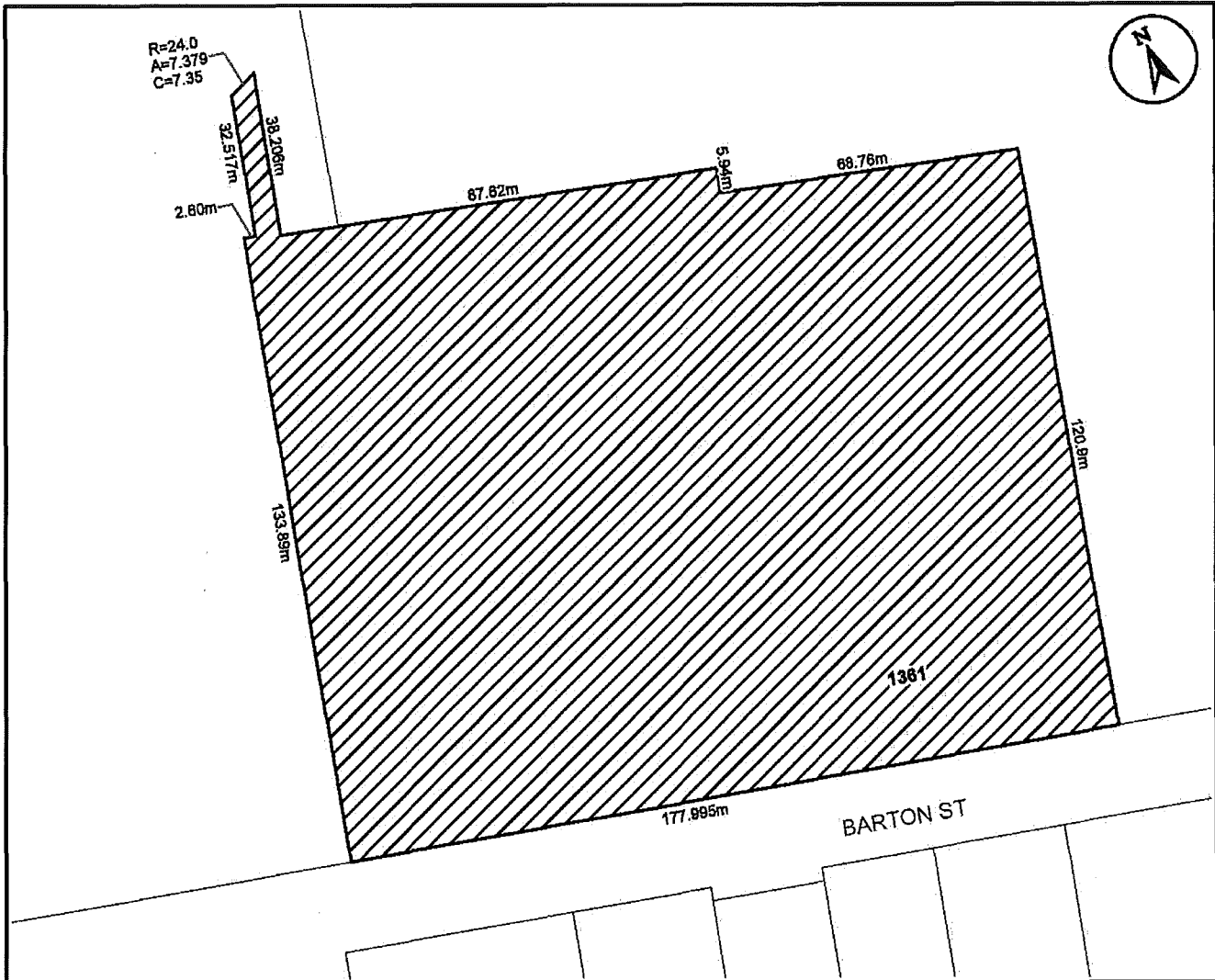
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R. Bratina  
Mayor

---

R. Caterini  
Clerk

ZAC-12-050  
OPA-12-019



This is Schedule "A" to By-law No. 13-

Passed the ..... day of ....., 2013

-----  
 Mayor

-----  
 Clerk

## Schedule "A"

Map Forming Part of  
 By-law No. 13-\_\_\_\_\_

to Amend By-law No. 05-200  
 Map 1312

### Subject Property

1361 Barton Street, Stoney Creek



Lands to be Zoned Neighbourhood Institutional  
 (I1, H51) Holding Zone

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-12-050 & OPA-12-019

Date:  
 March 27, 2013

Planner/Technician:  
 JM/NB



**Hamilton**



**Muto, Joe**

---

**From:** info@winonapeach.com  
**Sent:** Thursday, January 10, 2013 11:52 PM  
**To:** Muto, Joe  
**Cc:** De Iulio, Peter; Johnson, Brenda  
**Subject:** OP Amendment & Zoning Bylaw Amendment - 1361 Barton St., S.C.

*Good evening Peter and Joe;*

On behalf of the Board of Directors of the Winona Peach Festival, I have been asked to provide written comment regarding the Amendments applied for by the Hamilton-Wentworth Catholic District School Board for the lands at 1361 Barton Street, Stoney Creek.

The Festival Board respectfully requests that the Peach Festival organizers be kept informed of the process of these amendments and the potential construction of the facility. What is the anticipated date of construction and completion? What impact will the process and the potential construction have on the Winona Peach Festival which is held annually the last weekend in August, prior to the Labour Day Weekend, in Winona Park, 1328 Barton Street. The Board of Directors looks forward to working with the proponent and the City, since it is anticipated that there will be an impact to the Festival, including but not limited to, increased traffic, construction.

Please confirm receipt of this email.

We look forward to your response and to being part of the process.

Respectfully submitted,

Georgina Beattie

Corresponding Secretary 2013

Winona Peach Festival



Committee of Adjustment  
Hamilton City Hall  
71 Main Street West, 5<sup>th</sup> floor  
Hamilton, ON L8P 4Y5  
Telephone (905) 546-2424, ext. 4221  
Fax (905) 546-4202

**COMMITTEE OF ADJUSTMENT**  
**NOTICE OF DECISION**

**APPLICATION FOR CONSENTLAND SEVERANCE**

**APPLICATION NO. SC/B-12:15**  
**SUBMISSION NO. B-15/12**

**IN THE MATTER OF** The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1);

**AND IN THE MATTER OF** the Premises known as 1361 Barton Street, formerly in the City of Stoney Creek, Now in the City of Hamilton;

**AND IN THE MATTER OF AN APPLICATION** by the Owner Hamilton-Wentworth Catholic District School Board & 1800615 Ontario Inc. (A. DiCenzo/S. Manchia), for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a vacant parcel of land with a frontage of approximately 184m, depth of 133m and an area of approximately 2.5 hectares for future institutional purposes, and to retain a parcel of vacant land with approximately 78m of frontage, 255m of depth and an area of approximately 2.3 hectares, for future residential purposes.

**THE DECISION OF THE COMMITTEE IS:**

That the said application, as set out in paragraph three above, **IS APPROVED** for the following reasons:

1. The proposal does not conflict with the intent of the Hamilton-Wentworth and City of Stoney Creek Official Plans.
2. The Committee is satisfied that a plan of subdivision is not necessary for the proper and orderly development of the lands.
3. The Committee considers the proposal to be in keeping with development in the area.

**Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.**

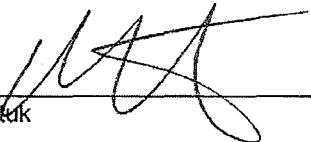
1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.
2. That the lands to be retained be merged in the same name and title as the lands municipally known as 1329 Barton Street.
3. Prior to development of the lands to be severed, the applicant/owner undertake to apply for and receive final approval of any necessary applications to amend the Official Plan and/or Zoning By-law to the satisfaction of the Director of Planning.
4. The owner shall submit survey evidence that the existing structures located on the lands to be conveyed conform to the requirements of the Zoning By-Law or alternatively apply for and receive final approval of any variances from the requirements of the Zoning By-Law as determined necessary by the Planning and Economic Development Department (Building Services Division), if required.
5. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Services Division), if required.


SC/B-12:15  
Page 2


6. The owner/applicant shall submit survey evidence from a BCIN Qualified Designer (Part 8 Sewage System) or Professional Engineer that the existing septic system complies with the clearance requirements of Part 8 of the Ontario Building Code for the lands to be severed and or retained, to the satisfaction of the Planning and Economic Development Department (Building Services Division), if required.
7. That the Owners dedicate to the City of Hamilton by deed, sufficient land along the entire frontage of the subject lands (severed and retained) in order to establish the property line 18.288m metres from the original centreline of Barton Street.
8. The owner shall submit to the Committee of Adjustment Office an administration fee of \$15.30, payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lot.
9. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.

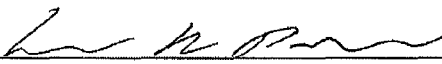
DATED AT HAMILTON this 5th day of April, 2012.

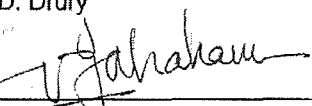
  
I. Dunlop, Acting Chairman

  
D. Serwatak

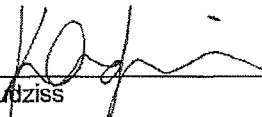
  
D. Smith

  
D. Drury

  
W. Pearce

  
V. Abraham

  
L. Gaddy

  
K. Audziss

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS April 12th, 2012.  
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (April 12th, 2013) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS May 2nd, 2012.

**NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.**

NOTE (TO BE INCLUDED IN DECISION IF APPROVED):

1. Based on the attached plans, and on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 1335 Barton Street, and that the lands to be retained will remain as 1361 Barton Street.
2. Prior to any further approvals under the Planning Act or any construction requiring a building permit issued by the City of Hamilton, the property owner shall carry out an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Tourism, Culture and Sport confirming that all archaeological resource concerns have met licensing and conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

The subject lands are considered to be of archeological potential, and should deeply buried archaeological remains be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (519.675.7742). In the event that human remains are encountered during construction, the applicant/landowner should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (416.326.8392).