



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 20, 2018
SUBJECT/REPORT NO:	Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Jennifer Roth (905) 546-2424 Ext. 2058
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAC-16-001 by Empire (Red Hill) Ltd., (Owner)**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-34 (H1, H2, H3)” Zone, Modified (Blocks 1 – 4) in order to permit the creation of six (6) lots for single detached dwellings for lands located at 2 Glover Mountain Road (Stoney Creek), as shown on Appendix “A” to Report PED18018 be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18018, 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 complies with the Urban Hamilton Official Plan.
- (b) That **Zoning By-law Amendment Application ZAC-16-001 by Empire (Red Hill) Ltd., (Owner)**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Conservation / Hazard Land (P5-679) Zone, Modified (Blocks 5 – 8) in order to recognize the Natural Heritage System and provide land for a required

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pond outfall / spillway for lands located at 2 Glover Mountain Road (Stoney Creek) and to create a specific exception to permit a reduced special setback from any building or structure to the Conservation / Hazard Land (P5-679) Zone, Modified, as shown on Appendix “A” to Report PED18018, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED18018, 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 complies with the Urban Hamilton Official Plan.
- (c) That **Draft Plan of Subdivision Application 25T-201601 by Empire (Red Hill) Ltd., (Owner)**, to establish a Draft Plan of Subdivision on lands located at 2 Glover Mountain Road (Stoney Creek), as shown in Appendix “A” to Report PED18018 be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “2 Glover Mountain Road” 25T-201601, prepared by Armstrong Planning and Project Management, and certified by Douglas E. Hunt, O.L.S., dated November 6, 2015, showing one block for a maximum of four (4) single detached dwellings (Block 1), three (3) blocks for future residential purposes in conjunction with the abutting lands which will yield a maximum of two (2) single detached dwellings (Blocks 2 – 4), one (1) block for the required 30.0 m buffer from the top of the Niagara Escarpment (Block 5), two (2) blocks for open space purposes (Blocks 6 – 7), one (1) block for a pond outfall / spillway easement (Block 8), and one proposed street, shown as Street “A”, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “D” to Report PED18018.
 - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit. Parkland Credits may be applied on a land value basis to the abutting Draft Plan of Subdivision 25T-2013005R, known as “Red Hill –

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Phase 3 / 4” in the event of any over-dedication of parkland from the registration of the Draft Plan of Subdivision (25T-201601).

- (iii) There is no City Share for the costs of the servicing works within the draft plan lands.

EXECUTIVE SUMMARY

The applicant has applied for approval of a Zoning By-law Amendment and a Draft Plan of Subdivision for lands located at 2 Glover Mountain Road in Stoney Creek. The proposed applications are to permit the development of up to six (6) lots for single detached dwellings, open space areas and a stormwater management pond outfall / spillway easement. Three blocks will be merged for future residential purposes with existing blocks located within the adjacent Draft Approved Plan of Subdivision 25T-2013005R, known as “Red Hill – Phase 3 / 4”. The proposal also includes the completion of the proposed Street “A”.

The applicant is proposing a Modified Single Residential “R4” Zone, in the City of Stoney Creek Zoning By-law No. 3692-92, for the lands intended for residential purposes, and a Conservation / Hazard Land (P5-679) Zone, Modified in the City of Hamilton Zoning By-law No. 05-200 for the lands proposed to be developed for open space and stormwater management purposes.

A Holding Provision (H1) has been included in the amending Zoning By-law which will prohibit residential development until such time as additional information is provided to demonstrate constructability of a suitable sanitary outlet for Blocks 1 and 2, to the City’s satisfaction. A second Holding Provision (H2) has been included in the amending Zoning By-law which will prohibit residential development until such time as a visual analysis of the Escarpment Brow is finalized to the satisfaction of the City and the Niagara Escarpment Commission for Blocks 1 - 4. A third Holding Provision (H3) has been included in the amending Zoning By-law which will prohibit residential development until such time as Development Permits have been issued by the Niagara Escarpment Commission for the creation of the lots, the road and the spillway / outlet for Blocks 1 – 4, as shown on Appendix “B” to Report PED18018.

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

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Alternatives for Consideration – See Page 29

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 an Amendment to the Zoning By-law and for approval of a Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Proposal:

The subject lands are located on the southwest portion of Glover Mountain Road, west of First Road West, and south of the Niagara Escarpment brow. The lands contain a single detached dwelling with accessory structures, are irregular in shape, comprising an area of approximately 1.04 ha, and are legally described as Part of Lot 28, Concession 5, Saltfleet, Part 2, 62R-1887. They are municipally known as 2 Glover Mountain Road (see location map attached as Appendix “A” to Report PED18018).

Zoning By-law Amendment:

Application ZAC-16-001 to amend the City of Stoney Creek Zoning By-law No. 3692-92 is required to rezone the subject lands from the Neighbourhood Development “ND” Zone as follows:

- To establish a Site Specific Single Residential “R4” Zone in the City of Stoney Creek Zoning By-law No. 3692-92 for single detached dwellings, as shown as Blocks 1 – 4 on Schedule A of Appendix “B” to Report PED18018; and,
- To establish a Conservation / Hazard Land (P5-679) Zone, Modified in the City of Hamilton Zoning By-law No. 05-200 for the open space areas, the protective buffer from the brow of the Niagara Escarpment, and the stormwater management spillway / outlet and to create a site specific exception to permit a reduced special setback from any building or structure to the Conservation / Hazard Land (P5-679) Zone, Modified, as shown as Blocks 5 – 8 on Schedule A of Appendix “C” to Report PED18018, because the draft plan and zoning incorporate the required buffers from the natural features.

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The applicant has requested to apply the regulations of the Single Residential “R4-31” Zone to provide for a consistent overall development with the surrounding “Red Hill – Phase 3 / 4” Subdivision. However, a modification is required to the Single Residential “R4-31” Zone with respect to maximum height to implement the visual analysis required by the Secondary Plan.

Draft Plan of Subdivision:

The proposed Draft Plan of Subdivision (see Appendix “E” of Report PED18018) is intended to create:

- Four (4) lots for single detached dwellings (Block 1);
- Three (3) blocks for future residential purposes with an intended yield of two (2) lots for single detached dwellings (Blocks 2 – 4);
- One (1) block for the required 30.0 m buffer from the top of the Niagara Escarpment (Block 5);
- Two (2) blocks for open space purposes (Blocks 6 – 7);
- One (1) block for a pond outfall / spillway easement (Block 8); and,
- One (1) proposed internal public street (shown as Street “A”).

Access to the proposed development will be via Street “A” identified on the Draft Approved “Red Hill Phase 3 / 4” Plan of Subdivision. The total unit yield for this Draft Plan of Subdivision would be a maximum of six (6) single detached dwellings.

Chronology

November 24, 2015: Zoning By-law Amendment Application ZAC-16-001 and Plan of Subdivision Application 25T-201601 received.

December 9, 2015: Zoning By-law Amendment Application ZAC-16-001 and Plan of Subdivision Application 25T-201601 deemed complete.

December 16, 2015: Notice of Complete Application and Preliminary Circulation mailed to seven (7) property owners within 120 m of the subject lands.

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January 22, 2016: Public Notice Sign posted on site.

January 24, 2018: Public Notice Sign updated with date of Public Meeting.

February 2, 2018: Circulation of the Notice of Public Meeting to seven (7) property owners within 120 m of the subject lands.

Details of submitted applications:

Location: Part of Lot 28, Concession 5, Saltfleet, Part 2 62R-1887 T-W, AB349439, City of Hamilton (2 Glover Mountain Road)

Owner: Empire (Red Hill) Ltd.

Agent: Armstrong Planning and Project Management

Property Description: Lot Area: approx. 1.04 ha
Lot Frontage: 0 m
Lot Depth: approx. 97.1 m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling with accessory structures	Neighbourhood Development “ND” Zone

Surrounding Land Uses:

North:	Niagara Escarpment Brow	Conservation / Hazard Land (P5) Zone and “AA” (Agricultural) District
South:	Vacant Land to be developed as part of the “Red Hill – Phase 3 / 4” Subdivision	Conservation / Hazard Land (P5) Zone and Single Residential “R4-32” Zone

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East:	Vacant Land to be developed as part of the “Red Hill – Phase 3 / 4” Subdivision	Conservation / Hazard Land (P5) Zone and Single Residential “R4-32 (H)” Zone, Modified with a Holding Provision
West:	Vacant Land to be developed as part of the “Red Hill – Phase 3 / 4” Subdivision	Conservation / Hazard Land (P5) and Single Residential “R4-32 (H)” Zone, Modified with a Holding Provision

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

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, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Staff note that the current Cultural Heritage policies of the UHOP have not yet been updated in accordance with the PPS (2014). As such, the following policy of the PPS also (2014) applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

A Stage 1-2 archaeological assessment (P013-1118-2015) was submitted as part of the subject applications. The Ministry of Tourism, Culture, and Sport has entered the report into the Public Register of Archaeological Reports and municipal staff concur with the

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recommendations made in the report. Accordingly, the archaeological interest on the subject property has been satisfied.

As the application for changes in zoning and a plan of subdivision complies with the Official Plan and the relevant policies pertaining to Cultural Heritage in the PPS, 2014, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*, and,
- consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshow (2017)

The new Growth Plan for the Greater Golden Horseshoe became effective on July 1, 2017 and as a result it impacts the planning decision of the development applications on the subject lands.

The development of the subject lands are within the delineated built boundary of the City of Hamilton and will contribute to the achievement of complete communities and supports local infrastructure while contributing to a range of housing forms and tenures.

The subject development provides for open space and has demonstrated that there are no negative impacts on key natural heritage features or key hydrologic features through the approved Environmental Impact Statement (EIS) prepared by Ecoplans Limited (February 2011, revised November 2011) and MMM Group (September 2016; revised March 2017) and also includes a Karst Mitigation / Contingency Plan addendum prepared by Terra Dynamics Consulting Inc. (February 25, 2016) or their functions which conforms to the Growth Plan (2017), including the following policies:

“4.2.2.3 Within the Natural Heritage System:

- a) new development or site alteration will demonstrate that:
 - i) there are no negative impacts on key natural heritage features or key hydrologic features or their functions.”

It is Staff's opinion that the application for changes in zoning and a plan of subdivision conforms with the applicable policies of the Growth Plan (2017).

Niagara Escarpment Plan (NEP)

The subject lands are located along the Escarpment Brow and have been designated “Escarpment Urban Area” within the Niagara Escarpment Plan (NEP), with a small portion falling within the “Escarpment Natural Area” designation.

Development Objective 1 in Section 1.7 of the NEP states that “all development should be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.”

Development Objective 2 in Section 1.7 states that “new development shall not encroach into the Escarpment Natural or Escarpment Protection Areas.”

Staff note that at the time of preparation of this Report the applicant was in the process of finalizing the Visual Impact Analysis (VIA) to determine the final maximum height zoning provision for the single detached dwellings. At the time of preparation of this Report, the maximum height proposed in the VIA is 2 storeys (10.3 metres), which may be further reduced as a result of the finalized VIA. After consultation with the Niagara Escarpment Commission (NEC) staff are recommending that a Holding Provision be placed over Blocks 1 - 4 to prohibit residential development until the VIA has been approved by the City and NEC.

The applicant also included a 30.0 m buffer from the brow of the Escarpment, intended to be zoned as Conservation / Hazard Land (P5-679) Zone, Modified in order to preserve the natural environment abutting the Escarpment Brow. Accordingly, residential development will be contained within the Urban Area designation, and the proposal conforms to the NEP in this regard.

Section 2.4.1 of the NEP states that “lot creation ... within Urban Areas ... may be permitted subject to conformity with official plans and / or secondary plans and, where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan, and the criteria set out under Part 2, Development Criteria.”

Further, Section 2.4.5 states that “the size and configuration of new lots shall be subject to the requirements of official plans and / or secondary plans, and where applicable, zoning by-laws and the objectives of the designation.”

As discussed in further detail below, the proposed Zoning By-law Amendment and Draft Plan of Subdivision applications comply with the policies of Volume 1 of the UHOP and

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the Nash Neighbourhood Secondary Plan in Volume 2 of the UHOP. Accordingly, after consultation with the NEC, staff are satisfied that the proposal conforms to the NEP, subject to the issuance of a Development Permit from the NEC and a finalized VIA. The NEC conditionally approved Development Permit (W/S/2016-107-483) on November 2, 2017. Upon clearance of the conditions of the Development Permit, the permit can be issued. Additional NEC Development Permits are required for the creation of the road and the creation of the single detached dwelling lots. Issuance of the additional Development Permits from NEC is required prior to development of the subject lands. At the time of preparation of this report, the additional NEC Development Permits have not been issued. A Holding Provision has been included in the amending Zoning By-law to ensure that all NEC Development Permits are issued and that all conditions have been cleared.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations, and shown outside of the Built Boundary on Appendix “G” – Boundaries Map. The subject lands are further identified as “Low Density Residential 2” on Map B.7.5-1 in the Nash Neighbourhood Secondary Plan.

The following policies, amongst others, are applicable to the subject applications.

Built Form and Compatibility:

- “E3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and *housing with supports*; and,
 - b) open space and parks.”

As the proposal is for single detached dwellings, open space areas, and protection of hazard lands, the proposal complies with the intent and purpose of the Neighbourhood General policies.

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Archaeology

With respect to archaeological concern, the UHOP identifies applicable policy under Section B.3.4.4.2:

“B.3.4.4.2 In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act*.

- b) zoning by-law amendments unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,
- c) plans of subdivision.

B.3.4.4.4 Archaeological assessments shall be prepared in accordance with any applicable guidelines and Policy F.3.2.4 - Archaeological Assessments.”

As noted previously, archaeology has been addressed.

Urban Design

The UHOP has a detailed set of policies related to urban design. The following policies, amongst others, apply to this proposal.

“B.3.3.2.8 Urban design should promote environmental sustainability by:

- b) integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design;
- c) encouraging on-site stormwater management and infiltration through the use of techniques and technologies, including stormwater management ponds, green roofs, and vegetated swales.”

The proposed development has been integrated with the natural environment and protected through the establishment of a Conservation / Hazard Land (P5-679) Zone, Modified. This approach will facilitate the mixture of public and private open space and

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the protection of natural features. Finally, a block within the proposed development has been set aside for a stormwater management spillway / outfall allowing for onsite management of stormwater.

“B.3.3.5 Views and Vistas

Public views and vistas are significant visual compositions of important public and historic buildings, natural heritage and open space features, landmarks, and skylines which enhance the overall physical character of an area when viewed from the public realm. Vistas are generally panoramic in nature while views usually refer to a strong individual feature often framed by its surroundings.

Views and vistas created in newly developing areas play a large role in creating a sense of place and neighbourhood identity.

Examples of existing significant vistas include the panorama of the Niagara Escarpment, Hamilton Harbour and the Downtown skyline as viewed from various vantage points throughout the City. Examples of views include significant historic and public buildings, natural heritage features, and monuments.

B.3.3.5.2 Views and vistas shall be achieved through alignment of rights-of-way, layout of pedestrian circulation and open space systems, and the siting of major features, public uses, and built form.”

The proposed road pattern is oriented parallel to the Escarpment Brow with residential lots, an open space buffer area located directly adjacent to the brow and a restriction on building heights subject to approval of the VIA, thereby protecting views for future residents.

Based on the foregoing, the proposal complies with the applicable policies of Volume 1 of the UHOP.

Nash Neighbourhood Secondary Plan – Volume 2

The subject lands are designated “Low Density Residential 2,” “Natural Open Space” and abuts the “Escarpment” on Map B.7.5-1 – Nash Neighbourhood Secondary Plan Land Use Plan. The following policies, amongst others, apply.

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- “B.7.5.1 e) Integration of new parks and open spaces with existing natural open spaces to provide new passive recreation resources and designations and to establish linkages creating an interconnected system of parks and open space;
- B.7.5.1 f) Identification, protection, conservation and wise management of the tangible and intangible cultural heritage resources of the City of Hamilton for present and future generations. Where feasible, natural heritage elements that remain on site shall be considered for integration into the Nash Neighbourhood Community; and,
- B.7.5.1 g) Enhancement of the physical and visual connections to the Niagara Escarpment and Environmentally Significant Areas through the layout and design of the community including placement of parks / open space areas and the creation of streetscapes that create and protect views.”

The proposal complies with the above-noted policies because it integrates conservation / hazard lands with the Niagara Escarpment natural area along the Brow in order to provide appropriate protection, buffering and linkages.

- “B.7.5.2.d) i) Establish a network of connected open space accessible to all residents with natural and cultural features integrated into open space areas and providing a strong link to the open space associated with the Niagara Escarpment and Environmentally Significant Areas;
- B.7.5.2.d) iii) Ensure the preservation and enhancement of significant environmental features, including the Niagara Escarpment, Environmentally Significant Areas, and the valley lands associated with Felker’s Creek;
- B.7.5.2.d) v) Provide opportunities for recreation where they do not impact natural heritage features; and,
- B.7.5.2.d) vi) Conserve the natural beauty and distinctive character of the Niagara Escarpment landscape.”

The applicants have included open space blocks within the subject Draft Plan. Staff note that the blocks are intended as buffers between the Escarpment Brow and residential development and are not deemed to be viable for parkland development. The open space blocks are intended to remain in private ownership and Staff are assured that no uses beyond the permitted uses in the Conservation / Hazard Land (P5-679) Zone, Modified will occur. A site specific exception is required to permit a reduced

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special setback from any building or structure to the Conservation / Hazard Land (P5-679) Zone, Modified. Staff support the reduction in the special setback because the open space blocks incorporate the required buffers to the natural features. As well, the applicant will require an NEC Development Permit prior to construction and as a result, staff are satisfied that the open space lands will be adequately protected.

Accordingly, the proposal satisfies the above policies in that it creates a network of open space that is accessible to all residents and provides a link to the Niagara Escarpment. The buffer areas provide preservation of the Escarpment and Environmentally Significant Area by prohibiting encroachment toward the Brow.

Furthermore, the “Low Density Residential 2” policies of Section B.7.5.4 of Volume 2 apply.

“B.7.5.4.1 In addition to Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to lands designated Low Density Residential 2 and 2h on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:

- a) Low Density Residential 2 Designation:
 - i) Single detached, semi-detached, duplex and street townhouses shall be permitted.
 - ii) Notwithstanding Policy E.3.4.4 of Volume 1, the density of development shall range from 20 to 35 units per net residential hectare.
 - iii) The maximum height of dwelling units shall be no more than three storeys.
 - v) The location of Low Density Residential 2 is in the interior of residential neighbourhoods adjacent to local and/or collector roads.”

The subject application consists exclusively of single detached dwellings with a maximum height that will be determined by the Visual Impact Assessment (VIA). At the time of preparation of this report and based on the VIA reviewed by City Staff, the proposed height is a maximum of 2 storeys (maximum of 10.3 metres), however there is a Holding Provision that can be removed subject to the VIA being completed and the final height provision being determined. The residential density contained solely within the subject Plan of Subdivision will be approximately 28.6 units per net residential hectare. Lastly, the proposed single detached dwellings are intended to be located

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within the interior of the residential neighbourhood. Accordingly, the proposal complies with the above policies.

The northernmost portions the subject lands fall within the “Natural Open Space” designation and about “The Niagara Escarpment” on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan. Accordingly, the following policies apply:

- “B.7.5.6.7 Prior to any lands being considered for development within 100 metres of lands designated Natural Open Space on Map B.7.5-1 - Nash Neighbourhood – Land Use Plan, an Environmental Impact Statement shall be undertaken by the proponent and approved by the City and the Hamilton Conservation Authority to determine the appropriate setbacks from the Core Area.
- B.7.5.6.8 Any *development* must address the retention of Core Areas and other wooded areas included within the Natural Open Space designation identified on Map B.7.5-1 - Nash Neighbourhood - Land Use Plan as follows:
- (b) A minimum 10 metre wide planted buffer from identified Environmentally Significant Areas shall be included as part of these natural areas and included as part of the open space system.
- B.7.5.6.9 Development proposals for land within 150 metres of the Niagara Escarpment shall have a maximum height of no more than two storeys. Prior to the approval of a draft plan of subdivision and/or zoning by-law, a visual analysis shall be required to determine the maximum building height and minimum setbacks to ensure that no component of the building mass is visible above the skyline of the Niagara Escarpment from below the Escarpment brow (edge). The visual analysis must be to the satisfaction of the City and the Niagara Escarpment Commission. (Note: the skyline includes the escarpment brow – the uppermost point of the escarpment slope or face, and the tree line. Buildings should not be visible through trees above the brow, the most obvious break in slope associated with underlying bedrock).”

Staff note that an Environmental Impact Statement (EIS) was prepared by Ecoplans Limited (February 2011; revised November 2011) and MMM Group (September 2016; revised March 2017) for the lands subject to the “Red Hill – Phase 3 / 4” Subdivision, and identified that the subject lands at 2 Glover Mountain Road would contain a drainage ditch across the property and that the area consisted of low quality vegetation.

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Staff also note that an “EIS Response to Environmentally Significant Areas Impact Evaluation Group (ESAIEG) Recommendation 5: Escarpment Springs” was prepared, dated July 2013. Based on this addendum, a Karst Mitigation / Contingency Plan was required and prepared by Terra Dynamics Consulting Inc. (Feb. 25, 2016). The EIS was approved (June 1, 2017) with mitigation measures that have been identified on pages 56 to 58 of the EIS (Sept. 2016) which are to be included as Conditions of Approval (Condition Nos. 14 - 17 of Appendix “D” to Report PED18018). The additional mitigation measures include:

- Stewardship signage located adjacent to Block 5;
- Stewardship brochures to educate homeowners about the adjacent Natural Heritage System;
- Fencing along Block 5 with appropriate access for maintenance of the stormwater management outlet; and,
- Groundwater monitoring as outlined within the Karst Assessment.

To address the requirement of the required 10 m vegetation protection zone (VPZ) from the ESA and the 30 m wide open space adjacent to the Niagara Escarpment Brow, the applicant has provided the necessary buffers and these lands will be zoned Conservation / Hazard Land (P5-679) Zone, Modified.

Further, a Visual Impact Analysis (VIA) was being finalized at the time of preparation of this report and that an initial draft was submitted as part of the “Red Hill – Phase 3 / 4” Draft Plan of Subdivision. The VIA will determine the maximum height provision that will be in the Zoning By-law for any buildings within 150 m of the Escarpment Brow. At the time of preparation of this Report, the maximum height is proposed to be 2 storeys (10.3 metres), which may be further reduced as a result of the finalized VIA. At the time of preparation of this Report, City Staff have reviewed the VIA and are awaiting final approval by the NEC. Accordingly, the proposed residential zoning currently contains a Holding Provision until the VIA has been approved by NEC.

“B.7.5.2 g) ii) Design and implement a stormwater management system that is integrated with the open space system and which mitigates impacts on the natural environment; and,

B.7.5.6.5 No *development*, except infrastructure works, utilities and a low impact trail network (subject to confirmation that the works are suitable by an

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Environment Impact Statement), shall be permitted on lands designated Natural Open Space.”

Based on the objectives of the Nash Neighbourhood Secondary Plan, a stormwater management system is to be designed and implemented to integrate with the open space system and mitigate impacts on the natural environment.

In review, the development as a whole complies with the policies of the Nash Neighbourhood Secondary Plan.

City of Hamilton Staging of Development

Finally, Policy F.1.14.1.21 of Volume 1 identifies that: “Council shall approve only those plans of subdivision that meet the following criteria:

- “a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*.”

The subject lands have been identified in the City of Hamilton’s Staging of Development Plan. The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and complies with the UHOP. As a result, it will not adversely impact upon the transportation system, it respects the natural environment, and it is well integrated into the existing development in the area, being the “Red Hill – Phase 1 / 2” and “Red Hill – Phase 3 / 4” Plans of Subdivision. Therefore, the proposal complies with the City’s Staging of Development policies.

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City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are currently zoned Neighbourhood Development “ND” Zone in the City of Stoney Creek Zoning By-law No. 3692-92.

The Neighbourhood Development “ND” Zone is a future development Zone and only permits agricultural uses (with exception to poultry farms, mushroom farms, fur farms, piggeries, hatcheries, kennels and also excluding any residential use not existing at the date of the passing of the By-law (December 8, 1992). It also permits one single detached dwelling, and buildings or structures accessory thereto existing at the date of passing of this By-law, in addition to urban farms, community gardens, and greenhouses subject to Site Plan Control under the City’s Site Plan Control By-law.

The effect of this Zoning By-law Amendment will be to allow for the development of a maximum of six (6) single detached dwellings consistent with the approved development on the adjacent lands. The proposed zoning for the subject lands will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

City of Hamilton Zoning By-law No. 05-200

The effect of the Zoning By-law Amendment is to incorporate lands into Zoning By-law No. 05-200 and zoned Conservation / Hazard Land (P5-679) Zone, Modified to allow for the development of natural buffers, open space, and a pond outfall / spillway easement and to create a site specific exception to permit a reduced special setback from any building or structure to the Conservation / Hazard Land (P5-679) Zone, Modified. The proposed zoning will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

RELEVANT CONSULTATION

The following Departments / Agencies had no comments or objections:

- Hydro One

The following Departments / Agencies have provided comments on the application:

Operations Support, Strategic Planning Section, Corporate Assets and Strategic Planning Division (Public Works Department) has noted that the subject lands are eligible for waste collection services. They have requested that the following note be added to the Draft Plan drawing: “This property is eligible for weekly collection of

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Garbage, Recycling, Organics, and Leaf and Yard Waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067, as amended".

Operations Support staff also stipulated the following requirements for waste collection:

- “1. Road layout must be designed to permit the continuous forward movement of collection vehicles, including the radius of a cul-de-sac turning circle. Continuous forward movement must be provided exclusive of any parking spaces and stored snow. A drive through access route, a 13 metre radius turning circle or a turnaround area allowing for a maximum three-point turn of not more than one truck length are all acceptable options for accommodating this requirement.
2. The City of Hamilton is committed to providing safe and effective waste collection service and will fully comply with Ontario Occupational Health and Safety Act (OHSA) regulations at all times. Section 104(1) of the 2012 OHSA, Ontario Regulation 213/91 states: “Every project shall be planned and organized so that vehicles, machines and equipment are not operated in reverse or are operated in reverse as little as possible.”
3. Waste collection service will commence when the development is substantially completed and there is free and clear access. The developer or owner is required to contact the Public Work Department to request the start of waste collection service. A site visit by Public Works staff is required prior to the start of waste collection service.
4. Prior to the commencement of City waste collection service, the developer is responsible for the collection of all waste (garbage, recycling, organics, etc.) from any and all occupied properties / units.
5. Construction material will not be collected: collection arrangements must be made with a private contractor.
6. For collection of waste on Private Roads (Condominium roads), an Agreement for On-Site Collection of Municipal Solid Waste must be executed and submitted to the City prior to the start of service.
7. On collection day, the collection area shall be in an accessible location, free and clear of any construction debris, vehicles and stored snow.

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8. Individual waste containers, blue boxes and green carts will be collected curbside in front of each property when possible.”

Forestry and Horticulture Section (Public Works Department) staff advised that there are no Municipal Tree Assets located on site, and therefore have no concerns. Staff further note that in accordance with the New Developments Tree Planting Policy, the City of Hamilton collects cash-in-lieu for residential subdivisions. The Forestry and Horticulture Section will provide clearance of a Street Tree Planting condition upon receipt of a plan depicting new trees and a cash payment as shown in item 2.8 of the completed Subdivision Agreement.

Corridor Management (Public Works Department) advised that staff review and developer construction of municipal roadways / pedestrian facilities / street lighting, etc. pertaining to the proposed six (6) residential lots will form part of a comprehensive review of the adjacent lands included in the Draft Plan of Subdivision “Red Hill Phase 3 / 4”.

Hamilton Conservation Authority staff reviewed the revised Terms of Reference by MMM Group, dated May 2016 and subsequently requested further assessment of karst features and the identification of drainage patterns. An updated Karst Assessment was completed by Terra – Dynamics Consulting Inc., dated February 25, 2016. A Terms of Reference, Spring Inventory and Monitoring Program dated May 6, 2016 was added to address concerns expressed by Hamilton Conservation Authority with the Karst Assessment (February 25, 2016). Thereafter, Staff from Hamilton Conservation Authority has reviewed Terra – Dynamics Consulting Inc.’s report and are generally satisfied. Hamilton Conservation Authority recommended that the final karst assessment include recommendations for maintaining a water balance within the Phase 3 & 4 lands and include an analysis of whether the construction of the stormwater management facility would negatively impact base flow to the Veever’s Spring. This has been addressed as Condition No. 18 of Appendix “D” to Report PED18018.

It was identified that an outlet for the stormwater management pond was required on the subject property. Hamilton Conservation Authority, Niagara Escarpment Commission and the City of Hamilton are reviewing the structural design of the outlet to ensure that the embankment separating the SWM pond from the Escarpment Brow is structurally sound and will withstand all anticipated loads in the event that the inlet structure becomes blocked.

Niagara Escarpment Commission staff advised that the majority of the subject property is located within the Niagara Escarpment Development Control Area. The proposed Zoning By-law Amendment will have no legal effect within the Development

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Control Area just as the current Zoning By-law, according to Regulation 826 / 90, as amended. However, should this regulation be amended in the future to exclude the remainder of this property, the zoning which is ultimately approved would take effect.

The implementation of development proposals under Development Control is pursuant to Regulation 828 / 90, as amended, which calls for the requirement to obtain a development permit from the Niagara Escarpment Commission (NEC) unless the class of development which is proposed is specifically exempt from this requirement by the regulation.

The City is not permitted by the provisions of the Niagara Escarpment Plan Development Area (NEPDA) to make a decision on the subject applications until Development Permits are issued by the NEC to allow the proposed development within the area of Development Control. Subsequently, the proponent submitted the required Development Permit applications for NEC review. The development permit (W / S / 2016-107 / 483) was conditionally approved on November 2, 2017 to permit the construction of the stormwater outlet. A second Development Permit application was submitted on December 13, 2017 for lot creation, road creation and tree removal on the subject lands. At the time of the preparation of this report, the second Development Permit was not issued.

The approval of the subject rezoning and draft plan of subdivision applications does not preclude the requirement to obtain the NEC Development Permits and clear all associated conditions.

NEC Staff subsequently commented that “the City can include a holding provision which would allow acceptable heights to be determined after the zoning by-law is passed. NEC staff would have no issue with the City proceeding in this manner, as long as the by-law was crafted to ensure NEC satisfaction with the proposed heights (by way of a VIA) prior to lifting the holding provision.” As a result a Holding Provision has been included, which can be removed when the NEC issues the final Development Permits with all conditions cleared. At the time of preparation of this report, the maximum height is proposed to be 2 storeys (10.3 metres), which may be further reduced as a result of the finalized VIA. As well, a Holding Provision has been included where the final NEC Development Permits must be issued and will accordingly be required prior to registration of the subject Plan of Subdivision.

Union Gas has requested that as a condition of final approval, the owner / developer is required to provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Union Gas. This requirement is a Standard Condition of Draft Approval.

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PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the proposal was sent to seven (7) property owners within 120 m of the subject lands on December 16, 2015. A Public Notice sign was posted on the property on January 7, 2016, and updated with the Public Meeting date on January 24, 2018. One letter was received in support of this application and is attached as Appendix “F” to Report PED18018 and summarized in the Analysis and Rationale for Recommendation section of this report. The Notice of the Public Meeting was given in accordance with the provisions of the *Planning Act*. At the time of submission of the application, there were no requirements under the *Planning Act* to provide a Public Consultation Strategy.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS and conforms to the Niagara Escarpment Plan and Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) It complies with the UHOP and the Nash Neighbourhood Secondary Plan; and,
 - (iii) The proposed development is compatible with existing residential land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, while making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary.

2. The applicant has requested amendments to City of Stoney Creek Zoning By-law No. 3692-92 and the City of Hamilton Zoning By-law No. 05-200 for lands located at 2 Glover Mountain Road. By way of these applications, the applicant is seeking to permit the development of up to four single detached dwellings, three future residential blocks (to be merged with the surrounding “Red Hill – Phase 3 / 4” Subdivision, together yielding a total of two additional dwelling units), one buffer block for the Niagara Escarpment, two open space blocks, and one pond outfall / spillway easement block.

The requested amendment to Stoney Creek By-law No. 3692-92 includes site-specific regulations for the single detached dwellings.

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Single Residential “R4” Zone (see Appendix “C” to Report PED18018):

The applicant is seeking to implement the Single Residential “R4-31” Zone, Modified in the City of Stoney Creek Zoning By-law No. 3692-92 on the subject property. Staff note that the Single Residential “R4-31” Zone, Modified, was approved by By-law 14-180 for the “Red Hill – Phase 1 / 2” Subdivision, therefore Staff support the implementation of the Site Specific Provisions of the Single Residential “R4-31” Zone, Modified on the subject property.

The proposed Zoning By-law Amendment is required to permit the proposed Draft Plan of Subdivision which permits the completion of the encompassing Draft Approved Red Hill Phase 2 Subdivision. Staff are supportive of the change in zoning because it is consistent with Provincial Policy, conforms to the Urban Hamilton Official Plan and facilitates the development of the subdivision to be consistent with the Staging of Development Report 2017 Update and development in the immediate area.

Holding Provisions have been included in the proposed zone to prevent residential development until such a time as the constructability of a suitable sanitary outlet has been demonstrated (H1), the maximum height has been determined based on a finalized Visual Impact Assessment (H2) and all required NEC development permits have been issued (H3).

The applicant is seeking further modification related to maximum building height to meet requirements of the Niagara Escarpment Commission. The specific modifications to the By-law are as follows.

Maximum Building Height:

The Single Residential “R4-31” Zone, Modified does not contain site-specific building height requirements, and accordingly defers to the parent zone’s requirements. The Single Residential “R4” Zone requires a maximum building height of 11.0 metres.

A Visual Impact Assessment (VIA) of the escarpment brow was undertaken, to determine the extent of the modification to maximum building height and as of the time of preparation of this Report, has not been approved. The proposed maximum height is 2 storeys (10.3 metres), which may be further reduced as a result of the finalized VIA. A Holding Provision (H2) has been included in the proposed zoning and can be removed upon approval of the VIA by the City and the Niagara Escarpment Commission. Upon approval of the VIA, the maximum

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height will be finalized to the roof peak from the average grade at the front of the house, but will not exceed 10.3 metres.

As the proposed modification is to protect existing views and vistas of the escarpment, staff support the requested modification.

3. The proposed development of Blocks 1 - 4 of the Draft Plan of Subdivision requires that a Holding Provision (H1) be lifted prior to development proceeding. The Holding Provision (H1) has been included in order to ensure that an adequate sanitary outlet is provided for the lands adjacent to the north side of Street 'A' which are zoned Conservation / Hazard Land (P5-679) Zone, Modified and that Development Permits have been issued by the Niagara Escarpment Commission for the creation of the lots, the road and the spillway / outlet.

Removal of the Holding Provision (H1) is conditional upon the owner providing additional information to demonstrate constructability of a suitable sanitary outlet for these lands to the satisfaction of the Manager of Development Approvals, Growth Management and issuance of Development Permits by the Niagara Escarpment Commission.

4. The purpose of the Amendment to Zoning By-law No. 05-200 is to remove the subject lands which are zoned Neighbourhood Development "ND" Zone in the City of Stoney Creek By-law No. 3692-92 and add them to the Hamilton Zoning By-law No. 05-200. The intent is to rezone them as Conservation / Hazard Land (P5-679) Zone, Modified to permit the development of passive open space, stormwater management ponds, and natural buffers (refer to Appendix "C" to Report PED18018). The proposed development will conform to all of the requirements of the Conservation / Hazard Land (P5-679) Zone, Modified.

As well, Provision 4.23 d) in Zoning By-law No. 05-200 requires that a minimum setback of 7.5 metres from a Conservation / Hazard Land (P5-679) Zone, Modified to all buildings or structures. The applicant proposes a reduced side yard and rear yard that is consistent with Single Residential "R4-31" Zone, Modified as the open space blocks incorporate the required buffers. As well, NEC permits are required at the time of construction, which will further protect the lands located within the Conservation / Hazard Land (P5-679) Zone, Modified. As such, staff are satisfied that the proposal complies with the intent of the relevant policies set out in the UHOP and are supportive of the Zoning By-law Amendment.

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5. The proposed Plan of Subdivision will consist of a total of eight (8) blocks with one block for four single detached dwellings (Block 1), three blocks for up to two single detached dwellings (Blocks 2 – 4 to be merged with the adjacent “Red Hill – Phase 3 / 4” Subdivision), one block for a 30.0 m buffer to the Niagara Escarpment brow (Block 5), two blocks for open space (Blocks 6 - 7), and one block for a 10 m wide stormwater management outfall / spillway easement (Block 8), in addition to one proposed street (Street “A”).

In review of Sub-section 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is consistent with the PPS;
- (b) Through the phasing of development within the Nash Neighbourhood Secondary Plan, the proposal represents a logical and timely extension of existing development and services, and is in the public interest;
- (c) It complies with the applicable policies of the Official Plan;
- (d) The lands can be appropriately used for the use for which it is to be subdivided;
- (e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (f) The dimensions and shape of the lots are appropriate;
- (g) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of Draft Plan approval and Subdivision Agreement;
- (h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as standard conditions of Draft Plan approval;
- (i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of Draft Plan approval and Subdivision Agreement;
- (j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision;

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- (k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision; and,
 - (m) The proposed development of the subject land is interrelated with the encompassing Draft Approved development located at 435 First Street which is known as Red Hill Phase 2 and consists of lots for single detached dwellings and blocks for street townhouses.
6. A general vegetation inventory was prepared by Ecoplans Limited (February 2013, revised April 16, 2013) and by MMM Group (November 1, 2013, November 6, 2013) and only focused on the vegetation that would be impacted by the watermain that was required to connect to the Victory Phase 1 subdivision. Since there may be trees impacted by this development, as a condition of Draft Plan approval, a comprehensive Tree Protection Plan (TPP) will be required. Condition 5.10 of the City's Standard Subdivision agreement requires such study, and so this issue will be addressed in this manner.
 7. Proposed architectural design for the residential lots and any private open space within the Draft Plan of Subdivision 25T-201601 should be subject to architectural control to ensure compatibility with existing development. Specifically, the subject property must meet the relevant urban design objectives and requirements pertaining to the 'Empire Lush – Architectural and Urban Design Guidelines – Red Hill (Areas 1 &2), and the Nash Lands (Condition No. 19 in Appendix "D" to Report PED18018).
 8. The groundwater levels within the drainage channel and the groundwater flow from Veever's spring should be monitored during the excavation of the drainage channel at the SWM outlet to the satisfaction of the Senior Director of Growth Management (Condition No. 18 in Appendix "D" to Report PED18018). If excavation takes place in summer when there is no spring flow, monitoring should take place after a significant storm event and in fall when the groundwater table beneath the site rises and flow from the spring begins its annual flow cycle to ensure that no negative impacts have occurred.
 9. The proximity of the residential blocks to the open space blocks will require the residential blocks be subject to site plan control as per the By-law No. 03-294 (Site Plan Control By-law). This will ensure that development and any subsequent changes do not adversely affect the abutting natural areas. In this regard a special condition of draft plan approval will require the Owner to acknowledge that the lands are subject to site plan control.

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10. **Engineering Details:**

The information provided on the Draft Plan indicates that the existing dwelling on the property is within the required setback from the top of the Escarpment. Staff note that the City requires that the existing buildings be demolished and the existing services decommissioned / abandoned prior to any grading works on the site (included as Condition No. 1 in Appendix “D” to Report PED18018).

It appears that the width of Block 8 intended to provide for installation of a storm outfall for the future SWM facility at the adjacent subdivision does not provide for installation of a proper turning circle or a hammerhead for access of a maintenance vehicle to the outfall structure. Accordingly, the requirement has been included as Condition No. 13 in Appendix “D” to Report PED18018.

Staff note that Blocks 6 and 7, identified on the Draft Plan as “Open Space” Blocks, are not suitable for parkland development. Therefore, there is no City share for sewers, watermain or road works associated with installation of Street ‘A’ on the Draft Plan.

Block 2 is to remain undeveloped until it is merged with the adjacent westerly lands (Condition No. 12 in Appendix “D” to Report PED18018).

The timing of servicing works for the Draft Plan lands is conditional upon completion of the servicing works on the adjacent development (“Red Hill – Phase 3 / 4” Subdivision (25T-201301)). However, the City does not have an issue if the engineering design and construction for both developments are carried out simultaneously.

Staff note that the previous servicing study for the adjacent development (“Red Hill – Phase 3 / 4” Subdivision (25T-201301)), did not demonstrate that an adequate sanitary outlet is provided for the lands adjacent to the north side of Street ‘A’ on the subject Draft Plan. Therefore, staff recommends that an ‘H’ Holding Provision be placed over Blocks 1 - 4 on the proposed Draft Plan. Removal of the Holding Provision (H1) is conditional upon the owner providing additional information to demonstrate constructability of a suitable sanitary outlet for these lands, to the satisfaction of the Manager of Engineering Approvals, Growth Management Division.

As a result, the owner must demonstrate that adequate municipal services are available at the east and west limit of Street ‘A; to the satisfaction of the Senior

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SUBJECT: Applications to Amend the City of Stoney Creek Zoning By-law No. 3692-92, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 2 Glover Mountain Road, Stoney Creek (Ward 9) (PED18018) - Page 28 of 29

Director, Growth Management Division which is included as Condition No. 4 in Appendix "D" to Report PED18018.

Cost estimate schedules are to be included in the engineering design to construct municipal sidewalks as per the current City of Hamilton policy in force at the time of the engineering plan submission at the Owner's expense (Condition No. 5 in Appendix "D" to Report PED18018).

Furthermore, staff have included conditions relating to the requirement of a plan / procedure dealing with dust control and street cleaning issues throughout construction (Condition No. 2, in Appendix "D" to Report PED18018).

Staff also require an erosion flow exceedance analysis for the downstream system with consideration of future development of the lands within subcatchments 308, as per the Davis Creek Subwatershed Study (Condition No. 3 in Appendix "D" to Report PED18018).

The applicant is required to provide engineering design and cost estimates for the construction of municipal sidewalks and for the installation of a 1.8 m high vinyl coated chain link fence between private and public properties, pursuant to Condition Nos. 6 and 17 of Appendix "D" to Report PED18018. The applicant is also required to submit a detailed sump pump design as per Condition No. 7 in Appendix "D" to Report PED18018.

Staff require an on-street parking plan to demonstrate that the proposed lot frontages will provide for appropriate on-street parking rates as per Condition No. 8 in Appendix "D" to Report PED18018.

The applicant is required to submit a rock removal protocol and vibration monitoring plan with associated cost estimates as well the protocol and plans being subject to a third party peer review as per Condition Nos. 9 and 10 in Appendix "D" to Report PED18018. As well, the applicant is required to conduct a pre-condition survey of residences within 100 metres of the subject property and notify residents of rock removal within 200 metres of the subject property during that phase of construction as per Condition No. 11 in Appendix "D" to Report PED18018.

11. As per the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to seven (7) property owners within 120 m of the subject lands on December 16, 2015, and a Public Notice sign was posted on the property on January 7, 2016. In total, one

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letter was received from an interested party in support of the proposal (see Appendix “F” to Report PED18018).

ALTERNATIVES FOR CONSIDERATION

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

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A”:	Location Map
Appendix “B”:	Zoning By-law No. 3692-92 Amendment
Appendix “C”:	Zoning By-law No. 05-200 Amendment
Appendix “D”:	Special Conditions for Draft Plan of Subdivision
Appendix “E”:	Draft Plan of Subdivision
Appendix “F”:	Public Submission

JR:jp