

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Economic Development and Planning Committee	WARD(S) AFFECTED: WARD 10
COMMITTEE DATE: February 2, 2010	
SUBJECT/REPORT NO: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: David Falletta (905) 546-2424, Ext. 1221
SIGNATURE:	

RECOMMENDATION:

- (a) That approval be given to **Amended Draft Plan of Subdivision Application 25T-200809, by LPF Realty Residential Inc., Owner**, to establish a draft plan of subdivision, known as "Green Millen Shore Estates", on lands located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, in the former City of Stoney Creek, as shown on Appendix "A" to Report PED10017, subject to the following conditions:
 - (i) That this approval apply to "Green Millen Shore Estates", 25T-200809, as red-line revised, prepared by the IBI Group, and certified by Dan McLaren, OLS, dated May 8, 2009, showing 2 lot-less blocks (Blocks 1 and 5) for single detached dwellings, semi-detached dwellings, and townhouse units; 2 open space blocks (Blocks 2 and 4), 1 municipal storm channel block (Block 3), and the extension of Frances Avenue to the North Service

SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 2 of 47

Road, attached as Appendix "B" to Report PED10017, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "C" to Report PED10017;

- (ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,
- (iii) That payment of Cash-in-Lieu of Parkland will not be required, pursuant to Section 10 of By-law No. 09-124 (Parkland Dedication By-law), since a 1.344 hectare park was previously dedicated to the City as part of the registration of the "South Shore Estates" plan of subdivision;

all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (b) That approval be given to **Amended Official Plan Amendment Application OPA-08-019, by LPF Realty Inc., Owner**, for Official Plan Amendment No.____, to amend Schedule "A", General Land Use Plan, from "Residential" to "Special Policy Area 'G'", from "Residential" to "Special Policy Area 'H'", from "Shopping Centres" to "Special Policy Area 'I'", and from "Residential" to "Open Space", and to amend Schedule "D", Functional Road Classification, to remove a section of Frances Road as a designated Collector Road, of the Official Plan for the City of Stoney Creek on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "D" to Report PED10017, be adopted by City Council.
- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, Places to Grow: Growth Plan for the Greater Golden Horseshoe (P2G), and conforms to the Hamilton-Wentworth Official Plan.

- (c) That approval be given to **Amended Zoning Application ZAC-08-079, by LPF Realty Inc., Owner**, for changes in zoning to Stoney Creek Zoning By-law No. 3692-92, from the Multiple Residential "RM5-7" Zone to the Mixed Use Commercial "MUC-4" Zone (Block 1), with a Special Exception; from the Neighbourhood Shopping Centre "SC1" Zone to the Mixed Use Commercial "MUC-5" Zone (Block 2), with a Special Exception; from the Multiple Residential "RM5-7" Zone to the Multiple Residential "RM3-40" Zone (Block 3), with a Special Exception; from the Multiple Residential "RM5-7" Zone to the Multiple Residential

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 3 of 47**

"RM3-41" Zone (Block 4), with a Special Exception; from the Multiple Residential "RM5-7" Zone to the Residential "R6-5" Zone (Block 5), with a Special Exception; from the Open Space "OS" Zone to the Multiple Residential "RM3-40" Zone (Block 6), with a Special Exception; and to incorporate lands into By-law No. 3692-92 to the Multiple Residential "RM3-40" Zone (Block 7), with a Special Exception (see Schedule "A" in Appendix "E"); and to the City of Hamilton Zoning By-law No. 05-200 by adding the Open Space (P4) Zone (Blocks 1 and 2) and the Conservation/Hazard Land (P5) Zone (Blocks 3 and 4) to Maps 1052, 1097, and 1098 of Schedule 'A' (see Schedule 'A' in Appendix "F"), on the following basis:

- (i) That the draft By-laws, attached as Appendices "E" and "F" to Report PED10017, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon finalization of Official Plan Amendment No.____.
- (d) That upon finalization of Official Plan Amendment No. _____, and the implementing Zoning By-laws, the approved Lakeshore Neighbourhood Plan be amended to reflect the revised designations and road pattern.
- (e) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council's decision once Official Plan Amendment No. _____ in Recommendation (b) is final and binding.

EXECUTIVE SUMMARY

The purpose of these applications is to amend the City of Stoney Creek Official Plan and Zoning By-law, and the City of Hamilton Zoning By-law, and for approval of a draft plan of subdivision known as "Green Millen Shore Estates" (see Appendix "B"), to permit the development of the lands for a range of housing types and densities (single detached dwellings, semi-detached dwellings, townhouse (standard, street, and stacked) dwellings, and apartment dwellings), as well as mixed-use commercial/residential development on existing blocks outside of the proposed plan of subdivision. In addition, 2 open space blocks are proposed to create a waterfront trail and to protect an environmentally significant area.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 4 of 47**

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement and Places to Grow Plan (P2G), and conform to the Hamilton-Wentworth Official Plan. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration - See Page 46

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, and for approval of a Draft Plan of Subdivision.

HISTORICAL BACKGROUND (Chronology of events)

History

The subject lands were previously subdivided via the "South Shore Estates" Registered Plan of Subdivision No. 62M-101 (see Appendix "G"), which was registered on December 19, 1973. The original plan subdivided the land into 16 lots and 8 blocks. Lots 1-13 (inclusive) were intended for 11 high density apartment buildings, Lot 14 was dedicated for park purposes. In addition, Lot 15 was intended for institutional purposes, and Lot 16 was intended for commercial purposes. Since registration of the plan in 1973, 3 of the high density residential lots (Lots 1-3) were developed to create 2 high density residential towers (301 Frances Avenue and 500 Green Road), and a portion of Frances Avenue has been constructed. The remainder of the site is vacant.

Proposal

The following applications were submitted by LPF Realty Residential Incorporated in December 2008, and revisions were submitted in May 2009.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 5 of 47**

Plan of Subdivision

The proposed plan of subdivision consists of 2 residential blocks (Blocks 1 and 5) on Appendix "B" to accommodate a minimum of 233 units (single detached dwellings, semi-detached dwellings, townhouse (standard, street and stacked) dwellings and apartment dwellings, 2 open space blocks and one municipal storm channel block, (shown as Blocks 2, 3, and 4), the removal of a portion of Frances Avenue, and the extension of Frances Avenue to the North Service Road. The residential blocks will be accessed by internal private roads which connect to Frances Avenue, as shown on the proponent's concept plan (Appendix "H"). Development of the residential blocks will be subject to site plan control, including the proposed single detached, semi-detached, and street townhouse dwellings, as they will front on a private condominium road and, as such, are considered innovative housing in accordance with the City's Site Plan Control By-law. Blocks 1 and 2 on Appendix "A" do not form part of the draft plan of subdivision area as these properties were created through the registration of the original "South Shore Estates" subdivision.

Official Plan Amendment

In order to implement the proposal, amendments to the Stoney Creek Official Plan are required and are reflected on Schedule "A" of Appendix "D" as follows:

- Redesignate Block "1" from "Residential" to "Special Policy Area 'G'";
- Redesignate Block "2" from "Residential" to "Special Policy Area 'H'";
- Redesignate Block "3" from "Shopping Centres" to "Special Policy Area 'I'";
- Redesignate Block "4" from "Residential" to "Open Space"; and,
- Amend Schedule "D" - Functional Road Classification to remove a section of Frances Avenue as a designated Collector Road (Schedule "B" of Appendix "D").

Zoning By-law Amendment

A corresponding application to amend the Stoney Creek Zoning By-law and the City of Hamilton Zoning By-law are also required to rezone the lands, as identified on Schedule "A" to Appendix "E", and Schedule "A" to Appendix "F".

The applicant has requested several modifications to the standard provisions of the Mixed Use Commercial "MUC", Multiple Residential "RM3" and Residential "R6" Zones to provide site-specific development regulations, which are outlined as follows:

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 6 of 47**

Mixed Use Commercial "MUC-4" Zone

- To permit Nursing Homes, Homes for the Aged, Residential Care Facilities, and Apartment Dwelling units and Home Occupations on the ground floor;
- Increase the Minimum Lot Area from 1,500 square metres to 19,400 square metres;
- Remove the Maximum Lot Coverage provision of 30%;
- Reduce the Maximum Gross Leasable Commercial Floor Area from 7,500 square metres to 5,000 square metres;
- Reduce the Minimum Front Yard from 9 metres to 0 metres;
- Reduce the Minimum Side Yard from 9 metres to 3 metres, and from 12 metres to 0 metres for a flankage yard;
- Reduce the Minimum Rear Yard from 9 metres to 3 metres, except 0 metres for a through lot;
- Remove the Maximum Residential Density provision of 80 units per hectare;
- Remove the Maximum Building Height provision of 20 metres;
- Remove the Amenity Area Per Dwelling Unit provision of between 14 to 125 square metres per dwelling unit;
- Remove the Maximum Number of Buildings Per Lot provision of one; and,
- Include the Minimum Distance Between Buildings on the Same Lot to 15 metres.

Mixed Use Commercial "MUC-5" Zone

- To permit Nursing Homes, Homes for the Aged, Residential Care Facilities, and Apartment Dwelling units and Home Occupations on the ground floor;
- Increase the Minimum Lot Area from 1,500 square metres to 20,400 square metres;
- Remove the Maximum Lot Coverage provision of 30%;

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 7 of 47**

- Reduce the Maximum Gross Leasable Commercial Floor Area from 7,500 square metres to 1,766 square metres;
- Reduce the Minimum Front Yard from 9 metres to 0 metres;
- Reduce the Minimum Side Yard from 9 metres to 3 metres, and from 12 metres to 0 metres for a flankage yard;
- Reduce the Minimum Rear Yard from 9 metres to 3 metres, except 0 metres for a through lot;
- Remove the Maximum Residential Density provision of 80 units per hectare;
- Remove the Maximum Building Height provision of 20 metres;
- Remove the Amenity Area Per Dwelling Unit provision of between 14 to 125 square metres per dwelling unit;
- Remove the Maximum Number of Buildings Per Lot provision of one; and,
- Reduce the Minimum Distance Between Buildings on the Same Lot to 15 metres.

Multiple Residential "RM3-40" Zone

- To reduce the minimum lot area from 180 square metres to 108 square metres for Street Townhouses, and 225 square metres for Stacked Townhouses;
- To require a Minimum Lot Depth of 24 metres for Street Townhouses;
- To reduce the Minimum Lot Frontage from 6 metres to 4.5 metres for Street Townhouses, and require 9 metres for Stacked Townhouses;
- To reduce the Minimum Front Yard from 6 metres to 4.5 metres, and 3 metres to a front porch for Street and Stacked Townhouses;
- To reduce the Minimum Side Yard from 2 metres to 0 metres and 1.2 metres where an end unit abuts a lot line or laneway, and 4.5 metres to the main building and 3 metres to a porch for a flankage yard for Street and Stacked Townhouses;
- To reduce the Minimum Rear Yard from 7.5 metres to 6 metres for Street Townhouses, and 0.6 metres to a detached garage for Stacked Townhouses;

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 8 of 47**

- To add a Minimum Density provision;
- To remove the Maximum Building Height provision of 11 metres;
- To remove the Maximum Lot Coverage provision of 50%;
- To remove the Minimum Privacy Area provision of 36 square metres per unit;
- To eliminate the Minimum Landscape Open Space provision of 30%, and,
- To modify the definition of a "Highway" to include private/condominium roads.

Multiple Residential "RM3-41" Zone

- To reduce the minimum lot area from 4,000 square metres to 810 square metres for Apartment Dwellings;
- To require a Minimum Lot Depth of 27 metres for Apartment Dwellings;
- To reduce the Minimum Lot Frontage from 50 metres to 30 metres for Apartment Dwellings;
- To reduce the Minimum Front Yard from 7.5 metres to 4.5 metres for Apartment Dwellings;
- To reduce the Minimum Side Yard from half the height of the building, but in no case less than 6 metres to 4.5 metres for Apartment Dwellings;
- To reduce the Minimum Rear Yard from 15 metres to 4.5 metres for Apartment Dwellings;
- To remove the Maximum Density provision of 40-49 units per hectare;
- To remove the Maximum Building Height provision of 11 metres;
- To remove the Maximum Lot Coverage provision of 35%;
- To remove the Minimum Privacy Area provision;

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 9 of 47**

- To require a Minimum Landscape Open Space strip of 4.5m in width for every portion of the site that abuts a street for Apartment Dwellings; and,
- To modify the definition of a "Highway" to include private/condominium roads.

Residential "R6-5" Zone

- To add townhouse dwellings as a permitted use;
- To modify the definition of a "Highway" to include private/condominium roads;
- To modify the performance standards for single detached dwellings to the following:
 - Minimum Lot Area (Interior) from 310 square metres to 219 square metres;
 - Minimum Lot Area (Corner) from 400 square metres to 336 square metres;
 - Minimum Lot Depth of 30.0 metres;
 - Minimum Lot Frontage (Interior) from 10 metres to 7.3 metres;
 - Minimum Lot Frontage (Corner) from 13 metres to 11.2 metres;
 - Minimum Front Yard from 6 metres to 5 metres to the main building and 3 metres to a front porch;
 - Minimum Side Yard from 1.25 metres to 0.6 metres;
 - Minimum Rear Yard of 0.6 metres to a detached garage;
 - Maximum Building Height of 11.0 metres;
 - No Maximum Lot Coverage whereas 40% is permitted; and,
 - Minimum Outdoor Privacy Area of 30 square metres with no dimension less than 5 metres, not including a driveway.
- To modify the performance standards for semi-detached dwellings to the following:
 - Minimum Lot Area (Interior) from 300 square metres to 201 square metres;
 - Minimum Lot Area (Corner) from 350 square metres to 318 square metres;
 - Minimum Lot Depth of 30.0 metres;
 - Minimum Lot Frontage (Interior) from 9 metres to 6.7 metres;
 - Minimum Lot Frontage (Corner) of 10.6 metres
 - Minimum Front Yard from 6 metres to 5 metres to main building and 3 metres to a front porch;
 - Minimum Side Yard from 1.25 metres to 0.6 metres;
 - Minimum Rear Yard of 0.6 metres to a detached garage;
 - Maximum Building Height of 11.0 metres;
 - No Maximum Lot Coverage whereas 40% is permitted; and,

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 10 of 47**

- Minimum Outdoor Privacy Area of 25 square metres with no dimension less than 5 metres, not including a driveway.
- To include the following performance standards for townhouses:
 - Minimum Lot Area of 183 square metres;
 - Minimum Lot Depth of 30.0 metres;
 - Minimum Lot Frontage of 6.1 metres;
 - Minimum Front Yard from 6 metres to 5 metres to the main building and 3 metres to a front porch;
 - Minimum Side Yard from 2 metres to 0.6 metres;
 - Minimum Rear Yard of 0.6 metres to a detached garage;
 - Maximum Building Height from 11 metres to 12 metres;
 - No Maximum Density;
 - No Maximum Lot Coverage whereas 50% is permitted; and,
 - Minimum Outdoor Privacy Area from 36 square metres per unit to 25 square metres with no dimension less than 5 metres, not including a driveway.

Also, it should be noted that the applicant has revised the proposal as a result of the shoreline hazard delineation that was required by staff. Consequently, the applicant has revised the proposal to increase the development setback from the shoreline from 7.5 metres to 30 metres, which required a redesign of the draft plan and amended applications. Additionally, staff is recommending that the developable areas of the subject lands be placed into special policy areas in order to incorporate additional policies relating to density and urban design. The applicant has been advised, and is in support of staff's revisions.

Details of Submitted Applications

Location: 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue (Stoney Creek)

Owners: LPF Realty Incorporated

Agent: IBI Group (Sergio Manchia)

Property Size: Area: 16.75 hectares
Frontage: 853.7 metres (Frances Avenue)

Servicing: Full Municipal Servicing

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 11 of 47**

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Land:</u>	Vacant	Residential Multiple "RM5-7" Zone, Open Space "OS" Zone and Neighbourhood Shopping Centre "SC1" Zone
<u>Surrounding Land:</u>		
North	Lake Ontario and Apartment Dwellings	Residential Multiple "RM5" Zone
West	Apartment Dwellings, Street Townhouse Dwellings and General Commercial Uses	Residential Multiple "RM5" Zone, Residential Multiple "RM2" Zone and General Commercial "GC-35" Zone
South	QEW Highway, Vacant Institutional Lands and Vacant Neighbourhood Park	Small Scale Institutional "IS" Zone and Neighbourhood Park (P1) Zone
East	Stacked Apartment Dwellings and Single Detached Dwellings	Multiple Residential "RM4-4" Zone, Residential "R1" Zone and Neighbourhood Development "ND-1" Zone

POLICY IMPLICATIONS

Provincial Policy Statement:

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

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 12 of 47**

Policy 1.4.3 outlines that Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements for current and future residents by permitting and facilitating all forms of housing, directing new housing to locations where infrastructure and public service facilities are available, and promoting densities which efficiently use land, resources, infrastructure, and public service facilities. The nature of the applications is to expand the range of uses to permit a variety of housing forms including: single detached, semi-detached, townhouse, stacked townhouse, street townhouse, apartment, and mixed-use buildings to accommodate a full range of residents. Also, the proposed density is appropriate and meets the density targets envisioned in the Growth Plan for the Greater Golden Horseshoe. The proposal takes advantage of existing full urban services that were installed as part of the registration of "South Shore Estates". Based on the foregoing, staff is satisfied that the proposal is consistent with Policy 1.4.3.

Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. The subject lands are located approximately 120m from the Queen Elizabeth Way, which could pose adverse effects from noise to public health and safety.

Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified (i.e. significant wetlands) unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions. As noted in the Analysis/Rationale for Recommendation section (Comment 2 - Page 34), an EIS, prepared by Dougan & Associates, dated September 2008, and subsequent addendums, have been received and reviewed by staff and peer reviewed by ESAIEG and the Hamilton Conservation Authority. The City's Natural Heritage staff, ESAIEG, and the Hamilton Conservation Authority have reviewed the study and concur with the study's findings, subject to the inclusion of Condition No. 6 (Appendix "C").

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 13 of 47**

Policy 3.1.1 outlines that development shall generally be directed to areas outside of *hazardous lands* adjacent to the shorelines of the *Great Lakes*. The proponent has retained Baird and Associates who has completed shoreline hazard delineation to determine the limits of the "hazardous lands" adjacent to the lake. The study identified a 30 metre development setback from the shoreline, and developed a preliminary shorewall design. City staff and the Hamilton Conservation Authority have reviewed the information and concur with the Baird and Associates findings. Additionally, the implementing By-law changes the zoning of the area between the shoreline and 30 metre setback to an Open Space (P4) Zone. Based on the foregoing, staff is satisfied that the proposal is consistent with Policy 3.1.1.

As the nature of the application is for the creation of a draft plan of subdivision for residential and mixed-use purposes, the proposal is consistent with the policies of the Provincial Policy Statement, as conditions with respect to the protection of the natural heritage feature, archaeology and noise abatement are addressed via conditions of draft plan approval (Conditions No. 2-4, and 6 of Appendix "C").

Places to Grow: Growth Plan for the Greater Golden Horseshoe

The Places to Grow Plan is more 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. This development proposal will meet the general intent of the Places to Grow Plan in that it is a designated Greenfield area within the built boundary, and provides for development that contributes to creating a complete community.

Staff notes that Blocks 9 and 2 of Appendix "A" fall within the *built-up area*, while the remainder of the subject lands are located within a designated *Greenfield area*, as defined by P2G, and further delineated in the Council Adopted New Urban Hamilton Official Plan. Policy 2.2.3.1 states that a minimum of 40% of all residential development occurring annually within each single-tier municipality will be within the built-up area, and Policy 2.2.7.2 states that the designated Greenfield area of each upper or single-tier municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare, which is to be measured over the entire designated Greenfield area of the municipality. Based on these policies, the proposal provides 176 intensification units or 47 units per hectare (+/- 94 residents per hectare) within the *built-up area*, and a minimum density of 67.9 units per hectare (+/- 136 residents per hectare), which exceeds the minimum density established in the P2G plan.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 14 of 47**

Hamilton-Wentworth Official Plan:

The subject property is designated as "Urban Area" in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the region to the year 2020.

Policy B-9.2 requires that the City consider protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes are to be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection.

Policy C-1.2.2 of the Plan states that land use changes in or adjacent to Environmentally Significant Areas will only be permitted where such development:

- (i) Will not adversely affect, degrade or destroy any of the qualities which are the basis for the area's designation;
- (ii) Will not cause any significant impacts upon water quality and quantity; and,
- (iii) Will not adversely affect the implementation of any resource protection policies or plans.

A portion of the subject property has been identified as an Environmentally Significant Area (ESA #70 - Community Beach Ponds). The applicant has submitted an Environmental Impact Statement (EIS) in order to demonstrate that the proposal will not adversely affect, degrade, or destroy any of the qualities which are the basis for the ESA's designation. The study concludes that once the study's recommendations are implemented, the proposed development will not adversely impact any of the qualities which are the basis for the ESA's designation. The study has been reviewed by the City's Natural Heritage staff, Environmentally Significant Areas Impact Evaluation Group (ESAIEG), and the Hamilton Conservation Authority, who are satisfied with the study's findings. Based on the foregoing, the proposal conforms to Policy C-1.2.2 of the Hamilton-Wentworth Official Plan.

Policies C-1.4.2 and C-1.4.3 state in order to protect the shoreline, water quality and aquatic ecosystems, and improve access, the municipality will:

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 15 of 47**

- "C-1.4.2 Require that the Cities of Hamilton and Stoney Creek give consideration to a variety of uses along Lake Ontario which also provide public access to the lakeshore.
- C-1.4.3 When appropriate, require Area Municipalities to establish policies and provisions for development fronting on the lakeshore which:
- (i) Provide setbacks adequate to address flooding and erosion concerns; and,
 - (ii) Ensure that shoreline protection works or lake fill meet the requirements of the Conservation Authorities and other relevant agencies."

As noted earlier, the proponent has retained Baird and Associates, who has completed shoreline hazard delineation to determine the limits of the "hazardous lands" adjacent to the lake. The study identified a 30 metre development setback from the shoreline, and developed a preliminary seawall design. City staff and the Hamilton Conservation Authority have reviewed the information and concur with the Baird and Associates findings. Additionally, the applicant has offered to dedicate the ESA and lakeshore protection lands to the City of Hamilton in order to enhance the existing Ontario Waterfront Trail System. The dedication of these lands would be in the best interest of the entire City as it would allow for passive recreational opportunities for the general public. Staff has accepted the applicant's offer, subject to Condition No. 46 (Appendix "C") that requires the applicant to construct and monitor the shoreline protection works for a minimum of two years, and agree to construct a comprehensive trail, prior to the lands being transferred to the City's ownership.

As the nature of the applications is for amendments to the Official Plan and Zoning By-law to permit the development of a draft plan of subdivision, the proposal conforms to the general intent of the Hamilton-Wentworth Official Plan, provided Condition Nos. 2, 6, 21-26, and 46 of Appendix "C" are satisfied prior to development.

City of Stoney Creek Official Plan:

The subject lands are designated "Residential" and "Shopping Centres" on Schedule "A", General Land Use Plan in the Stoney Creek Official Plan (SCOP). In addition, the subject lands are designated as "Lakeshore Protection Area", "Class 1 - Environmentally Sensitive Areas" and "Class 4 - Open Space and Parks" on Schedule "B", Stoney Creek Open Spaces and Natural Environment System. The applicant has applied to: redesignate Block "1" from "Residential" to "Special Policy Area 'G'";

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 16 of 47**

redesignate Block "2" from "Residential" to "Special Policy Area 'H'"; to redesignate Block "3" from "Shopping Centres" to "Special Policy Area 'I'"; to redesignate Block "4" from "Residential" to "Open Space" (see Appendix "D"); and amend Schedule "D", Functional Road Classification, to remove a section of Frances Avenue as a designated Collector Road.

The following policies of the Stoney Creek Official Plan, among others, are applicable to the proposed residential component of the development:

"RESIDENTIAL

A.1.1.2 To provide a range of housing types and densities of varied styles, while ensuring the provision of amenities necessary for local residents.

A.1.2.2 Home occupations and housing for special purposes such as senior citizen housing, Group Homes, and Residential Care Facilities may be permitted in areas designated Residential by this Plan. Uses that are deemed necessary to serve adequately the needs of local residents and which are compatible with surrounding development may also be permitted provided that they comply with the Secondary Plan provisions of this Plan. Such uses include, but are not limited to:

- (a) Limited individual or groups of local commercial uses (excluding Automobile Service Stations) in accordance with the Local Commercial policies and General Provisions set out in Subsection A.3 of this Plan;
- (b) Neighbourhood Parks primarily designed for local use in accordance with the relevant policies of Subsection A.7;
- (c) Churches, day nurseries, and similar small scale institutional uses designed primarily to serve the local area; and,
- (d) Elementary Schools.

A.1.2.3 In addition to permitted local commercial uses, Council may permit individual retail stores or service shops in a multiple family residential building for the primary purpose of serving the building's occupants provided that such a building has a minimum of approximately 80 dwelling units.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 17 of 47**

A.1.2.6 Any development shall be provided with full urban services including paved roads, municipal sanitary, and storm sewers and piped water. In no case will development be approved where the agency having jurisdiction indicates that such services are not available or adequate to accommodate the intended development, unless otherwise specified in this Plan.

An adequate number and variety of dwellings to satisfy the physical, social, and financial shelter requirements of existing and future residents of the City of Stoney Creek shall be provided. In this respect, the City shall prepare, and annually update, housing targets and strategies in support of this policy. Housing targets should include, but not be limited to the following:

- (a) Housing mix, (e.g. single family, semi-detached, townhousing, apartments, etc.);
- (b) Housing tenure (ownership and rental units); and,
- (c) Housing for special groups including senior citizens, low income persons, and the physically handicapped.

A.1.2.9 (a) Rental vacancy rates and the range of rental rates.

A.1.2.12 Council shall encourage the provision of a full range of housing types and prices throughout the municipality and, where appropriate, residential intensification will be encouraged subject to Policies A.1.2.18, A.1.2.20, A.1.2.21, A.1.2.22, and other policies of the Plan.

The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:

- (a) LOW DENSITY - approximately 1 to 29 units per Net Residential Hectare. This designation permits predominantly single family detached, duplex, and semi-detached dwellings. These types of dwellings are to be generally located at the interior of Residential Neighbourhoods adjacent to local roads.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 18 of 47**

- (b) MEDIUM DENSITY - approximately 30 to 49 units per Net Residential Hectare. This designation permits predominantly town house dwellings and walk-up apartments. Generally, these types of dwellings are to be located at the periphery of the Residential Neighbourhoods adjacent to arterial roads and/or collector roads.
- (c) MEDIUM-HIGH DENSITY - approximately 50 to 99 units per Net Residential Hectare. This designation permits predominantly apartment dwellings in buildings not exceeding a height of nine storeys. This type of dwelling generally is to be located adjacent to or in close proximity to arterial and/or collector roads, community facilities, and open space areas.
- (d) HIGH DENSITY - approximately 100 to 200 units per Net Residential Hectare, unless otherwise specified in the Secondary Plan. This category permits predominantly high rise apartments. This type of dwelling is generally to be located:
 - (i) Within and at the periphery of the area designated by this Plan as Central Area; or,
 - (ii) Adjacent to or in close proximity to arterial roads, community and park facilities, and open space areas.

A.1.2.17 In the evaluation of any proposal for multiple family residential development (triplex, fourplex, sixplex, attached housing and apartment dwellings), the relevant Secondary Plan policies of this Plan shall apply. In addition, Council shall be satisfied that:

- (a) Schools and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the proposal;
- (b) The height, bulk, and arrangement of buildings and structures will achieve harmonious design, and will not conflict with the existing and/or expected development of the surrounding area. In this regard, Council may require the developer to submit evidence that wind and shadows will not have a harmful effect upon adjacent areas;

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 19 of 47**

- (c) Appropriate off-street parking, landscaped areas, protection for abutting residential uses, where warranted, and other accepted site planning features can be satisfactorily accommodated on the proposed site; and,
- (d) Ingress and egress to the property will be so designed as to minimize traffic hazards and congestion on surrounding streets.

A.1.2.20 Council shall ensure that the local residential environment is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council shall:

- (c) Require appropriate measures to attenuate the effects of noise in accordance with Guidelines on Noise and New Residential Development Adjacent to Freeways; and visual intrusion or other undesirable effects on new residential development adjacent to freeways, inter-regional highways, arterial roads, railways, and other environmentally incompatible land uses in consultation with the Ministry of the Environment; and,
- (d) Encourage subdivision design which incorporates energy efficient features in accordance with the provisions of Subsection E.1. Such features may include, but not be limited to:
 - (i) Street orientation to provide solar access for active and/or passive solar heating;
 - (ii) Where street orientation does not provide for the utilization of direct solar access, alternative house designs will be encouraged to provide solar access.

A.1.2.24 Home Occupation uses may be permitted in the implementing Zoning By-law, based on, but not limited to the following policies:

- (a) A Home Occupation shall be carried on only within a single family detached dwelling unit and solely by those occupying the dwelling; and,

A.1.2.25 Further, a Home Occupation shall not be deemed to be a mixed Commercial-Residential Use for the purposes of Subsection A.3 of this Plan.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 20 of 47**

A.1.2.27 Group Homes and Residential Care Facilities as defined by this Plan may be permitted provided that relevant community services and facilities necessary to support such homes are available in the area. Such services and facilities may include but not be limited to public transportation, shopping, recreation, and health facilities. In order to prevent an undue concentration of Group Homes and Residential Care Facilities in specific areas, standards requiring a minimum distance between these facilities will be incorporated in the implementing Zoning By-law.

In the evaluation of residential development or redevelopment proposals, adequate provisions for noise attenuation features, to the satisfaction of the Ministry of the Environment, may be required.”

The proposal conforms to the Residential policies which speak to providing a range of housing types, densities, and styles, in that the proposal is to amend the existing Official Plan and zoning, which currently only permit apartment dwellings, to permit a variety of housing forms including: single detached, semi-detached, townhouse, stacked townhouse, street townhouse, apartment, and mixed use dwellings to accommodate a full range of residents. Also, the proposed density, although reduced from previous approvals, is appropriate and meets the density targets envisioned in the Growth Plan for the Greater Golden Horseshoe. There are full urban services available to service the subject lands.

However, in order to ensure that the aforementioned design policies (A.1.2.17) and the Council approved Site Plan Guidelines are conformed to, staff has included site-specific policies in the proposed Official Plan Amendment, and a condition of approval (No. 7 - Appendix “C”) that requires the Owner to submit Architectural and Urban Design Guidelines, which guidelines shall address a number of matters including, but not limited to: height, bulk, arrangement of buildings, an overall theme for the neighbourhood, site plan design, quality of design, pedestrian friendliness, streetscape character, etc. The incorporation of the site-specific urban design policies will ensure that the general intent of the Stoney Creek Official Plan is maintained by requiring the development of the subject lands to incorporate design feature considerations that create a visually and aesthetically distinct neighbourhood. Condition No. 7 of Appendix “C” will ensure the implementation of this policy.

Additionally, due to the proximity of the subject lands to the QEW, staff has included conditions of approval (Nos. 3 and 4 - Appendix “C”), which requires the Owner to submit a noise/vibration study and implement its findings to ensure that the City’s and Ministry of Environment’s noise regulations are complied with. Also, as noted earlier,

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 21 of 47**

the applicant has proposed to permit home occupations on the ground floor of a mixed-use building. However, as noted in Policy A.1.2.24 above, home occupations are only permitted within single detached dwellings and, as such, the implementing By-law does not include this provision. To ensure the proposal conforms to Policy A.1.2.25 above, staff has included a minimum distance separation provision of 300 metres in the implementing By-law for Group Homes, and Residential Care Facilities. Based on the foregoing, the proposal conforms to the "Residential" policies of the Stoney Creek Official Plan.

The following policies of the Stoney Creek Official Plan, among others, are applicable to the proposed commercial component of the development:

"COMMERCIAL

- A.3.2.1 Council recognizes that there is a range of Commercial categories in the City, namely, SHOPPING CENTRES, GENERAL COMMERCIAL, HIGHWAY COMMERCIAL and LOCAL COMMERCIAL. Schedule "A" the General Land Use Plan, shows these various Commercial Categories exclusive of Local Commercial uses.
- A.3.2.5 Loading facilities and parking areas for delivery vehicles shall be located, buffered, and screened so as to minimize adverse effects on the general public view and adjacent uses.
- A.3.2.7 Where Commercial uses are proposed to be developed adjacent to lands designated Residential, Council shall ensure that access drives, parking and service areas will be screened and/or buffered so that noise, light, or undesirable visual effects emanating from the Commercial use are reduced. Particularly, light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent lands designated Residential.
- A.3.2.8 Any structures containing both residential and commercial uses (other than a building permitted under Policy A.1.2.3 and Policy A.1.2.25) shall, in addition to other policies of this Plan, be subject to the following policies:
- (a) Amenity areas will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the Commercial component;

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 22 of 47**

- (b) Council shall be satisfied that any effect from the Commercial component which will detract from the amenity of the associated Residential uses will be minimized;
- (c) Customer parking areas associated with the Commercial component will preferably be physically separated from Residential uses, and in no case will the customer parking areas interfere with the safe and efficient use of Residential parking areas; and,
- (d) Council shall be satisfied that engineering services, school, park and similar community facilities are adequate to serve the needs of the residents.

A.3.2.13 To enhance the quality of any COMMERCIAL/RESIDENTIAL development, Council may, where deemed appropriate, permit additional height and/or density in excess of the Zoning By-law provisions, in accordance with Policy F.4.6 of this Plan.

A.3.3.1.2 The Shopping Centre designation applies primarily to a broad range of commercial uses including department stores, retail shops and personal service shops, restaurants, offices, places of entertainment, recreation and assembly, financial institutions, automobile service stations, motor vehicle sales rooms and motor vehicle sales lots, and uses similar and accessory to the foregoing. Community and institutional facilities may be permitted where they will not restrict or interfere with the function of the primary permitted uses, subject to the General Provisions of this Subsection.

A.3.3.1.4 Shopping Centres are appropriate forms of Commercial development necessary to the economic health of the City and the Region. In this regard, the following classification of Shopping Centres in the preparation of Secondary Plans will be utilized:

- (c) A NEIGHBOURHOOD SHOPPING CENTRE will have a gross leasable floor area of 1,400 square metres to a maximum of 14,000 square metres.

A.3.3.2 GENERAL COMMERCIAL

A.3.3.2.1 The General Commercial designation applies to certain existing and proposed areas of individually managed commercial establishments located along highways and arterial roads. General Commercial uses benefit from accessibility and visibility and thereby provide a service to both pedestrian and automobile-borne trade.

A.3.3.2.2 Land designated General Commercial by this Plan may be used for retail and service shops, offices, financial institutions, automobile sales, service and repair establishments, printing shops, restaurants, hotels, places of assembly and entertainment, commercial marinas, local institutional and community uses and uses similar and accessory to the foregoing including dwelling units.”

The applicant has applied to amend the Stoney Creek Official Plan to redesignate Block “2” from “Residential” to “Special Policy Area ‘H’” and Block “3” from “Shopping Centres” to “Special Policy Area ‘I’” (see Appendix “D”) in order to permit the proposed mixed-use blocks. The current “Neighbourhood Shopping Centre” designation is intended to provide commercial facilities for the entire subject lands and would be limited to a gross leasable floor area between 1,400 and 14,000 square metres, in accordance with Policy A.3.3.1.4 above. In order to ensure that sufficient neighbourhood commercial services are provided, the implementing By-law provides a range of uses that are consistent with the “Neighbourhood Shopping Centre” designation and includes provisions that require a minimum (1,400 square metres) and maximum (7,000 square metres) gross leasable floor area, which is consistent with aforementioned policies.

Also, in order to ensure that the aforementioned design policies and the Council approved Site Plan Guidelines are conformed to, staff has included site-specific policies in the proposed Official Plan Amendment and a condition of approval (No. 7 - Appendix “C”) that requires the Owner to submit Architectural and Urban Design Guidelines, which guidelines shall address a number of matters including, but not limited to: site plan design, quality of design, screening of loading facilities and parking, site lighting, etc., for the mixed use blocks. The incorporation of the site-specific urban design policies will ensure that the general intent of the Stoney Creek Official Plan is maintained by requiring the development of the subject lands to incorporate design feature considerations that create a visually and aesthetically distinct neighbourhood. Condition No. 7 of Appendix “C” will ensure the implementation of this policy.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 24 of 47**

Also, the applicant has proposed to remove the requirement for private amenity areas for the mixed-use blocks. However, as noted in Policy A.3.2.8 above, mixed-use structures containing both residential and commercial uses shall provide exclusive amenity areas for the residential component. As such, the implementing By-law has maintained the private amenity area provisions of the "MUC" Zone. Based on the foregoing, the proposed redesignations conform to the general intent of the Stoney Creek Official Plan and the implementing By-law conforms to the "Commercial" policies of the Stoney Creek Official Plan.

The following policies of the Stoney Creek Official Plan, among others, are applicable to the proposed environmental components of the development:

"B.1.2.1 Environmentally Sensitive Areas, as identified on Schedule "B", refers to areas with unique physical environmental features, as identified in the Regional Official Plan. In this regard, when development or redevelopment is proposed in accordance with the land use designations identified on the Schedule "A" series upon an Environmentally Sensitive Area, or when a request has been received to change the legal use or increase the intensity of an existing use within Environmentally Sensitive Areas, Council shall:

(c) Circulate the Environmental Impact Statement or waiver to any relevant public agencies for their review and comments;

B.1.2.2 Environmental Impact Statement (EIS) Required for Environmentally Significant Areas

All ESA boundaries on Schedule "B" are approximate only. Accurate ESA boundary and buffer zone locations must be determined through an Environmental Impact Statement (EIS). The EIS should contain a Surveyor's Reference Plan delineating ESA boundaries. Development proposals within or adjacent to ESAs, and requests to adjust or eliminate ESA boundaries, require an Environmental Impact Statement using the approved Regional EIS Guidelines. The EIS must be to the satisfaction of the City, as well as other appropriate agencies. It should be peer reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) in order to scrutinize whether ESA ecological functions have been protected, to address cumulative impacts from other surrounding development, and to comment on the delineation of ESA boundaries.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 25 of 47**

B.1.2.8 Public access to privately owned Environmentally Sensitive Areas will be at the discretion of the Owner, and these lands will not necessarily be free and open to the general public.

HAZARD LANDS

B.2.2.1 Hazard lands are lands which, if developed upon, have inherent environmental conditions such as flood susceptibility, erosion susceptibility, instability or any other physical condition which is severe enough to pose a risk to occupants, loss of life, property damage, and social disruption.

B.2.2.2 Hazard lands are identified, in part, by the present flood and fill line mapping of the respective Conservation Authority and the hazard land mapping of the Ministry of Natural Resources. Hazard lands are those lands which have been or may be covered by flood water. Hazard lands are conceptually identified on Schedule "G" based on the present flood and fill line mapping of the Hamilton Region Conservation Authority and the hazard land mapping of the Ministry of Natural Resources.

B.2.2.3 Hazard Lands may be used for those uses permitted by the land use designations contained on the Schedule "A" Series; however, no buildings or structures other than buildings and structures intended for flood or erosion control, or essential utility operations, will be permitted in these areas unless such is approved by the appropriate Conservation Authority. Furthermore, no placing or removal of fill of any kind, whether originating on the site or elsewhere, will be permitted in these areas unless such is approved by the appropriate Conservation Authority.

B.2.2.4 Prior to the approval of any development or redevelopment upon Hazard Lands, Council and the appropriate Conservation Authority shall be satisfied that the hazard can be satisfactorily overcome and is not further aggravated.

B.2.2.5 When Hazard Lands are within areas designated Open Space on Schedule "A", "The General Land Use Plan" of this Plan, Council shall encourage and support the acquisition of such lands by public agencies for passive recreational and/or open space uses.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 26 of 47**

- B.2.2.7 Those uses located on hazard lands and existing at the time of approval of this Plan may continue to exist, however, any alteration or expansion will be subject to the approval of Council and the appropriate Conservation Authority.
- B.2.2.8 Where development or redevelopment is proposed on lands abutting Hazard Lands, Council shall consult with the appropriate Conservation Agency to determine whether or not building setbacks should be established from the margin of the hazardous area and impose such setbacks where deemed necessary.

LAKESHORE PROTECTION AREA

- B.3.2.1 In addition to the policies of Section A of this Plan, respecting the various land use designations, the following policies shall be applied to those lands within the Lakeshore Protection Area, as identified on Schedule "B" The Environmental Plan.
- B.3.2.2 Any public agency that owns Lake Ontario shoreline property shall be encouraged by Council to construct adequate shore protection works.
- B.3.2.3 Council and/or the Committee of Adjustment shall require, in conjunction with new development, adequate shoreline protection for the preservation of the Lakeshore environment against erosion or pollution, to the satisfaction of the Ministry of the Environment and the Ministry of Natural Resources.
- B.3.2.7 In order to create an open space effect along the shoreline and to minimize risks to life, property damage, social disruption, and adverse environmental impacts, a portion of the land extending from the high water mark, in addition to any requested shore protection works, is to be used only for water oriented recreational facilities, open space uses, private recreational uses, or similar uses. Accordingly, the implementing Zoning By-law shall establish a minimum set back from the top of bank for low density residential and accessory uses. A minimum setback of approximately 30 metres shall be provided for all other uses where shoreline protection works have been installed. “

A portion of the subject property has been identified as an Environmentally Significant Area (ESA #70 - Community Beach Ponds). An Environmental Impact Statement (EIS), prepared by Dougan & Associates, dated September 2008, and subsequent addendums, have been received and reviewed by staff and peer reviewed by the

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 27 of 47**

Environmentally Significant Areas Impact Evaluation Group (ESAIEG) and the Hamilton Conservation Authority. The purpose of the study is to demonstrate that the proposal will not adversely affect, degrade, or destroy any of the qualities which are the basis for the ESA's designation. The study concludes that once the study's recommendations are implemented, the proposed development will not adversely impact any of the qualities which are the basis for the ESA's designation. The City's Natural Heritage staff, ESAIEG, and the Hamilton Conservation Authority are satisfied with the study's findings.

A portion of the subject lands is designated "Hazard Lands" on Schedule "G", Hazard Lands, of the Stoney Creek Official Plan. A Functional Servicing Report (FSR), prepared by IBI Group, dated April 14, 2009, has been reviewed by Development Engineering staff and circulated to the Hamilton Conservation Authority. The FSR proposes to capture the minor event in storm sewers connected to the existing municipal system adjacent to the development, and major storm events will be conveyed along overland drainage routes. Development Engineering staff and the Hamilton Conservation Authority is satisfied with the applicant's servicing scheme, subject to the inclusion of Condition No. 14 of Appendix "C", which requires the proponent to submit a stormwater management report to address stormwater quality and quantity control, as well as major storm event, prior to development of the subject lands. As such, the proposal conforms to the Hazard Lands policies of the Stoney Creek Official Plan.

A large portion of the subject property fronts Lake Ontario. In order to satisfy the above noted policies, the proponent has retained Baird and Associates, who has completed shoreline hazard delineation, identified a 30 metre development setback from the shoreline, and developed a preliminary shorewall design. City staff and the Hamilton Conservation Authority have reviewed the information and concur with the Baird and Associates findings. Additionally, the implementing By-law changes the zoning of the area between the shoreline and 30 metre setback to an Open Space (P4) Zone. Based on the foregoing, the proposal conforms to the Lakeshore Protection Area policies of the Stoney Creek Official Plan.

Additionally, the applicant has offered to dedicate the ESA and lakeshore protection lands to the City of Hamilton in order to enhance the existing Ontario Waterfront Trail System. The dedication of these lands would allow for a public trail system to connect to the waterfront lands along the buffer area of the ESA. Staff has accepted the applicant's offer, subject to Condition No. 46 (Appendix "C"), that requires the applicant to construct and monitor the shoreline protection works for a minimum of two years, and agree to construct a comprehensive trail, prior to the lands being transferred to the City's ownership. Finally, the implementing By-law changes the zoning of both the ESA

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 28 of 47**

and ESA buffer to a Conservation/Hazard Land (P5) Zone. Based on the foregoing, the proposal conforms to the Environmentally Sensitive Area policies of the Stoney Creek Official Plan.

The following policies of the Stoney Creek Official Plan, among others, are applicable to the proposed waterfront lands components of the development:

“COMMUNITY SERVICES

E.6.5 In accordance with Subsections A.7 and D.3.4 of this Plan, where feasible, waterfront lands and lands along watercourses or easements may be added to the City's Parklands System to establish a continuous system of walkways, paths, and other links to facilitate direct access to the waterfront and other pedestrian destinations in the City. Further:

- (a) Lands along watercourses will be preserved in a continuous and natural state, where appropriate, and be readily accessible to area residents, where possible; and,
- (b) Where improvements to the drainage pattern of watercourses are undertaken, consideration will be given to the preservation of existing vegetation and the integration of these improved watercourses into the Parklands System.”

As noted earlier, this report recommends the dedication of the ESA and lakeshore protection lands to the City, as suggested by the applicant, in order to enhance the existing Ontario Waterfront Trail System. Staff has included Condition No. 46 of Appendix “C” that requires the applicant to construct and monitor the shoreline protection works for a minimum of two years, and agree to construct a comprehensive trail, prior to the lands being transferred to the City’s ownership. Based on the foregoing, staff is satisfied that the proposal complies with Policy E.6.5 of the Plan.

Neighbourhood Plan:

The subject lands are designated “High Density Residential” in the approved Lakeshore Neighbourhood Plan. The Lakeshore Neighbourhood Plan will require an amendment following final approval of the Official Plan and zoning changes, and approval of the draft plan to reflect the revised designations and road pattern.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 29 of 47**

Urban Hamilton Official Plan

The New Urban Hamilton Official Plan was adopted by Council on July 9, 2009. The Plan has been forwarded to the Province of Ontario for final approval, and is not yet in effect. The New Urban Hamilton Official Plan designates the subject lands as "Neighbourhoods" on Schedule "E" Urban Structure. The proposal would conform to the "Neighbourhoods" designation of the New Hamilton Urban Official Plan.

RELEVANT CONSULTATION

Agencies/Departments Having no Concern or Objections

- Corporate Services Department (Budgets, Taxation and Policy Sections, Finance).
- Corporate Services Department (City Wide Administration and Services Section).
- Public Works Department (Waste Management Division).
- Public Works Department (Capital Planning and Implementation Division).
- Emergency Services.
- Parking and By-law Services Division.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- Horizon Utilities.
- Cogeco.
- Union Gas.
- Hamilton Street Railway.

Bell Canada

Conditions of draft plan approval respecting the assurance that appropriate levels of communication/telecommunication facilities will be included in the Standard Form Subdivision Agreement.

Canada Post

Conditions of draft plan approval respecting notification to prospective purchasers that mail delivery will be from a designated Centralized Mail Box, and the location and preparation of designated areas for the Centralized Mail Box by the developer will be included in the Standard Form Subdivision Agreement.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 30 of 47**

Public Works Department, Forestry and Horticulture Section

The Forestry and Horticulture Section has requested that a Tree Management Condition be applied to this application (Included as Condition No. 5 in Appendix "C").

Corporate Services Department, Risk Management Section

Specifically, regarding the dedication of the ESA and waterfront lands to the City, our section notes that the City has had issues with City owned waterfront in the past where the City becomes responsible for storm damages to the shoreline and the damages that result to adjacent properties. For this reason, it would not be in the best interests of the City to acquire these lands and take on the responsibility that would accompany ownership. Unless there is maintenance by others for life, it will ultimately end up costing the City money. There may be reasons that would override these thoughts in this regard. These concerns are addressed by Special Condition No. 46 of Appendix "C".

Hamilton Conservation Authority

The shoreline hazard delineation and 30m development setback from the shoreline identified in the latest Baird letter satisfies HCA concerns regarding the proposed development. It should be noted that the shorewall design, in its final form, will have to address a number of issues including: flood and erosion hazards, fisheries, Public Lands Acts requirements, and will have to provide some method of water exchange between the lake and the ESA to maintain the integrity of the wetland community. Construction of the shorewall can be included as a condition of subdivision approval. A permit will be required from the HCA for construction of the wall, and it will have to be constructed prior to any other development associated with the subdivision.

The boundaries of the blocks identified on the Land Use Schedule Amendment and Zone Amendment sketches, prepared by IBI Group, conform to both the identified erosion hazard setback and the limit of the Environmentally Significant Area plus 10m buffer. Therefore, the HCA has no concern with the Official Plan Amendment or the Zoning By-law Amendment.

The HCA is in agreement with the recommendation of ESAIEG for the long-term preservation of the Button Bush (wetland) plan community and control of upland vegetation within the ESA. Although the details for wetland community preservation and habitat compensation have yet to be finalized, our office is supportive of the efforts discussed at our joint meeting of September 23, 2009.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 31 of 47**

Based on the above, the HCA recommends that the following five conditions of approval be applied to the subject subdivision application (included as Condition Nos. 49-53 in Appendix "C").

Ministry of Transportation

We have completed our review of the proposed OPA, Rezoning, and Draft Plan of Subdivision for this development, and offer the following comments.

We have no concerns with the proposed OPA and Zoning By-law Amendment. However, the Owner must be advised that direct access from this development to North Service Road will not be permitted.

All proposed post-development site generated run-off directed towards the North Service Road/QEW Right-of-Way must be maintained to pre-development levels. Earth berms and grading of any kind will not be permitted on the North Service Road property. The developer is solely responsible for all noise mitigation measures and all external illumination must be directed away from the North Service Road and the QEW Rights-of-Way.

MTO requires the following conditions of draft approval for the Plan of Subdivision:

1. That prior to final approval, the Owner shall submit to the Ministry of Transportation for their review and approval, a stormwater management report, and grading and drainage plans, indicating the intended treatment of the calculated run-off and its impact on the North Service Road and QEW Right-of-Way (included as Condition No. 47 in Appendix "C").
2. That prior to final approval, the Owner shall submit to the Ministry of Transportation for their review and approval, a copy of a traffic impact assessment addressing the anticipated volumes at full build-out, resulting from this proposed development, and its impact on the QEW and the Fifty Road interchange (included as Condition No. 48 in Appendix "C").

The Owner must also be advised that Ministry building/land-use permits for all buildings within 46 metres (150 feet) of the North Service Road property line will be required prior to any grading and construction on this site. Separate building/land-use permits will be required for each stormwater management pond serving this subdivision. Sign Permits will be required as well.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 32 of 47**

Public Works Department, Open Space Development Section

- We are very interested in the waterfront land for trail connections.
- Open Space Development and Park Planning feels that acquisition of these lands would be consistent with other shoreline property acquisitions.
- This is an opportunity to contribute to the ongoing effort to reclaim the Lake Ontario shoreline and add to the Waterfront Trail which spans from Brockville, Ontario through to Niagara-on-the-Lake. Currently, the portion of the Waterfront Trail which runs through this part of Hamilton is located on North Service Road.
- We believe that the acquisition of Open Space is mandated through the City of Hamilton's Strategic Plan under Focus Area 6 Environmental Stewardship to protect and enhance natural resource areas. Item 6.4 references the desired result to maintain or increase the quantity and quality of significant natural areas that are protected. Since there is an ESA, then it is already identified as a natural area, the key is the term significant which is part of the mandate through the Natural Heritage Strategy, and it has identified the beach through the development as well as a portion of the site. Planning should confirm that these are significant lands to protect.
- The 2009 Official Plan notes that Hamilton has unique geographic attributes, one being Lake Ontario. It is our belief that since the lake is a unique asset to our community, we should provide opportunities for the public to enjoy it wherever possible.

Public Works Department, Traffic Engineering and Operations Section

Staff has reviewed the proponents Traffic Impact Study, prepared by IBI Group, dated July 2009, and is satisfied with the study's analysis and recommendations, but notes that the study will have to be expanded and additional improvements may be required. These concerns have been addressed by the incorporation of Conditions No. 27 to 45, inclusive, of Appendix "C".

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Public Participation Policy that was approved by Council, Notice of Complete Application and Preliminary Circulation was circulated to 690 property owners within 120 metres of the subject property on January 22, 2008, and a notice of amended applications on June 5, 2009.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 33 of 47**

Five formal responses (Appendix "I") were received as a result of these circulations and the issues raised relate to environmental impacts, impacts on existing wildlife, parks/open space lands, loss of the bike path, traffic impacts, noise, flooding, runoff into the lake, emergency services, reduction in property values for the abutting properties, parking, and need for commercial lands. These matters are discussed in the Analysis/Rationale for Recommendation section of the report.

Also, the Ward Councillor hosted a neighbourhood meeting on May 12, 2009, in order to obtain the community's views on the proposal. Several concerns were identified at the meeting and are discussed in the Analysis/Rationale for Recommendation section of the report.

Further, a Public Notice sign was posted on the property on February 12, 2009, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed Official Plan Amendment, changes in zoning, and draft plan of subdivision have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and Places to Grow Plan (P2G);
 - (ii) They conform to the Hamilton-Wentworth Official Plan;
 - (iii) The proposed development represents good planning by providing a compact urban form with a mix of land uses and dwelling types;
 - (iv) The proposal avoids Natural Hazards (Environmentally Significant Areas and Lake Ontario Shoreline) and provides for the protection of Open Space areas; and,
 - (v) The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 34 of 47**

2. The review and circulation of these applications has generated a wide range of issues, including the following:

- Density.
- Lakeshore Protection Area.
- Environmentally Significant Area.
- Public Lands.
- Traffic.

A discussion of these issues is set out below.

Density

As noted earlier, the subject lands form part of the previously approved "South Shore Estates" registered plan of subdivision (Appendix "G"), which was projected to accommodate a total of 2,222 residential units over a site area of 18 hectares, which includes the 421 units within the two existing apartment buildings. A summary of the "South Shore Estates" registered plan of subdivision is outlined below:

South Shore Estates Registered Plan No. 62M-101			
Use(Lot/Block)	Area (ha)	Units	Density
Apartment dwellings (Lots 1-13)	16.55	2,222	134.3 units per ha
Commercial (Lot 16)	2.05	0	n/a
Park (Lot 14)	1.34	0	n/a
Institutional (Lot 15)	2.02	0	n/a
Municipal Servicing (Blocks B-G)	1.02	0	n/a
Road Widening (Block A)	0.14	0	n/a
Total	23.12	2,222	96.1 units per ha

The proposed draft plan (Appendix "B") consists of a minimum of 233 residential units over a site area of 9.589 hectares. A summary of the proposed density is provided below:

Green Millen Shore Estates Draft Plan No. 25T-200809			
Use(Lot/Block)	Area (ha)	Units	Density
Singles, Semi's, Townhouses, and Apartment dwellings (Block 1)	2.403	113 (min.)	47 units per ha
Townhouses (Block 5)	2.303	120 (min.)	52 units per ha
Open Space (Blocks 2 and 4)	3.902	0	n/a
Municipal Servicing (Block 3)	0.981	0	n/a
Total	9.589	233	24.3 units per ha

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 35 of 47**

As outlined above, the proposed "Green Millen Shore Estates" draft plan of subdivision proposes a greatly reduced number of potential residential units from what was previously approved by the "South Shore Estates" registered plan. Although, it should be noted that the "South Shore Estates" registered plan did not contemplate protection of the Environmentally Significant Area and the 30 metre setback shoreline protection area. Without the open space and servicing Blocks, the density of the proposed development is 49.5 units per hectare.

Also, in order to accurately compare the proposed density of the "Green Millen Shore Estates" subdivision to that of the previously approved "South Shore Estates" registered plan, the proposed mixed use blocks (Blocks 1 and 2 - Appendix "A"), as well as the existing multiple residential apartments at 301 Frances Avenue and 500 Green Road, should be included and is summarized as follows:

Use(Lot/Block)	Area (ha)	Units	Density
Singles, Semi's, Townhouses, and Apartment dwellings (Blk. 1 - Appendix "B")	2.403	113 (min.)	47 units/ha
Townhouses (Blk. 5 - Appendix "B")	2.303	120 (min.)	52 units/ ha
Open Space (Blks. 2 and 4 - Appendix "B")	3.902	0	n/a
Municipal Servicing (Blk. 3 - Appendix "B")	0.981	0	n/a
Park (Lot 14 - Appendix "G")	1.34	0	n/a
Institutional (Lot 15 - Appendix "G")	2.02	0	n/a
Mixed Use (Block 2 - Appendix "D")	5.12	585	114.3 units/ha
Mixed Use (Block 3 - Appendix "D")	2.05	176	85.9 units/ha
Apartment dwellings (301 Frances)	1.07	158	147.7 units/ha
Apartment dwellings (500 Green)	1.789	263	147 units/ha
Total	22.978	1,415	61.6 units/ha

Based on the information outlined above, the proposal provides a reduced overall density, but proposes a more balanced housing and land use mix and provides for the long term protection of the neighbourhood, one that includes a mix of land uses and dwelling types. The proposal not only meets, but exceeds, the City's Greenfield Density target of 50 people per hectare, as established in the Council Approved Urban Hamilton Official Plan (Policy A.2.3.3.3). Furthermore, the proposed Official Plan Amendment and implementing By-law include policies and provisions that require a minimum number of dwelling units in order to ensure that the proposed unit counts are achieved. Based on the foregoing, staff is satisfied that the proposed density can be supported.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 36 of 47**

Lakeshore Protection

The proponent has retained Baird and Associates, who has completed a shoreline hazard delineation which identified a 30 metre development setback from the shoreline, and developed a preliminary shorewall design. City staff and the Hamilton Conservation Authority have reviewed the information and note that the shoreline hazard was accurately delineated, the proposed 30 metre setback from the shoreline is appropriate, and the preliminary shorewall design is satisfactory, subject to the inclusion of Condition Nos. 21 and 23 (Appendix "C"). Additionally, the implementing By-law would change the zoning of the area between the shoreline and 30 metre setback to an Open Space (P4) Zone, which would restrict the use to recreation. Based on the foregoing, staff is satisfied that the lakeshore hazard has been adequately protected.

Environmentally Significant Area (ESA)

A portion of the subject property has been identified as an Environmentally Significant Area (ESA #70 - Community Beach Ponds). An Environmental Impact Statement (EIS), prepared by Dougan & Associates, dated September 2008, and subsequent addendums, have been received and reviewed by staff and peer reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) and the Hamilton Conservation Authority. The purpose of the study is to demonstrate that the proposal will not adversely affect, degrade, or destroy any of the qualities which are the basis for the ESA's designation. As part of its evaluation, the study has identified that a portion of the Frances Avenue road allowance falls within the ESA boundary and buffer area. The applicant's proposal seeks to remove this section of Frances Avenue in order to protect the ESA. The study concludes that once the study's recommendations are implemented, the proposed development will not adversely impact any of the qualities which are the basis for the ESA's designation. The City's Natural Heritage staff, ESAIEG, and the Hamilton Conservation Authority have reviewed the study and concur with the study's findings, subject to the inclusion of Condition No. 6 (Appendix "C"). Additionally, the implementing By-law changes the ESA and ESA buffer to a Conservation/Hazard Land (P5) Zone. Based on the foregoing, staff is satisfied that the ESA has been adequately protected.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 37 of 47**

Public Lands

The proposed draft plan of subdivision identifies the dedication of the ESA and lakeshore protection lands to the City of Hamilton. This will enhance the existing Ontario Waterfront Trail System and provide public access to the waterfront. The City's Open Space Planning, Risk Management, Planning, Traffic and Development Engineering staff have reviewed the proposal and acknowledge the responsibilities that would accompany the ownership of these lands, but note that the acquisition of these lands would be in the best interest of the entire City as it would allow for the passive recreation opportunities for the general public. As such, staff has accepted the applicant's offer, subject to Condition No. 46 (Appendix "C") that requires the applicant to construct and monitor the shoreline protection works for a minimum of two years and agree to construct a comprehensive trail, prior to the lands being transferred to the City's ownership. Furthermore, the transfer of the said lands to the City's ownership conforms to Policies B.2.2.5 and E.6.5 of the Stoney Creek Official Plan that provides open space uses, establishes a continuous system of paths, and facilitates direct access to the waterfront for the general public.

Traffic

The applicant submitted a traffic impact study, which was prepared by IBI Group, and has been reviewed by staff. The traffic impact study was submitted to address concerns regarding the potential traffic impacts the proposal would have in the area. The study concluded that the proposed development can be accommodated with the existing road network, subject to network improvements. The City's Traffic Operations and Maintenance staff has reviewed the study and generally concurs with the study's findings, and notes that subject to further analysis, additional improvements may be required. Both the study's and staff's recommendations have been captured in Conditions Nos. 27 to 45, inclusive, of Appendix "C".

3. Staff received five written responses (see Appendix "I"), including a petition signed by 86 residents of the area, as a result of the circulation of these applications. The responses expressed concerns related to environmental impacts, impacts on existing wildlife, parks/open space lands, loss of the bike path, traffic impacts, noise, flooding, runoff into the lake, emergency services, reduction in property values for the abutting properties, parking, and need for commercial lands. These concerns are discussed below:

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 38 of 47**

Environmental Impacts/Existing Wildlife

The proponent has submitted an Environmental Impact Statement (EIS) that was peer reviewed by the City's Natural Heritage staff, ESAIEG, and the Hamilton Conservation Authority. The EIS demonstrates that the proposal will not adversely affect the ESA's function. The City's Natural Heritage staff, ESAIEG, and the Hamilton Conservation Authority concur with the study's findings, subject to the inclusion of Condition No. 6 (Appendix "C") that requires the Owner agree to maintain a portion of the natural beach, ensure the Buttonbush Swamp is maintained, provide detailed design drawings of the shoreline protection works, and provide a detailed landscape plan for the 30 metre shoreline buffer and 10 metre ESA buffer. Based on the foregoing, staff is satisfied that the ESA has been adequately protected.

Existing Open Space Lands/Loss of the Existing Bike Path

Concerns were raised regarding the use of the subject lands by the general public as a public open space, and its loss, as well as the loss of the existing bike path. The Ontario Waterfront Trail exists on a portion (Frances Avenue) of the subject lands, which is accessible to the general public. However, the remainder of the site is in private ownership and not available for the general public to use. The applicant has offered to dedicate the ESA and lakeshore protection lands to the City of Hamilton in order to enhance the existing Ontario Waterfront Trail System. Staff has accepted the applicant's offer, subject to Condition No. 46 (Appendix "C") that requires the applicant to construct and monitor the shoreline protection works for a minimum of two years, and agree to construct a comprehensive trail, prior to the lands being transferred to the City's ownership. This will allow for additional lands to be accessed by the general public and the enhancement of the existing Ontario Waterfront Trail. As such, staff is satisfied that this concern has been addressed.

Traffic

As noted earlier, the applicant submitted a traffic impact study, which concludes that the proposed development can be accommodated subject to several proposed road network improvements. The City's Traffic Operations and Maintenance staff has reviewed the study and generally concurs with the study's findings, and notes that subject to further analysis, additional improvements may be required, which have all been included as conditions of approval. Based on the foregoing, staff is satisfied that this concern has been addressed.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 39 of 47**

Noise

A concern has been raised regarding the noise generated from the proposed development. The subject lands are currently designated and zoned for residential development in the form of apartment dwellings. Due to the proximity of the subject lands to the QEW highway, Condition No. 3 of Appendix "C" requires the applicant to conduct and implement a noise assessment prior to the development of the subject lands. Based on the foregoing, staff is satisfied that this concern has been addressed.

Flooding/Runoff into the Lake

With respect to the concerns raised about potential flooding and runoff into the lake, Condition No. 14 of Appendix "C" requires the proponent to submit a stormwater management report to address stormwater quality and quantity control, as well as major storm event, prior to development of the subject lands. The inclusion of this condition will address this concern.

Emergency Services

A concern has been raised regarding the availability of emergency services to the subject lands. The applications were circulated to emergency services staff, and EMS had no objection to the applications. As such, staff is satisfied that this concern has been addressed.

Reduction in Property Values for the Abutting Properties

Another concern relates to the potential reduction in property values of the abutting properties. As noted earlier, the proposal seeks to develop the subject lands to accommodate a range of residential and mixed-uses, preserve the Environmentally Significant Area and waterfront lands, and enhance the existing public trail system in the area. Staff is unaware of any information that would indicate a potential for surrounding property values to be reduced as a result of the approval of the subject applications.

Parking

Another concern relates to potential parking impacts as a result of these applications. As is noted in the Historical Background (Proposal) section of this report, no parking modifications are proposed to the zoning and, as such, development of the subject lands will be subject to the existing parking provisions

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 40 of 47**

of the Stoney Creek Zoning By-law No. 3692-92, which is applicable to the entire former City of Stoney Creek.

Need for Commercial Lands

Another concern relates to the retention of commercial uses to serve the existing and future residents of the area. Through the review of the subject applications, staff echoed the resident's concerns regarding the need for the retention of commercial lands to service the neighbourhood and, as such, have included a provision in the proposed By-law to require a Minimum Gross Leasable Commercial Floor Area of 1,400 square metres.

Based on the foregoing analysis, staff is satisfied that all concerns raised have been addressed.

4. A neighbourhood meeting was held by the Ward Councillor on May 12, 2009, in order to obtain the community's views on the proposal. The applicant and City staff were invited to the meeting, where several neighbourhood residents identified concerns regarding the ownership of the ESA and waterfront lands, density, and potential traffic impacts.

Regarding the ownership of the ESA and waterfront lands, all of the residents that commented on this particular issue identified that the lands should be in public ownership in order to enhance the existing trail system. As noted earlier, the Owner will dedicate both the ESA and waterfront lands to the City, subject to Condition No. 46 of Appendix "C". The density and potential traffic impacts have been addressed in the Analysis/Rationale for Recommendation section of this report.

5. The proponent's Official Plan Amendment application was submitted in order to redesignate portions of the subject lands from: "Residential" to "Open Space"; and from "Shopping Centres" to "Residential"; and to amend Schedule "D" - Functional Road Classification to remove a section of Frances Avenue as a designated Collector Road, in order to protect the shoreline and Environmentally Significant Area; allow for mixed use development on Block 3 of Appendix "D"; and allow for the removal of a section of Frances Avenue. Additionally, staff is recommending that the developable areas of the subject lands be placed into special policy areas in order to incorporate additional policies relating to density and urban design (Schedule A of Appendix "D"), as follows:

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 41 of 47**

- Redesignate Block "1" from "Residential" to "Special Policy Area 'G'";
- Redesignate Block "2" from "Residential" to "Special Policy Area 'H'"; and,
- Redesignate Block "3" from "Shopping Centres" to "Special Policy Area 'I'".

The applicant has been advised and is in support of staff's revisions.

The proposed amendments represent good planning as they will allow for the protection of the shoreline and Environmentally Significant Area, and ensure that the City's density targets and urban design goals are achieved and, as such, can be supported. A further analysis of the proposed amendments is provided in the Policies Affecting Proposal section of this report.

6. In support of the applications, the proponent submitted an Urban Design Brief, prepared by MBTW Watchorn and dated December 2008, and a draft Zoning By-law Amendment. The purpose of these documents was to demonstrate the general design intent of the proposal, which describes a compact new urbanism typology with buildings close to the street and parking accessed via private rear lanes. Staff has reviewed the documents and notes that the proposed design and zoning modifications are consistent with other local municipalities, such as Oakville (North) and Burlington (North). As noted in the Historical Background section of the report, the applicant has requested several modifications, that are required to implement the ultimate design vision for the area, to the standard provisions of the Mixed Use Commercial "MUC", Multiple Residential "RM3" and Residential "R6" Zones to provide site-specific development regulations.

Mixed Use Commercial "MUC-4" Zone

The applicant's proposal to permit Home Occupations on the ground floor is not supported by staff since it does not conform to the Stoney Creek Official Plan, and the applicant has not submitted any justification in support of the proposal. As such, the amending By-law does not include this provision. Additionally, staff has included a minimum distance separation provision of 300 metres for Residential Care Facilities to ensure conformity with the Stoney Creek Official Plan, and included a minimum of 585 units to ensure conformity with the proposed Official Plan Amendment. The applicant has been advised and is in support of staff's revisions.

The proposed modifications to the minimum lot area, maximum number of buildings per lot, and separation distance between buildings can be supported as it requires the entire block to be developed as one property, and allows for more than one building to be constructed, which will allow flexibility in the future

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 42 of 47**

development of this block. The removal of the maximum building height provision can be supported since the current "RM5-7" zoning on the subject lands does not have a maximum building height provision and staff has not identified any potential impacts by the increased height. The reduction in building setbacks will provide flexibility in the design of the site and will aid in achieving the City's urban design goals, as established in the New Urban Hamilton Official Plan, Stoney Creek Official Plan, and the Council Approved Site Plan Guidelines and, as such, can be supported.

Mixed Use Commercial "MUC-5" Zone

Similar to the previous comments, the applicant's proposal to permit Home Occupations on the ground floor is not supported by staff, and the amending By-law includes a minimum distance separation provision of 300 metres for Residential Care Facilities to ensure conformity with the Stoney Creek Official Plan. Additionally, staff has included a modification to require a Minimum Gross Leasable Commercial Floor Area of 1,400 square metres in order to ensure that sufficient commercial uses are available to service the existing and planned neighbourhood. Finally, staff has included a minimum density of 176 units to ensure conformity with the proposed Official Plan Amendment. The applicant has been advised and is in support of staff's revisions.

Comparable to the proposed "MUC-4" Zone, the proposed modifications to the minimum lot area, maximum number of buildings per lot, and separation distance between buildings can be supported as they will allow flexibility in the future design of this block. Staff has not identified any potential impacts by the proposed increased height and reduction in building setbacks, and notes that these modifications will provide flexibility in the design of the site and will aid in achieving the City's urban design goals, as established in the New Urban Hamilton Official Plan, Stoney Creek Official Plan, and the Council Approved Site Plan Guidelines and, as such, can be supported.

Multiple Residential "RM3-40" Zone

Staff does not support the applicant's proposals to eliminate the minimum outdoor open space provision of the By-law and, as such, the amending By-law requires that a minimum 1,080 square metre private parkette is to be constructed on those lands zoned "RM3-40" in accordance with the proponent's concept plan (see Appendix "H"). Additionally, staff has included modifications to add a new definition for stacked townhouse dwellings, and modify the definition of a "Highway" to include private/condominium roads. Finally the proposed By-law

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 43 of 47**

has included a minimum of 188 units to ensure conformity with the proposed Official Plan Amendment. The applicant has been advised and is in support of staff's revisions.

The proposed modifications to the minimum lot area and building setbacks are considered minor in nature, and will not negatively impact the scale of development envisioned for the area since similar modifications are proposed throughout the draft plan of subdivision area, which provides consistency in the scale of development in the area. Finally, the removal of the minimum privacy area provision can be supported since the proposal provides sufficient passive and programmed open space areas, as outlined in the proponents concept plan (Appendix "H").

Multiple Residential "RM3-41" Zone

Staff has included provisions to modify the definition of a "Highway" to include private/condominium roads, and require a minimum of 22 units to ensure conformity with the proposed Official Plan Amendment. The applicant has been advised and is in support of staff's revisions.

The proposed modifications to the minimum lot area and building setbacks are considered minor in nature, and will not negatively impact the scale of development envisioned for the area since similar modifications are proposed throughout the draft plan of subdivision area, which provides consistency in the scale of development in the area. Finally, the removal of the minimum privacy area provision can be supported since the proposal provides sufficient passive and programmed open space areas, as outlined in the proponents concept plan (Appendix "H").

Residential "R6-5" Zone

Staff has included provisions to modify the definition of a "Highway" to include private/condominium roads, and require a minimum of 23 units to allow flexibility in the ultimate tenure of the units and to ensure conformity with the proposed Official Plan Amendment. The applicant has been advised and is in support of staff's revisions.

The proposed modifications to the minimum lot area and building setbacks are considered minor in nature, and will not negatively impact the scale of development envisioned for the area since similar modifications are proposed throughout the draft plan of subdivision area, which provides consistency in the

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 44 of 47**

scale of development in the area. Finally, the removal of the minimum privacy area provision can be supported since the proposal provides sufficient passive and programmed open space areas, as outlined in the proponents concept plan (Appendix "H").

7. The proposed Plan of Subdivision will consist of 2 residential blocks (Blocks 1 and 5), 2 open space blocks (Blocks 2 and 4), and one municipal storm channel block (Block 3), as outlined on Appendix "B", for a total of five blocks. Staff has had consideration for the criteria contained in Subsection 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advises that:
- (a) It complies with the Provincial Policy Statement.
 - (b) It is a logical and timely extension of existing development and services, and is in the public interest.
 - (c) It conforms with the applicable policies of the Hamilton-Wentworth and Stoney Creek 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 blocks are appropriate to accommodate the proposed development.
 - (g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval, and Subdivision Agreement.
 - (h) The proposal will allow for the protection of the natural resources on site, and flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval.
 - (i) Adequate municipal services are available, the particulars of which will be determined as part of the standard conditions of draft plan approval and Subdivision Agreement.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 45 of 47**

- (j) The School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision.
 - (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.
 - (l) Efforts will be made, where possible, during development and thereafter to efficiently use and conserve energy in that the north-south orientation of the building lots provide an opportunity for passive solar energy gain.
 - (m) Future development of the site will be subject to site plan control.
8. According to the proponent's Functional Servicing Report, the proposed draft plan of subdivision can be serviced for water by extension from existing watermains and sanitary sewer system on Frances Avenue. The stormwater from the site will be collected and conveyed to the existing stormwater management channel. Development Engineering staff has advised that there is currently system capacity to accommodate the proposed servicing scheme, subject to Condition Nos. 11 to 26, inclusive, of Appendix "C". Additionally, the watershed master plan includes an upgrade to Surge Protection Station HC056 and forcemain at the Green Road/North Service Road intersection to provide added servicing capacity due to growth. The subject proposal is directly affected by this upgrade, and the upgrade recommendation will require a detailed assessment and confirmation of its need. The project funding is estimated at \$850,000, and is proposed in the Master Plan for completion in 2021.
9. The proposed draft plan of subdivision is subject to the standard conditions in the Standard Form Subdivision Agreement, as well as other special draft plan conditions to address the specific issues and matters raised by agencies during circulation of the applications (Appendix "C").
10. Section 10 of the City's Parkland Dedication By-law No. 09-124 states:
- "Land or Cash-in-Lieu equivalent required to be conveyed to the City for park or other public purposes pursuant to Sections 3, 4, 5, 6, and 8 shall be determined having regard to the amount of land conveyed or Cash-in-Lieu of parkland equivalent previously paid to the City pursuant to Sections 42, 51.1 or 53 of the Planning Act, and no additional conveyance or payment in respect of the land subject to the earlier conveyance or payment will be required by the City in respect of subsequent development or redevelopment unless:*

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 46 of 47**

- (1) *There is a change in the proposed development or redevelopment which would increase the density of development; or,*
- (2) *Land originally proposed for development or redevelopment for Commercial or Industrial purposes or uses exempted from parkland dedication under Section 11 is now proposed for development or redevelopment for other purposes."*

As previously noted in the Historical Background Section, the subject lands were previously subdivided via the "South Shore Estates" Registered Plan of Subdivision No. 62M-101. In accordance with Section 51.1 of the Planning Act, the Owner was required to dedicate a 1.344 hectare park to the City as part of the registration of the "South Shore Estates" plan of subdivision. As such, no additional conveyance or payment is required since the proposed development would not increase the density of development contemplated in the "South Shore Estates" Registered Plan of Subdivision and no new land is proposed for development.

ALTERNATIVES FOR CONSIDERATION:

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

If the applications are denied, the lands could only be developed in accordance with the current "Residential" and "Shopping Centres" designations and the existing Multiple Residential "RM5-7", Open Space "OS", and Neighbourhood Commercial "SC1" zoning.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

Environmental Stewardship

- ◆ Natural resources are protected and enhanced.
- ◆ Environmentally Significant Area and Lake Ontario shoreline are being protected.

**SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Green Millen Shore Estates", and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92, and City of Hamilton Zoning By-law No. 05-200, for Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek (PED10017) (Ward 10)
- Page 47 of 47**

Healthy Community

- ◆ Plan and manage the built environment.
- ◆ A range of densities are proposed, including mixed-uses, and a waterfront trail is being established.

APPENDICES / SCHEDULES

Appendix "A" - Location Map

Appendix "B" - Draft Plan of Subdivision

Appendix "C" - Special Conditions of Draft Plan Approval

Appendix "D" - Draft Official Plan Amendment

Appendix "E" - Draft Amendment to By-law No. 3692-92

Appendix "F" - Draft Amendment to By-law No. 05-200

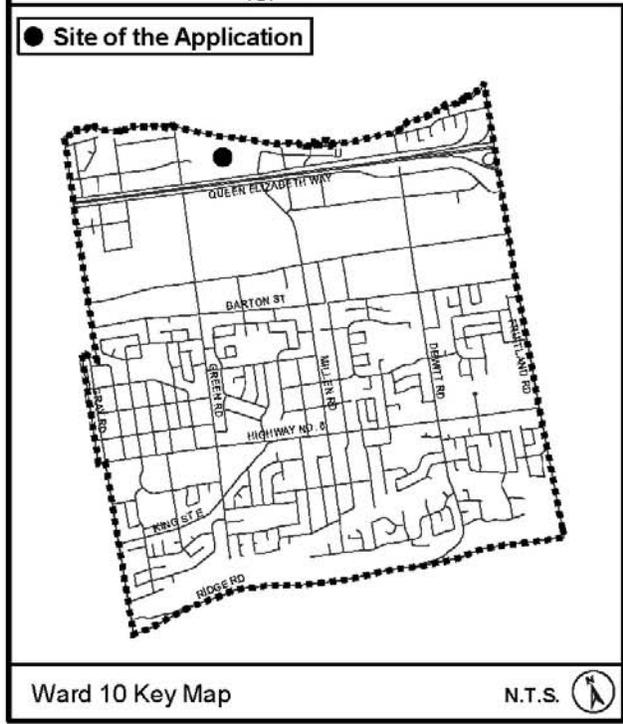
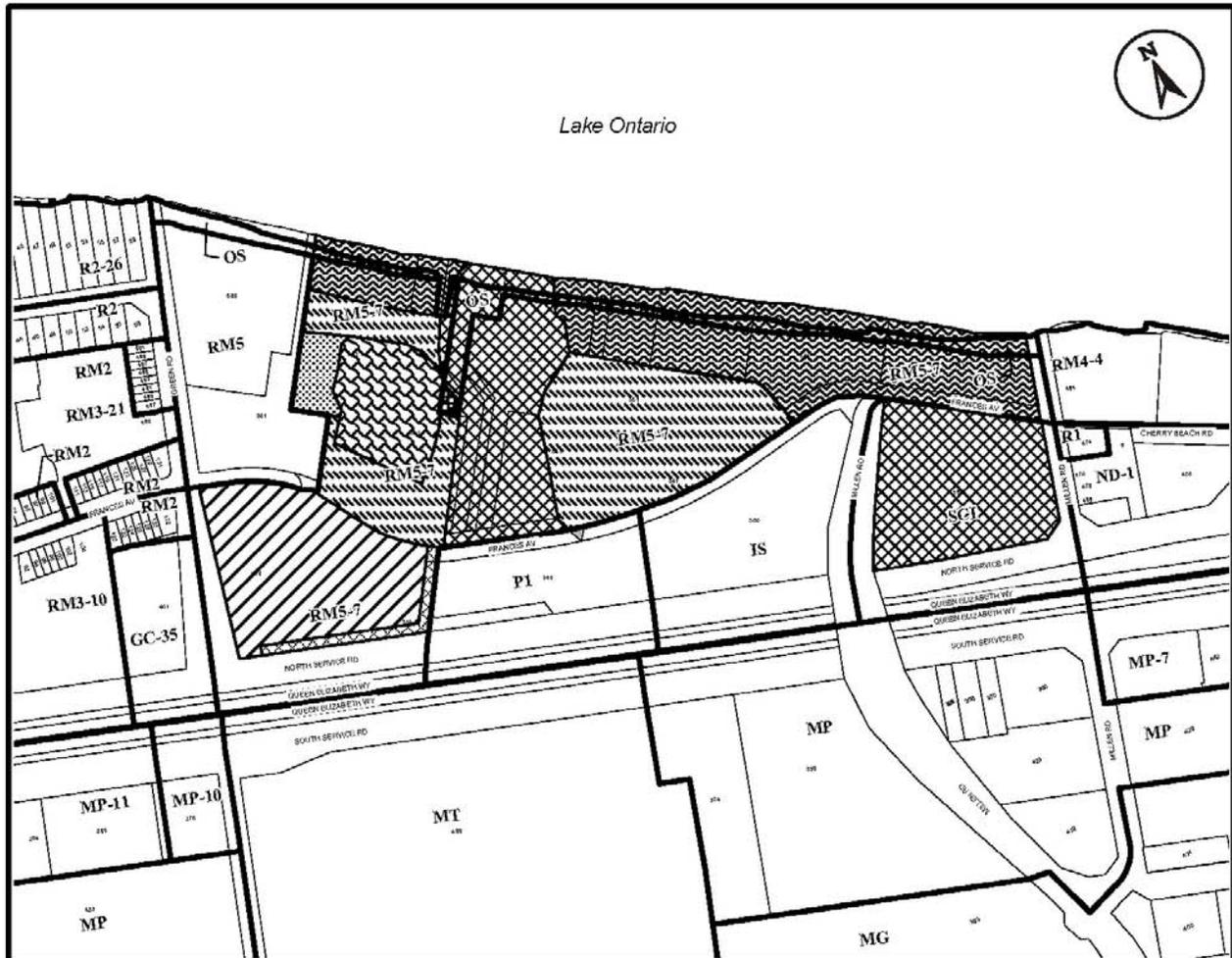
Appendix "G" - South Shore Estates (Registered Plan 62M-101)

Appendix "H" - Proposed Concept Plan

Appendix "I" - Correspondence from Residents

:DF

Attachs. (9)



Location Map

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT


Hamilton

File Name/Number: ZAC-08-079/OPA-08-019/25T-200809	Date: November 19, 2009
Appendix "A"	Scale: N.T.S.
Planner/Technician: DF/NB	

Subject Property
Green Millan Shore Estates

-  Block 1 - Change in zoning from the Multiple Residential "RM5-7" Zone to the Mixed Use Commercial "MUC-4" Zone
-  Block 2 - Change in zoning from the Neighbourhood Shopping Centre "SC1" Zone to the Mixed Use Commercial "MUC-5" Zone
-  Block 3 - Change in zoning from the Multiple Residential "RM5-7" Zone to the Multiple Residential "RM3-40" Zone
-  Block 4 - Change in zoning from the Multiple Residential "RM5-7" Zone to the Multiple Residential "RM3-41" Zone
-  Block 5 - Change in zoning from the Multiple Residential "RM5-7" Zone to the Residential "R6-5" Zone
-  Block 6 - Change in zoning from the Open Space "OS" Zone to the Multiple Residential "RM3-40" Zone
-  Block 7 - Change in zoning by incorporating lands into By-law No. 3692-92 and zoning the lands Multiple Residential "RM3-40" Zone
-  Block 8 - Lands to be zoned Open Space (P4) Zone
-  Block 9 - Lands to be zoned Conservation/Hazard Land (P5) Zone

N.T.S. 

**Special Conditions of Draft Plan of Subdivision Approval
for "Green Millen Shore Estates"**

1. That, **prior to registration**, the final plan of subdivision include a final lotting design for all blocks within the draft plan in which single detached or semi-detached lots are permitted by the City's Zoning By-law, at a density that must meet or exceed the minimum density approved by the City for this draft plan.
2. That, **prior to preliminary grading or servicing**, the Owner carry out and complete an archaeological assessment over the entire lands of the draft plan, to the satisfaction of the Director of Planning and the Ministry of Citizenship, Culture and Recreation, and mitigate through preservation or resource removal and documentation adverse impacts to and significant archaeological resources found, all prior to demolition, grading, or soil disturbances on the land.
3. That, **prior to preparation of a Subdivision Agreement by the City**, the Owner submit a noise/vibration study, prepared by a qualified professional, for review and approval by the Director of Planning, which includes the findings from an investigation of noise/vibration levels impacting the lands of the draft plan, as well as recommended measures proposed for noise/vibration control.
4. That where the proposed noise/vibration control measures do not fully achieve the MOE's recommended limits for sound levels, the Owner **agree, in writing**, to include the following noise warning clause in all agreements of purchase and sale and lease.

TYPE A:

"Purchasers/tenants are advised that sound levels due to increasing road (rail) (air) traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria."

TYPE B:

"Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road (rail) (air) traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality's and the Ministry of the Environment's noise criteria."

TYPE C:

"This dwelling unit has been fitted with a forced air heating system and the ducting, etc. was sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality's and the Ministry of the Environment's noise criteria. (Note: The location and installation of the outdoor air conditioning device should be done so as to comply with noise criteria of MOE publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property."

TYPE D:

"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the interior sound levels are within the Municipality's and the Ministry of the Environment's noise criteria."

5. That, **prior to preliminary grading or servicing**, the Owner submit a tree preservation study and plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Planning, and provide written certification from the Owner's landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters, and woodlands, in accordance with the Detailed Tree Preservation Plan approved by the Director of Planning, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.
6. That the Owner satisfy the following requirements of the Environmentally Significant Area Impact Evaluation Group (ESAIEG), to the satisfaction of the Director of Planning:
 - (a) That, **prior to the registration of the final plan of subdivision**, the Owner agree to maintain the beach, at the mouth of the ESA, in a natural state, including protecting erosion of the beach and the natural flow of water out of the ESA, to ensure the Buttonbush Swamp is maintained, to the satisfaction of ESAIEG. Detailed design drawings of the shoreline protection works along the remainder of the shoreline need to be provided to the ESAIEG for their review and approval. Should the design of the shoreline protection works require the wall to extend across the natural beach along the mouth of the ESA, proper justification is to be provided.
 - (b) The, **prior to the registration of the final plan of subdivision**, the Owner provide a detailed landscape plan for the 30 metre shoreline buffer and 10 metre ESA buffer, to the satisfaction of the ESAIEG. The landscape plan should include the use of native, non-invasive species that will retain and attract native animals.
7. That, **prior to the registration of the final plan of subdivision**, at the Owner's expense, Architectural and Urban Design Guidelines be prepared by a qualified architect or urban designer (referred to as the "Design Architect"), to the satisfaction of the Director of Planning. The Architectural and Urban Design Guidelines shall be included as an appendix to the Subdivision Agreement. The following provision shall be included within the Guidelines: "The City of Hamilton may undertake periodic reviews of certified drawings to ensure compliance with the Architectural and Urban Design Guidelines. here inadequate compliance is evident, the City of Hamilton may cease to accept certified drawings by the Control Architect, and the Owner shall retain another Control Architect, satisfactory to the Director of Planning."

8. That, ***prior to the registration of the final plan of subdivision***, at the Owner's expense, a "Control Architect" shall be retained, to the satisfaction of the Director of Planning, and whose function shall be:
 - (a) To ensure, amongst other matters, the appropriate development of each lot with respect to siting, built form, materials, colours, and landscaping in compliance with the approved Architectural and Urban Design Guidelines; and,
 - (b) To certify, through stamping and signing, all drawings for the development of each lot and or block, subject to the architectural guidelines, prior to the issuance of any building permit(s).
9. That, ***prior to the registration of the final plan of subdivision***, the Owner secure the necessary approvals and agreements to add Block 6 of the draft plan to Block 5 of the draft plan, as redlined, alternatively, the Owner may revise the draft plan to remove the said lands, to the satisfaction of the Director of Planning.
10. That, ***prior to the registration of the final plan of subdivision***, the Owner shall initiate a street name change for a portion of Frances Avenue by submitting the required processing fee for a "Change of Street Name" to the Legislative Approvals Section.
11. That, ***prior to registration of the final plan of subdivision***, sanitary sewers, storm sewers and watermains, and road access shall be available to service the lands of the draft plan or, alternatively, the Owner acquire the necessary land and pay the full cost, less oversizing, to construct sanitary sewers, storm sewers, and watermains to service the lands of the draft plan, to the satisfaction of the Director of Development Engineering.
12. That, ***prior to registration of the final plan of subdivision***, the Owner will be required to engage a qualified professional engineer to prepare a watermain design study which will demonstrate, to MOE standards, the adequacy of the water distribution system to support the development. The report must incorporate water demand estimation using equivalent population methods and water servicing plan development. Pending the outcome of the study, the Owner shall propose appropriate measures to address deficiencies, to the satisfaction of the Director of Development Engineering.
13. That, ***prior to servicing***, the Owner agree that in the event groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the Owner will submit a Hydrogeological study to the City, prepared by a qualified professional, to assess impacts, to identify any significant recharge and discharge zone, to provide recommendations to mitigate the groundwater impacts and to undertake the works, as recommended, including monitoring, all to the satisfaction Director of Development Engineering.

14. That, ***prior to servicing***, the Owner agree to prepare a detailed stormwater management report for the subject lands to address quality and quantity control, as well as 5-year and 100-year storm, including provisions for a major overland flow route. The Owner further agrees to provide sufficient back-up information to verify that the stormwater management channel has been designed with a suitable outlet and in accordance with current storm water management guidelines, and that the land area designated for a storm water channel will accommodate the proposed facility, all to the satisfaction of the Director of Development Engineering.
15. That, ***prior to servicing***, the Owner agree that the stormwater management report will provide a detailed strategy to direct a sufficient portion of clean storm water into the Buttonbush Swamp, re-establishing the necessary hydrological requirements to maintain the Buttonbush Swamp's long term viability, to the satisfaction of the Director of Development Engineering.
16. That, ***prior to registration of the final plan of subdivision***, the Owner shall include in the engineering design drawings and cost estimate schedules construction of any upgrades to the existing storm sewer on Frances Avenue, at the Owner's expense, as recommended in the approved servicing report, to the satisfaction of the Director of Development Engineering.
17. That, ***prior to registration of the final plan of subdivision***, the Owner shall prepare and submit the necessary transfer deeds to the City of Hamilton to convey Block 3 of the draft plan for a stormwater management channel. Also, the Owner agrees to include in the engineering design drawings and cost estimate schedules construction of a minimum 4.0 metre wide maintenance access along the channel. The Owner further agrees to pay all associated construction costs, all to the satisfaction of the Director of Development Engineering.
18. That, ***prior to servicing***, the Owner agree to maintain and monitor, in an acceptable manner, the Storm Channel through the construction of the subdivision until all lots/blocks within the draft approved plan are fully developed, to the satisfaction of the Director of Development Engineering.
19. That, ***prior to registration of the final plan of subdivision***, the Owner shall, at his expense, implement any required noise control measures, as recommended in the approved Noise Impact Study, and construct same in accordance with the approved engineering drawings and cost estimates, all to the satisfaction of the Director of Development Engineering.
20. That, ***prior to servicing***, the Owner prepare a geotechnical report and implement the report's recommendations, to the satisfaction of the Director of Development Engineering.

21. That, ***prior to registration of the final plan of subdivision***, the Owner agree to retain a Coastal Engineer to design a low maintenance self-scouring storm outfall in such a way as not to have a detrimental effect on nearby properties by increasing erosion rates, to the satisfaction of the Director of Development Engineering. Further, the Owner agrees that the design of the self-scouring storm outfall and the shoreline protection will deliver long term protection against lake based flooding, erosion, and dynamic beach hazards, to the satisfaction of the Director of Development Engineering, the Environmentally Significant Areas Impact Evaluation Group (ESAIEG), and the Hamilton Conservation Authority.
22. That, ***prior to registration of the final plan of subdivision***, the Owner design and construct a continuous trail along the lake, running east-west within Blocks 2, 3, and 4, and running north-south within Block 3, to the satisfaction of the Director of Development Engineering, and the Manager of Open Space Development. The trail is to be constructed of a permeable material, and the north-south leg of the trail is to be combined with the required maintenance access for the existing storm channel.
23. That, ***prior to registration of any phase of the draft plan***, the Owner design and construct Shoreline Protection Works, to the satisfaction of the Director of Development Engineering.
24. That, ***prior to registration of the final plan of subdivision***, the Owner shall include in the engineering design drawings and cost estimate schedules, construction of any modifications to the shoreline on Lake Ontario, at the Owner's expense, as recommended in the approved Slope Stability Assessment report by Terraprobe, dated April 24, 2009, to the satisfaction of the Hamilton Conservation Authority, Department of Fisheries and Oceans Canada (DFO), and the Director of Development Engineering.
25. That, ***prior to registration of the final plan of subdivision***, the Owner agree to include in the engineering submission, a design brief for the Shoreline Protection Works that includes a life cycle analysis based on specific material specifications being proposed and a long term operation and maintenance plan, to the satisfaction of the Director of Development Engineering. The approved brief will secure the intent of the City to acquire a wall of high standard and aesthetic quality and provide a long service life (>50 years).
26. That, ***prior to servicing***,
 - (a) The Owner shall provide security to the City, in an acceptable form, to permit two (2) years of monitoring of the Shoreline Protection Works by a qualified coastal engineer. Such security will be adjusted upon receipt of the approved tender cost;
 - (b) The Owner shall provide a monitoring plan, to the satisfaction of the City, for the shoreline protection works, and agrees to inspect/monitor and maintain the shoreline protection works, through construction, including the maintenance period up to assumption of the storm pond by the City;

- (c) Within 30 days of the two year monitoring period, the Owner will submit a monitoring report and final inspection report, prepared by a qualified coastal engineer. Additionally, a peer review by a qualified professional, and at the Owner's expense, of the monitoring report and final inspection report will be submitted, if required; and,
- (d) The Owner will agree that, prior to assumption of Blocks 2, 3, and 4 of the draft plan by the City, the Owner will undertake any repairs or adjustments to the Shoreline Protection Works to ensure conformity with the approved design drawings and original intent. Upon notice of completion of such remedial work, the Owner will submit a further final inspection, prepared by a qualified coastal engineer. Additionally, a peer review by a qualified professional, and at the Owner's expense, of the final inspection will be submitted, if required;

all to the satisfaction of the Director of Development Engineering, Manager of Open Space Development, and the Hamilton Conservation Authority.

- 27. That, ***prior to registration of the final plan of subdivision***, the Owner shall construct a turning circle with minimum asphalt pavement radius $R=13.0m$, minimum outside radius $R=18.0$ at the east limit of the west leg of Frances Avenue, to the satisfaction of the Director of Development Engineering.
- 28. That, ***prior to registration of the final plan of subdivision***, the Owner shall, construct a temporary turning circle, with minimum asphalt pavement radius $R=13.0m$, minimum outside radius $R=18.0$, at the west limit of the east leg of Frances Avenue, to the satisfaction of the Director of Development Engineering. Any lots/blocks affected by this temporary turning circle shall be declared unsuitable for building until such time as Frances Avenue is extended southerly to the North Service Road as a public road allowance.
- 29. That, ***prior to registration of the final plan of subdivision***, the Owner agrees to construct a 6.0m wide emergency access, with full depth asphalt and granular base including bollards and street lighting, between the Frances Avenue east and west legs to accommodate emergency vehicles, as well as pedestrian traffic. Furthermore, the Owner will be responsible for the full cost of winter maintenance until such time as a connection from Frances Avenue (east leg) to the North Service Road is constructed, to the satisfaction of the Director of Development Engineering. Also, the Owner shall include in the engineering design drawings and cost estimate schedules all the necessary enhancements, including any required structural upgrades to the existing channel culvert.
- 30. That, ***prior registration of the final plan of subdivision***, the Owner includes in the engineering design and cost estimate schedules a 1.8 metre wide bicycle lane on Frances Avenue between Green Road and Millen Road, except for emergency access, and on Millen Road between Frances Avenue and the North Service Road, to the satisfaction of the Director of Development Engineering.

31. That, **prior to servicing**, the Owner shall include in the engineering design drawings and cost estimate schedules construction of Frances Avenue to a full urban cross section, including 1.5 metre wide sidewalks on both sides, bike lanes, boulevards, curb and gutter and associated intersection improvements on Frances Avenue at Green Road, Frances Avenue at Millen Road Overpass, and Frances Road at Millen Road, to the satisfaction of the Director of Development Engineering.
32. That, **prior to servicing**, the Owner shall include in the engineering design drawings the urbanization of Millen Road from the North Service Road to Lake Ontario, including the installation of sewers, sidewalks on the west side, and a 1.8m wide bicycle lane. If because of timing and servicing of necessary outlets the urbanization cannot be completed, the Owner agrees to secure 100% of its proportionate share of the works, to the satisfaction of the Director of Development Engineering.
33. That, **prior to servicing**, the Owner shall include in the engineering design drawings and cost estimate schedules the upgrades to:
 - (a) The Frances Avenue and Millen Road Overpass intersection, including the provision for a northbound left turn lane on Millen Road Overpass; and,
 - (b) The Frances Avenue and Green Road intersection, including the provision of a westbound left turn lane on Frances Avenue, all to the satisfaction of the Director of Development Engineering.
34. That, **prior to servicing**, the Owner shall include in the engineering design drawings and cost estimate schedules the upgrades to:
 - (a) The North Service Road and Millen Road intersection, including the provision for a southbound left turn lane on Millen Road and the provision for an eastbound left turn lane on North Service Road; and,
 - (b) The North Service Road and Green Road intersection, including the provision for a southbound left turn lane on Green Road, the provision for an eastbound left turn lane on North Service Road, and the provision for a westbound right turn lane on North Service Road, all to the satisfaction of the Director of Development Engineering.
35. That, **prior to servicing**, the Owner shall include in the engineering design drawings and cost estimate schedules for the draft plan lands installation of a 1.5 metre high chainlink fence along the rear and side yard of Blocks 1 and 5, which rear and side yards abut Blocks 2, 3, and 4, all to the satisfaction of the Director of Development Engineering.

36. That, **prior to servicing**, the Owner agree, prior to the Surge Protection Station HC056 being upgraded, that a maximum number of units will be allowed to be developed based upon existing sanitary capacity, as determined by and to the satisfaction of the Director of Development Engineering.
37. That, **prior to servicing**, the Owner agree, in writing, to provide a plan for controlling dust and providing street cleaning (external roads included) throughout the installation of municipal infrastructure and home construction. This plan shall include a schedule for regular cleaning of street, methods to be used, source of water, the contact person, and the information of the contractor/agent who will undertake the work so the City can direct the works to be completed, as necessary, all to the satisfaction of the Director of Development Engineering.
38. That, **prior to servicing**, the Owner shall secure the full costs for the construction of a future road connecting Frances Avenue to North Service Road, as required, for the future phases of development, including any improvements required on the North Service Road, to the satisfaction of the Director of Development Engineering.
39. That, **prior to registration of any phase of the plan of subdivision**, the Traffic Impact Study prepared by IBI Group, including any addendums, be approved by the Manager of Traffic Engineering, Public Works Department, and any recommendations from the said report shall be implemented. The Owner will be responsible for full cost, design, and construction of the study's recommendations, all to the satisfaction of the Director, Operations and Maintenance.
40. That, **prior to registration of any phase of the plan of subdivision**, the Owner shall submit a Phasing Plan, which illustrates that Block 5 of the draft plan be developed as the first phase of development and the remaining lands be developed as Phase 2, to the satisfaction of the Director, Operations and Maintenance, and the Director of Development Engineering.
41. That, **prior to registration of Phase 2 of the final plan of subdivision**, the Owner shall submit an updated traffic impact study to specifically address the potential requirement for intersection control upgrades at Millen Road and North Service Road, or the construction of the intersection of Frances Avenue at North Service Road, to the satisfaction of the Manager of Traffic Engineering. The requirement for a traffic signal has been identified in the submitted study, however, it is noted that the warrant for upgrades is partially met and that the intersection should be monitored. It is recommended that prior to the second phase of development that updated traffic counts be completed, site specific traffic generation calculated, and the potential need for upgrades of the intersection control identified. A Roundabout analysis must be considered as a form of upgraded intersection control.

42. That, ***prior to registration of the final plan of subdivision***, the Owner will be responsible for full cost, design, and construction of the following:
- (a) Phase 1 (Block 5 of the draft plan) - Frances Avenue from Millen Road Overpass west to the ESA lands (Block 4 of the draft plan), eastbound left-turn lane on North Service Road at Millen Road, southbound left-turn lane on Millen Road at North Service Road, northbound left-turn lane on Millen Road Overpass at Frances Avenue;
 - (b) Phase 2 (Block 1 of the draft plan) - eastbound left-turn lane on North Service Road at Green Road, southbound left-turn lane on Green Road at North Service Road, westbound right-turn lane on North Service Road at Green Road, westbound left-turn lane on Frances Avenue at Green Road;
 - (c) Phase 2 (Block 1 of the draft plan) - if required, intersection control upgrades (roundabout or traffic signal) at Millen Road and North Service Road, construction of Frances Avenue at North Service Road, westbound left-turn lane on Frances Avenue just west of Millen Road; and,
 - (d) Full build out - lands not owned by applicant but included in the traffic impact study, identifies that Frances Avenue at North Service Road must be constructed with an eastbound left-turn lane on North Service, southbound left-turn lane on Frances Avenue, and potential upgraded intersection control at Millen Road at North Service Road,

all to the satisfaction of the Director, Operations and Maintenance.

43. That, ***prior to registration of the final plan of subdivision***, the Owner shall submit a pavement marking drawing as part of their engineering submission, to the satisfaction of the Manager, Traffic Engineering, and the Director of Development Engineering.
44. That, ***prior to registration of the final plan of subdivision***, the Owner shall dedicate sufficient lands necessary to establish both Frances Avenue and Millen Road as a 26.213 metre Right-of-way and accommodate on-street designated bike lanes, to the satisfaction of the Director, Operations and Maintenance, and the Director of Development Engineering.
45. That, ***prior to registration of the final plan of subdivision***, the Owner pay their proportionate share for the future urbanization of the North Service Road from Green Road to Millen Road, based on the City's "New Roads Servicing Rate" in effect at the time of payment, to the satisfaction of the Director of Development Engineering.

46. That, ***prior to registration of the final plan of subdivision***, the Owner shall submit the necessary transfer deeds to the City's Legal Department to convey Blocks 2, 3, and 4 of the draft plan to the City for open space purposes, and the said lands shall not be conveyed until such time as Conditions 22-26, inclusive, have been satisfied, all to the satisfaction of the Director of Planning, Manager of Community Planning and Design, Director of Development Engineering, Manager of Open Space Development, and the Hamilton Conservation Authority.
47. That, ***prior to preliminary grading or servicing***, the Owner shall submit a copy of the Storm Water Management Report, and plans, indicating the intended treatment of the calculated runoff and any resultant impacts on the highway drainage system, to the satisfaction of the Ministry of Transportation of Ontario.
48. That, ***prior to preliminary grading or servicing***, the Owner shall submit a copy of the Traffic Impact Study indicating the anticipated traffic volumes and their impact upon provincial highways. The Traffic Impact Study shall address all necessary highway improvements that may be required to accommodate the proposed development, to the satisfaction of the Ministry of Transportation of Ontario.
49. That, ***prior to preliminary grading or servicing***, the Owner prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority.
50. That, ***prior to the registration of the final plan of subdivision***, the Owner prepare a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.
51. That, ***prior to the registration of the final plan of subdivision***, the Owner install a chain link fence at the rear of all lots and blocks that abut the watercourse channel, to the satisfaction of the Hamilton Conservation Authority.
52. That, ***prior to preliminary grading or servicing***, the Owner construct a shorewall along the entire shoreline of Lake Ontario that addresses the flood and erosion hazard associated with the lake, and incorporate measures to allow water exchange between the ESA and Lake Ontario for long-term maintenance of the wetland community, to the satisfaction of the Hamilton Conservation Authority.
53. That, ***prior to preliminary grading or servicing***, the Subdivision Agreement include a clause to identify on the grading and drainage plans a requirement for a permit to be obtained from the Hamilton Conservation Authority construction under HCA Development, Interference with wetlands and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, prior to construction of the shorewall and the initiation of any grading works.

Schedule “1”

Amendment No. [REDACTED]

to the

Official Plan for the former City of Stoney Creek

The following text, together with Schedules “A” and “B” attached hereto, constitute Official Plan Amendment No. [REDACTED].

Purpose:

The purpose of this Amendment is to redesignate the subject lands from “Residential” to “Special Policy Area ‘G’”, from “Residential” to “Special Policy Area ‘H’”, from Shopping Centres” to “Special Policy Area ‘I’”, from “Residential” to “Open Space”, and to remove a portion of the Frances Avenue Collector Road in order to permit residential and mixed-use commercial/residential developments, and to protect an Environmentally Significant Area and waterfront lands.

Location:

The lands affected by this Amendment are known municipally as 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue, Stoney Creek, in Stoney Creek, with an area of 16.75 hectares.

Basis:

- The proposed Amendment is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe.
- The proposed Amendment conforms to the former Region of Hamilton-Wentworth Official Plan.
- The proposed changes are considered compatible with existing development and represent good planning as they will allow for a balanced neighbourhood that includes a mix of land uses and dwelling types. Additionally, the subject amendment will ensure that the City’s density targets and urban design goals are achieved.
- The proposed Amendment is considered appropriate as it will ensure the protection of an Environmentally Significant Area (ESA #70 - Community Beach Ponds) and Lake Ontario shoreline hazard lands.

Actual Changes:

Map Changes:

- (a) Schedule "A", General Land Use Plan, be revised by redesignating the subject lands from:
- (i) "Residential" to "Special Policy Area 'G'";
 - (ii) "Residential" to "Special Policy Area 'H'";
 - (iii) "Shopping Centres" to "Special Policy Area 'I'"; and,
 - (iv) "Residential" to "Open Space",
- and identifying the subject lands as OPA No. [REDACTED], as shown on the attached Schedule "A" to this Amendment.
- (b) Schedule "D", Functional Road Classification, be revised by removing a portion of Frances Avenue, being a Collector Road, as shown on the attached Schedule "B" to this Amendment.

Text Changes:

- (b) Subsection A.12 is amended by adding new Policy A.12.7, A.12.8, and A.12.9 as follows:**

- 12.7 Special Policy Area 'G'.
- 12.7.1 Special Policy Area 'G', as identified on Schedule "A" located on the north side of Frances Avenue, shall only be used for residential development featuring a range of housing including single-detached, semi-detached, townhouse and apartment dwellings, and a minimum of 233 dwelling units shall be required, in accordance with the Residential policies contained in Section A.1 of this Plan.
- 12.7.2 Development of Special Policy Area 'G', as shown on Schedule "A" within the Lakeshore Neighbourhood, will incorporate design feature considerations to enhance the physical setting of the area, and to create a visually and aesthetically distinct neighbourhood. Principles embodied in the design of this area shall include:
- (a) Streetscape features such as decorative light standards, enhanced landscaping of boulevards, special intersection treatments, entrance features with pedestrian amenities, decreased front yards, front porches, and recessed or detached garages.

- (b) Architectural and urban designs guidelines for the Special Policy Area "G" portion of the Plan are to be prepared by a "qualified architectural consultant". The architectural and urban design guidelines are intended to achieve an attractive and coordinated built form and community design with features to enhance the neighbourhood and to create architecturally complementary streetscapes. The architectural and urban design guidelines shall address but not be limited to the following:
- The prescription of architectural designs and forms to ensure distinctive and high quality buildings and a strong neighbourhood character; and,
 - Provision of appropriate architectural and landscape design concepts along, and at key intersections of entry roads with Frances Avenue, to ensure appropriate streetscaping and landscape buffers to create an identifiable prestige gateway into this neighbourhood.

12.8 Special Policy Area 'H'.

12.8.1 Special Policy Area 'H', as identified on Schedule "A" located at the south-east corner of Frances Avenue and Green Road, shall only be used for mixed commercial and residential development, and a minimum of 585 dwelling units shall be required, in accordance with the General Commercial policies contained in Section A.3.3.2 of this Plan.

12.8.2 Development of Special Policy Area 'H' shall be subject to Policy A.12.7.2 b) of this Plan.

12.8.3 Lands designated Special Policy Area 'H' are intended to develop in a compact urban form with a streetscape design and building arrangement supporting pedestrian use and circulation and the creation of a vibrant people place and development of Special Policy Area 'H' shall be subject to the following:

- a) Buildings shall be located close to the street with no parking, drive-throughs or stacking lanes between the building and the street. Larger single use buildings over 5,000 square metres may be situated in the interior or at the rear of the site with smaller foot print buildings located up to the street. Alternatively, larger stores could be located up to the streetline provided they have consistent setbacks with adjacent built forms, have multiple entrances and

fenestrations, or other similar means to animate the streetscape; and,

- b) Development applications shall be encouraged to provide a mix of uses on the site.

12.9 Special Policy Area 'I'.

12.9.1 Special Policy Area 'I', as identified on Schedule "A" located at the south-west corner of Frances Avenue and Millen Road, shall only be used for mixed commercial and residential development, and a minimum of 176 dwelling units and a minimum of 1,400 square metres of commercial gross floor area shall be required, in accordance with the General Commercial policies contained in Section A.3.3.2, A.12.8.2, and A.12.8.3 of this Plan.

Implementation:

An implementing Zoning By-law Amendment and Plan of Subdivision will give effect to this Amendment.

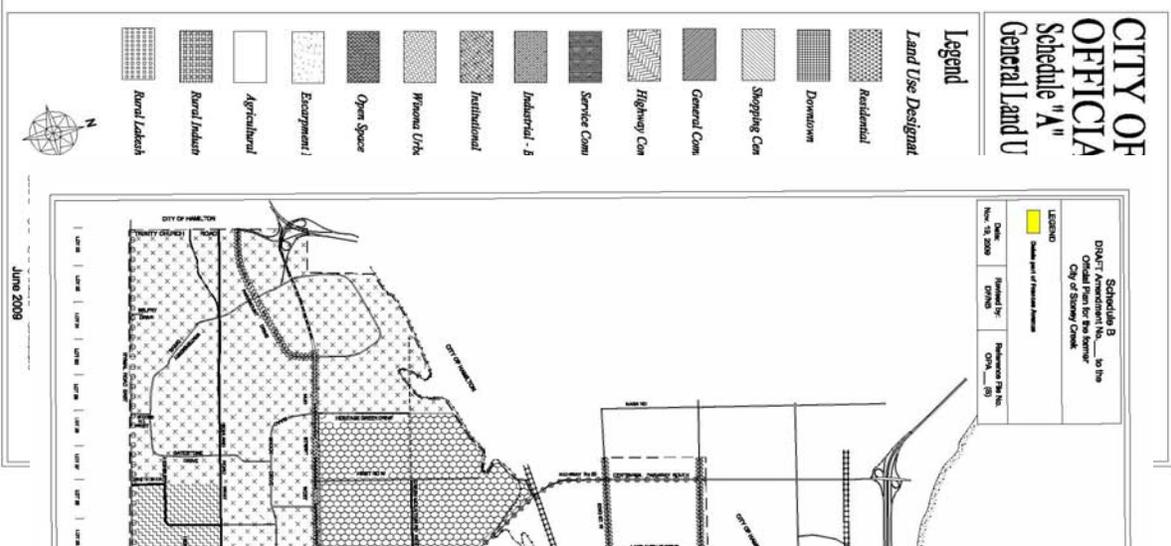
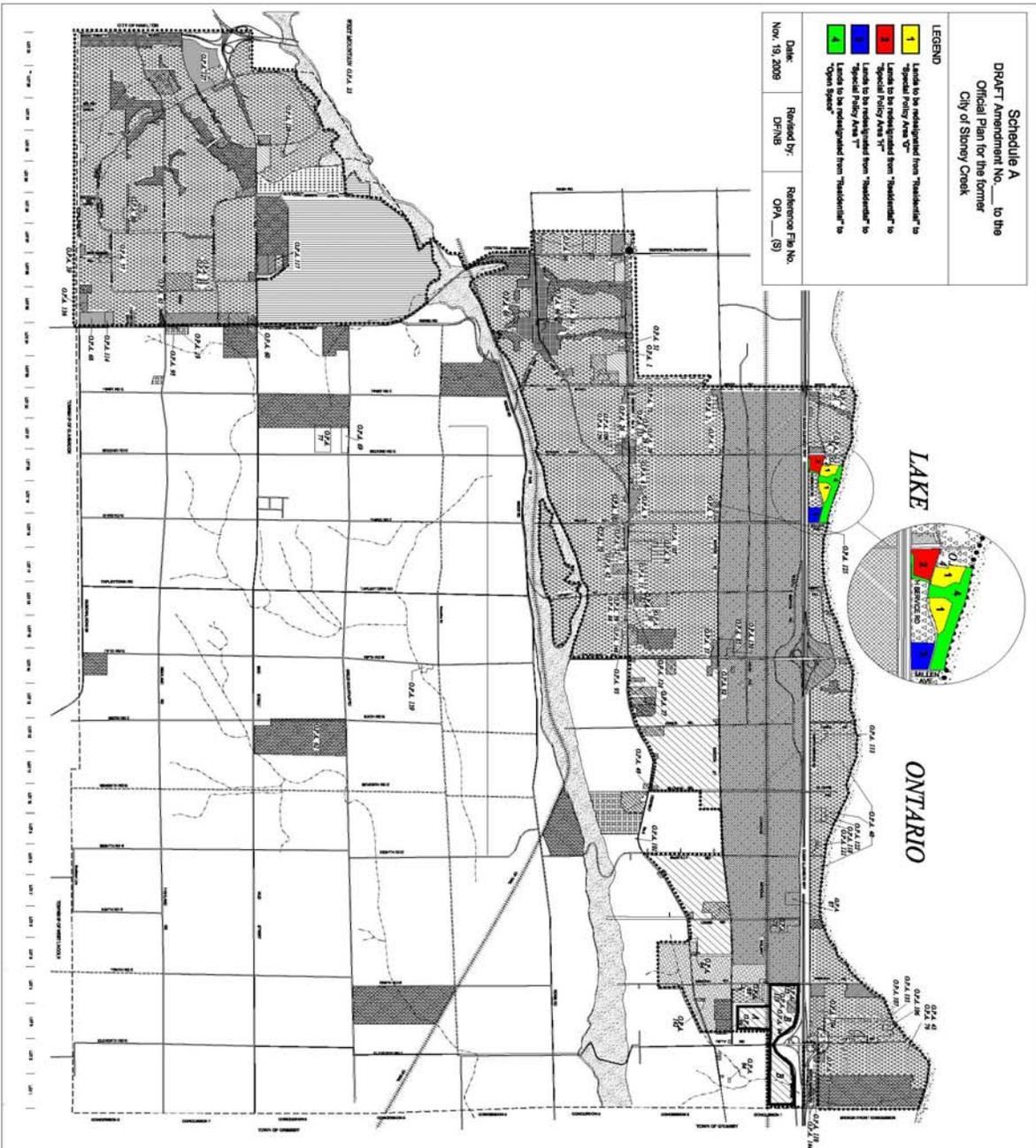
This is Schedule "1" to By-law No. _____, passed on the _____ day of _____, 2010.

The

City of Hamilton

Fred Eisenberger
Mayor

Kevin C. Christenson
Clerk



Authority: Item [REDACTED], Economic
Development and Planning
Committee
Report 10-[REDACTED] (PED10017)
CM: [REDACTED]
Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 10-[REDACTED] of the Economic Development and Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2010, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek) upon the approval of Official Plan Amendment No. [REDACTED].

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

1. That Map No. 1 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended as follows:
 - (a) by changing the zoning from the Multiple Residential "RM5-7" Zone to the Mixed Use Commercial "MUC-4" Zone, the lands comprised in "Block 1";
 - (b) by changing the zoning from the Neighbourhood Shopping Centre "SC1" Zone to the Mixed Use Commercial "MUC-5" Zone, the lands comprised in "Block 2";
 - (c) by changing the zoning from the Multiple Residential "RM5-7" Zone to the Multiple Residential "RM3-40" Zone, the lands comprised in "Block 3";
 - (d) by changing the zoning from the Multiple Residential "RM5-7" Zone to the Multiple Residential "RM3-41" Zone, the lands comprised in "Block 4";
 - (e) by changing the zoning from the Multiple Residential "RM5-7" Zone to the Residential "R6-5" Zone, the lands comprised in "Block 5";
 - (f) by changing the zoning from the Open Space "OS" Zone to the Residential "RM3-40" Zone, lands comprised in "Block 6"; and,
 - (g) by incorporating lands into By-law No. 3692-92 and zoning the lands Multiple Residential "RM3-40", the land comprised in "Block 7";

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

2. That Subsection 8.8.4 "Special Exemptions", of Section 8.8 Mixed Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "MUC-4", as follows:

"MUC-4" 310 Frances Avenue, Schedule "A", Map No. 1

Notwithstanding the provisions of Subsection 8.8.2 of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-4" by this By-law, Nursing Homes, Homes for the Aged, and Residential Care Facilities shall also be permitted.

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), (f), (g), (h), (i), and (k) of Subsection 8.8.3 of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-4" by this By-law, the following shall apply:

- (a) Minimum Lot Area - 19,400 square metres.
- (c) Maximum Lot Coverage - None.
- (d) Maximum Gross Leasable Commercial Floor Area - 7,000 square metres.
- (e) Minimum Front Yard - 0 metres.
- (f) Minimum Side Yard - 3 metres, except 0 metres for a flankage yard.
- (g) Minimum Rear Yard - 3 metres, except 0 metres for a through lot.
- (h) Minimum Residential Density - 585 units.
- (i) Maximum Building Height - None.
- (k) Maximum Number of Buildings Per Lot - No Maximum.
- (p) Minimum Distance Between Buildings on the Same Lot - 15 metres.
- (q) Location of Residential Care Facilities
 - i) Every Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility.

3. That Subsection 8.8.4 "Special Exemptions", of Section 8.8 Mixed Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "MUC-5", as follows:

"MUC-5" 380 Frances Avenue, Schedule "A", Map No. 1

Notwithstanding the provisions of Subsection 8.8.2 of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-5" by this By-law, Nursing Homes, Homes for the Aged, and Residential Care Facilities shall also be permitted.

Notwithstanding the provisions of Paragraphs (a), (c), (d), (e), (f), (g), (h), (i), and (k) of Subsection 8.8.3 of the Mixed Use Commercial "MUC" Zone, on those lands zoned "MUC-5" by this By-law, the following shall apply:

- (a) Minimum Lot Area - 20,400 square metres.
- (c) Maximum Lot Coverage - None.
- (d) Gross Leasable Commercial Floor Area - A minimum of 1,400 square metres up to a Maximum of 7,000 square metres.
- (e) Minimum Front Yard - 0 metres.
- (f) Minimum Side Yard - 3 metres, except 0 metres for a flankage yard.
- (g) Minimum Rear Yard - 3 metres, except 0 metres for a through lot.
- (h) Minimum Residential Density - 176 units.
- (i) Maximum Building Height - None.
- (k) Maximum Number of Buildings Per Lot - No Maximum.
- (p) Minimum Distance Between Buildings on the Same Lot - 15 metres.
- (q) Location of Residential Care Facilities
 - (i) Every Residential Care Facility shall be situated on a lot having a minimum radial separation distance of 300 metres from any lot line of such lot measured to the lot line of any other lot occupied by a Residential Care Facility.

4. That Subsection 6.10.7 "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM3-40", as follows:

"RM3-40" 311, 321, 331, 341, 351, 361, 371 Frances Avenue, Schedule "A", Map No. 1

That in addition to the requirements of Part 2 of Zoning By-law No. 3692-92 (Stoney Creek), the following definition shall apply to those lands Zoned "RM3-40" of this By-law:

Dwelling - Stacked Townhouses

Means a Street Townhouse Dwelling containing a maximum of three dwelling units on one lot, where each unit shall have a separate entrance from the street.

Notwithstanding the provisions of Subsection 6.10.2 of the Multiple Residential "RM3" Zone, Stacked Townhouses shall also be permitted on those lands zoned "RM3-40" by this By-law.

Notwithstanding Subsection 6.10.4 Regulations for Street Townhouses and the provisions of Paragraphs (a), (b), (c), (d),(e), (f), (g), (h), (i) and (j) of Subsection 6.9.3 of the Multiple Residential "RM2" Zone, on those lands zoned "RM3-40" by this By-law, the following shall apply:

(a) Minimum Lot Area:

- (i) Street Townhouses - 108 square metres.
- (ii) Stacked Townhouses - 225 square metres.

(b) Minimum Lot Frontage:

- (i) Street Townhouses - 5.5 metres, except 4.5 metres where there is no vehicular access in the front yard.
- (ii) Stacked Townhouses - 9 metres.

(c) Maximum Front Yard:

- (i) Street Townhouses - 4.5 metres, except a Minimum of 5.8 metres to a garage.
- (ii) Stacked Townhouses - 4.5 metres, except a Minimum of 5.8 metres to a garage.

(d) Minimum Side Yard:

- (i) Street Townhouses
 - End Unit - 1.2 metres.
 - Corner Unit - Maximum of 4.5 metres.

- (ii) Stacked Townhouses
 - End Unit - 1.2 metres.
 - Corner Unit - Maximum of 4.5 metres.
- (e) Minimum Rear Yard:
 - (i) Street Townhouses - 7.0 metres, except a Minimum of 5.8 metres to a detached garage.
 - (ii) Stacked Townhouses - 0.6 metres to a detached garage, except a rear deck may encroach into a rear private road/condominium road.
- (f) Privacy Area:
 - (i) Street Townhouses - None.
 - (ii) Stacked Townhouses - None.
- (g) Minimum Landscape Open Space - A minimum 1,080 square metre private parkette is to be constructed on those lands zoned "RM3-40".
- (h) Maximum Building Height:
 - (i) Street Townhouses - None.
 - (ii) Stacked Townhouses - None.
- (i) Maximum Lot Coverage:
 - (i) Street Townhouses - None.
 - (ii) Stacked Townhouses - None.
- (j) Minimum Density - 188 units.

Notwithstanding the definition of "Highway" in Section 2 "Definitions" of Zoning By-law No. 3692-92, on those lands zoned "RM3-40" by this By-law, a private road/condominium road shall be considered to be a street.

5. That Subsection 6.10.7 "Special Exemptions", of Section 6.10 Multiple Residential "RM3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "RM3-41", as follows:

"RM3-41" 311 Frances Avenue, Schedule "A", Map No. 1

Notwithstanding the provisions of Paragraphs (a), (b), (c), (e), (g), (i), (j), (k), (l), and (m) of Subsection 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-41" by this By-law, the following shall apply:

- (a) Minimum Lot Area for Apartment Dwellings - 810 sq. metres.
- (b) Minimum Lot Frontage for Apartment Dwellings - 30 metres.
- (c) Minimum Front Yard for Apartment Dwellings - 4.5 metres.
- (e) Minimum Side Yard for Apartment Dwellings - 4.5 metres.
- (g) Minimum Rear Yard for Apartment Dwellings - 4.5 metres.
- (i) Minimum Density - 22 units.
- (j) Maximum Building Height for Apartment Dwellings - None.
- (k) Maximum Lot Coverage for Apartment Dwellings - None.
- (l) Privacy Area for Apartment Dwellings - None.
- (m) Minimum Landscape Open Space for Apartment Dwellings:

- 1. A landscape strip, having a minimum width of 4.5 metres, shall be provided and thereafter maintained adjacent to every portion of any lot that abuts a street or private road/condominium road, except for points of ingress and egress.

Notwithstanding the definition of "Highway" in Section 2 "Definitions" of Zoning By-law No. 3692-92, on those lands zoned "RM3-41" by this By-law, a private road/condominium road shall be considered to be a street.

- 6. That Subsection 6.7.7 "Special Exemptions", of Section 6.7 Residential "R6" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "R6-5", as follows:

"R6-5" 311 and 321 Frances Avenue, Schedule "A", Map No. 1

Notwithstanding the provisions of Subsection 6.7.2 of the Residential "R6" Zone, Street Townhouses shall also be permitted on those lands zoned "R6-5" by this By-law.

Notwithstanding the provisions of Subsection 6.7.3 of the Residential "R6" Zone, on those lands zoned "R6-5" by this By-law, the following shall apply:

(a) One Single Detached Dwelling:

1. Minimum Lot Area:
 - Interior - 219 square metres.
 - Corner - 336 square metres.
2. Minimum Lot Frontage:
 - Interior - 7.3 metres.
 - Corner - 11.2 metres.
3. Maximum Front Yard - 5.0 metres, except a Minimum of 5.8 metres to a garage.
4. Minimum Side Yard - No part of a dwelling shall be located closer than 0.6 metres, except as provided in Clause (i) below:
 - (i) On a corner lot, the minimum side yard abutting the flankage lot line shall be 1.2 metres to the main building or detached garage.
5. Minimum Rear Yard - 0.6 metres to a detached garage.
6. Maximum Building Height - 11.0 metres.
7. Maximum Lot Coverage - None.
8. Minimum Outdoor Privacy Area - 30 square metres with no dimension less than 5 metres, not including a driveway.

(b) Semi-Detached Dwelling:

1. Minimum Lot Area:
 - Interior - 201 square metres.
 - Corner - 318 square metres.
2. Minimum Lot Frontage:
 - Interior - 6.7 metres.
3. Maximum Front Yard - 5.0 metres, except a Minimum of 5.8 metres to a garage.

4. Minimum Side Yard
 - No part of a dwelling shall be located closer than 0.6 metres, except as provided in Clause (i) below:
 - (i) On a corner lot, the minimum side yard abutting the flankage lot line shall be 1.2 metres to the main building or detached garage.
5. Minimum Rear Yard
 - 0.6 metres to a detached garage.
6. Maximum Building Height
 - 11.0 metres.
7. Maximum Lot Coverage
 - None.
8. Minimum Outdoor Privacy Area
 - 25 square metres with no dimension less than 3.7 metres, not including a driveway.

(c) Street Townhouses

1. Minimum Lot Area
 - 183 square metres.
2. Maximum Front Yard
 - 5.0 metres, except a Minimum of 5.8 metres to a garage.
3. Minimum Side Yard
 - No part of a dwelling shall be located closer than 0.6 metres, except as provided in Clause (i) below:
 - (i) On a corner lot, the minimum side yard abutting the flankage lot line shall be 1.2 metres to the main building or detached garage.
4. Minimum Rear Yard
 - 0.6 metres to a detached garage.
5. Maximum Building Height
 - 12 metres.
6. Maximum Lot Coverage
 - None.
7. Minimum Outdoor Privacy Area
 - 16.5 square metres with no dimension less than 2.8 metres, not including a driveway.

- (d) Minimum Density - The minimum density for those lands zoned "R6-5" by this By-law shall be 23 units.

Notwithstanding the definition of "Highway" in Section 2 "Definitions" of Zoning By-law No. 3692-92, on those lands zoned "R6-5" by this By-law, a private road/condominium road shall be considered to be a street.

7. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Mixed Use Commercial "MUC" Zone, Multiple Residential "RM3" Zone and Residential "R6" Zone provisions, subject to the special requirements referred to in Sections 2, 3, 4, 5, and 6.
8. 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.

PASSED and ENACTED this day of , 2010.

FRED EISENBERGER
MAYOR

KEVIN C. CHRISTENSON
CLERK

ZAC-08-079



This is Schedule "A" to By-Law No. 10-
Passed the day of, 2010

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 10-_____

to Amend By-law No. 3692-92

- Subject Property**
Green Millan Shore Estates
- Block 1** - Change in zoning from the Multiple Residential - "RM5-7" Zone to the Mixed Use Commercial "MUC-4" Zone
 - Block 2** - Change in zoning from the Neighbourhood Shopping Centre "SC1" Zone to the Mixed Use Commercial "MUC-5" Zone
 - Block 3** - Change in zoning from the Multiple Residential - "RM5-7" Zone to the Multiple Residential "RM3-41" Zone
 - Block 4** - Change in zoning from the Multiple Residential - "RM5-7" Zone to the Multiple Residential "RM3-41" Zone
 - Block 5** - Change in zoning from the Multiple Residential - "RM5-7" Zone to the Residential "R6-5" Zone
 - Block 6** - Change in zoning from the Open Space "OS" Zone to the Multiple Residential "RM3-40" Zone
 - Block 7** - Change in zoning by incorporating lands into By-law No. 3692-92 and zoning the lands Multiple Residential "RM3-40" Zone
 - Refer to By-law No. 05-200

Scale: N.T.S.	File Name/Number: ZAC-09-079/OPA-08-019/25T-200809	 Hamilton
Date: Nov. 23, 2009	Planner/Technician: DF/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item [REDACTED], Economic
Development and Planning
Committee
Report 10-[REDACTED] (PED10017)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW No. [REDACTED]

To Amend Zoning By-law No. 05-200

**310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Frances Avenue
(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 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 10-[REDACTED] of the Economic Development and Planning Committee at its meeting held on the [REDACTED] day of [REDACTED], 2010, 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 (the Official Plan of the former City of Stoney Creek) with the approval of Official Plan Amendment No. [REDACTED].

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

1. That Map Nos. 1052, 1097, and 1098 of Schedule "A", to Zoning By-law No. 05-200, is amended by incorporating additional Open Space (P4) Zone and Conservation/Hazard Land (P5) Zone boundaries for the applicable lands, the extent and boundaries of which are shown as Blocks 1, 2, 3, and 4 on a plan hereto annexed as Schedule "A".

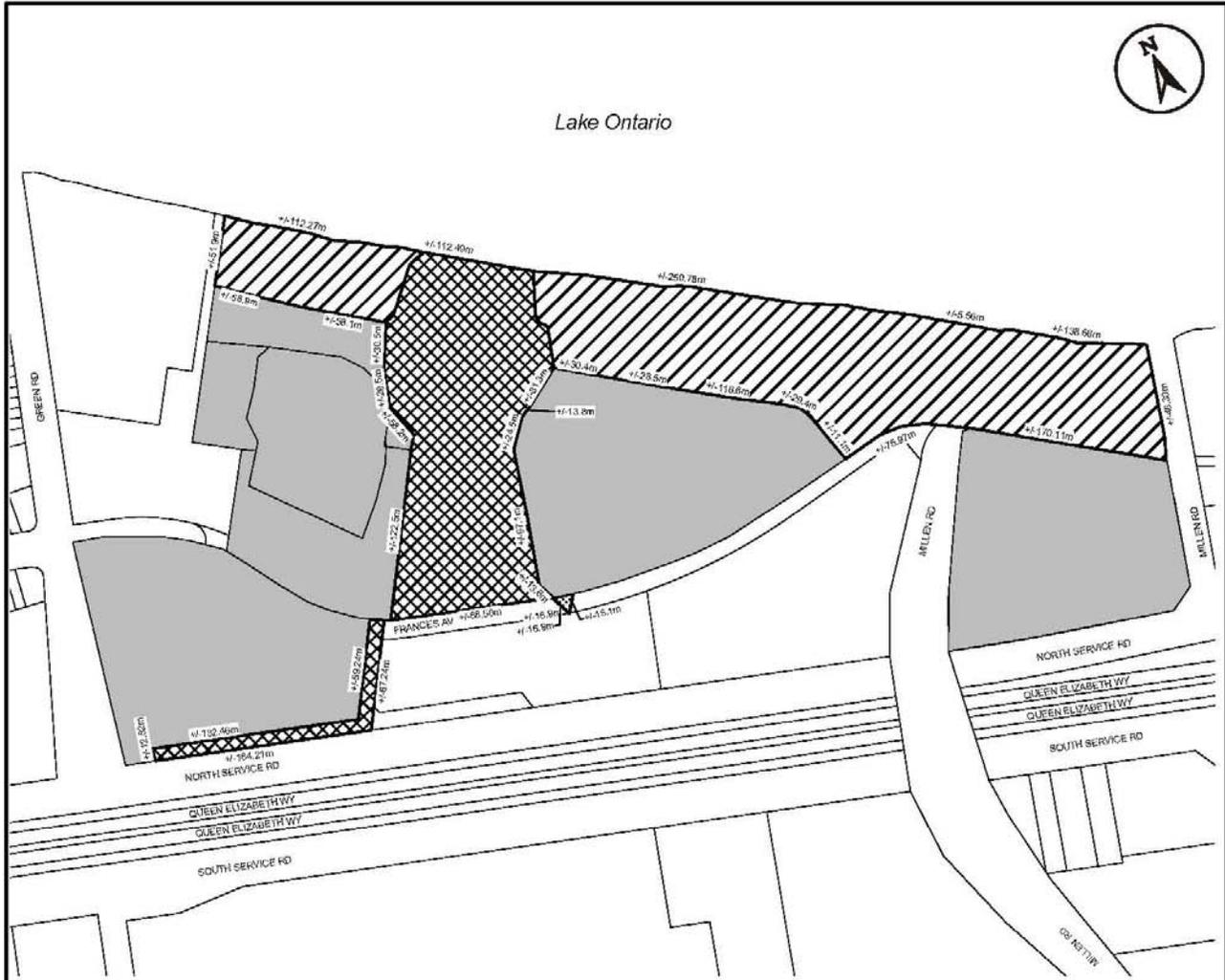
2. That Map No. 1098 of Schedule "A", to Zoning By-law No. 05-200, be amended by removing the land from By-law 05-200, the extent and boundaries of which are shown as Block 5 on a plan hereto annexed as Schedule "A".
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice 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 Subsection 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said subsection.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2010.

FRED EISENBERGER
MAYOR

KEVIN C. CHRISTENSON
CLERK

ZAC-08-079



This is Schedule "A" to By-Law No. 10-
Passed the day of, 2010

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 10-_____

to Amend By-law No.05-200

Subject Property
Green Millan Shore Estates

-  Blocks 1 & 2 - Lands to be zoned Open Space (P4) Zone
-  Blocks 3 & 4 - Lands to be zoned Conservation/Hazard Land (P5) Zone
-  Block 5 - Lands to be Added to By-Law No. 3692-92
-  Refer to By-Law No. 3692-92

Scale:
N.T.S.

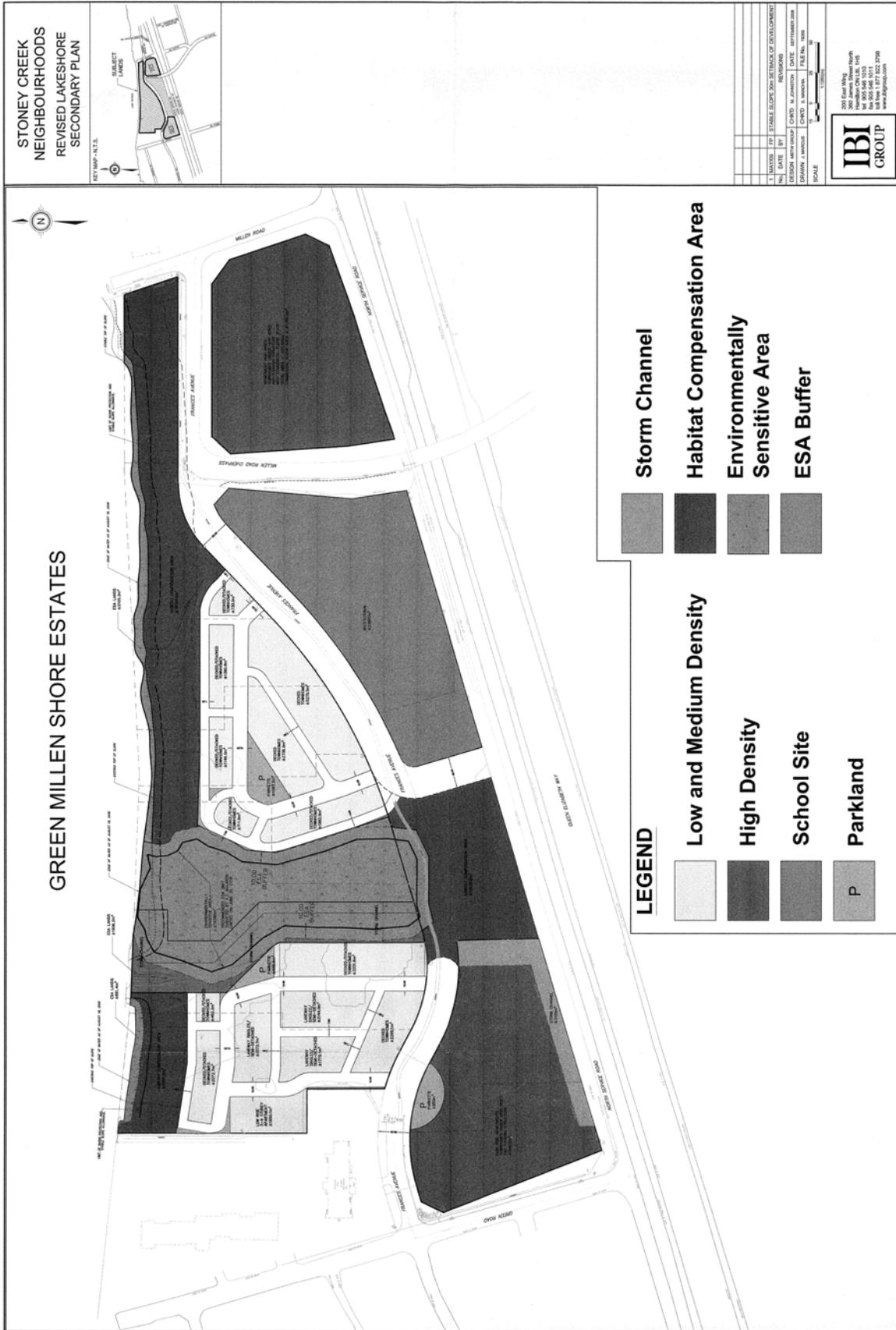
File Name/Number:
ZAC-08-079/OPA-08-019/25T-200809

Date:
Nov. 23, 2009

Planner/Technician:
DF/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



Falletta, David

From: Stace and Stacey Smith - Long [
Sent: March 31, 2009 12:57 PM
To: Falletta, David; pmoore@armstronghunter.ca
Cc: Pam Ross; Frank Simmons; c t; Wayne Marston
Subject: Comments for reports

David and Paul,

Attached you will find a copy of my comments as well as another residents.

I was hoping that you could add them to both reports. The school boards report and the report for the Planning committee for Green Millen Estates draft plan of subdivision (Application No. 25T-200809), Official Plan Amendment (Application No. OPA-08-019), and Zoning By-law Amendment (Application No. ZAC-08-079) applications.

The other comments are being submitted on behalf of Marcie Rodger who lives at 79 Teal Ave. N in Stoney Creek. She would like her comments to be added to both reports as well.

If you require anything further please call me at work at 1.905.632.8000 x255

Thank you,

Stacey Long
111 Teal Ave N
Stoney creek, ON L8E 3B5
905.594.9930

Make your Messenger window look the way you want. [Express Yourself!](#)

02/04/2009

**PUBLIC MEETING OF THE HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD
PROPERTY DISPOSITION PROTOCOL
360 Frances Avenue, Stoney Creek**

**Tuesday March 24, 2009
6:30 -7:30 p.m.**

Comments:

I would like the board to take in consideration the environmental impact it will have on this land by declaring it surplus. By declaring the land surplus and if a developer buys the land, our community will have to fight to save this land for the wildlife, the same way we had to for the Turtle Pond's land. By developing this land it will have an effect on that land and have a chain reaction down to the other environmentally sensitive lands that are already in that area.

Comments and information regarding this process are being collected to assist the Hamilton-Wentworth District School Board in meeting requirements of the Property Disposition Protocol. They will be maintained on file for use during the process and may be included in resulting documentation. With the exception of personal information, all comments will become part of the public record. Please leave comments in the box provided or forward them by **April 23, 2009** to:

Armstrong Hunter and Associates
1100 Main Street West, Suite 300 E
Hamilton, ON L8S 1B3
905-383-0689
pmoore@armstronghunter.ca

NAME:	M. Hodger
ADDRESS:	79 Teal Avenue, Stoney Creek
EMAIL/PHONE:	

PUBLIC MEETING OF THE HAMILTON-WENTWORTH DISTRICT SCHOOL BOARD
PROPERTY DISPOSITION PROTOCOL
360 Frances Avenue, Stoney Creek

Gordon Price School
Monday February 23, 2009
6 - 7:30 p.m.

Comments:

I believe the school has many other options than to declare this land surplus and allow greedy developers to ruin a community and one of the last remaining park areas (green spaces) for residents. The community has used this stretch of land for well over 20 years. The very land that the school board owns is a marsh and is home to a variety of waterfowl and other migrating birds. If you sell the land we all know a developer will build a million townhouses or even an apartment building. This would cause total devastation to the animals who have lived here all these years and the new wildlife who have been pushed out of their homes from the Red Hill Valley and construction along Centennial Parkway and the Highway. Not only will there be an increase in human population but also the amount of vehicles on our streets will double or triple. Noise pollution, litter and an increase in safety will go up. Flooding and an increase in our water/sewage system is also a worry. As well as the run-off into the lake of pollution from the development site and future homes.

Comments and information regarding this process are being collected to assist the Hamilton-Wentworth District School Board in meeting requirements of the Property Disposition Protocol. They will be maintained on file for use during the process and may be included in resulting documentation. With the exception of personal information, all comments will become part of the public record.

Please leave comments in the box provided or forward them by April 23, 2009 to:

Armstrong Hunter and Associates
1100 Main Street West, Suite 300 E
Hamilton, ON L8S 1B3
905-383-0689
pmoore@armstronghunter.ca

NAME:	Stacey Long
ADDRESS:	111 Fern AVE N. Stoney Creek L8E 3B5

Falletta, David

From: Pearson, Maria
Sent: May 13, 2009 3:09 PM
To: Falletta, David
Subject: FW: Development Recap *tues may 12*
Importance: High

Hi David. For your info.

-----Original Message-----

From: Stacey Smith-Long |
Sent: May 13, 2009 2:39 P...
Subject: Development Recap *tues may 12*
Importance: High

Well I wouldn't call last night's meeting at the Stoney Creek Municipal Center a "meeting" it was more of a smooshfest filled with builders (like our good friend Sergio Mancha) and realtors showing off their new designs for total destruction (an apartment high-rise going in across from the variety store and hundreds if not thousands of townhouses/condos, small store plazas and larger homes). **The entire greenspace between Green and Millen Road will be obliterated.**

The walking/biking path will be cut off and turned into a road called "Frances West" which will exit out onto the service road. The shoreline will be modified and break walls will be installed. The plans show a "school site" but this is not correct as the Public School Board has already made it clear that they will not be building a school but declaring the foot of Millen road surplus to sell off for funds.

The greenspace which is currently deemed ESA (Environmentally Sensitive Area) will be cut down to a size so small that will destroy the homes and habitats of many of the animals living there and disrupt the migratory birds who use this area as a stopover. I was told that the buffer zone of the ESA was only 7-10 meters from the homes. Wasn't it clear when we fought for the turtle ponds that the buffer zone should be much larger than that (like 100 or more)?

Please request a copy of the development plans that were shown at last night's meeting (Tuesday May 12 2009), or of the traffic study and ESA study that Mr.Mancia said they had already completed. David Falletta is the City Planner involved and he can provide us with these documents david.falletta@hamilton.ca

Write to Maria Pearson our ward counselor mpearson@hamilton.ca and ask questions.

Some questions could be related to: Safety with all those thousands of cars on the road, the loss of our bike path, the loss of green space and wildlife, our water systems (flooding, back-ups, drainage etc), noise from the construction, all the heavy machinery that will be travelling down OUR roads to build this monstrosity, the amount of people squashed into one little area like a can of sardines, the police and fire services dispatching to this area etc etc.

Please cc: me on your emails if you would like and if you have any questions or if you are able to help in any way (flyers, canvassing, signs etc.) please email me, Stacey, turtleponds@hotmail.com

**Other contacts could include our mayor of Hamilton mayorfred@hamilton.ca , The Hamilton Conservation Authority nature@conservationhamilton.ca , Paul Miller our local MPP pmiller-qp@ndp.on.ca , or Wayne Marston MP who supported The Turtle Ponds marstw1@parl.gc.ca

We have to really work together on this one, it's not a done deal. **WE CAN MAKE A DIFFERENCE.** We owe it to our community, our families and our City.

Thank you for taking the time to read this.

Sincerely,

Stacey Long

Teal Ave Stoney Creek

Help keep personal info safe. [Get Internet Explorer 8 today!](#)

15/05/2009

RECEIVED FEB 12 2009

February 1, 2009

Attention: David Falletta, Director of Planning Division and City Clerk
Planning and Economic Development Department
77 James Street North Suite #220 and #400
Hamilton, Ontario
L8R 2K3

Re: Notice of complete applications and Preliminary Circulation to amend
the Stoney Creek Official Plan and Stoney Creek Zoning by-law No. 3692-
92, and for approval of a draft plan of subdivision

Re: File #OPA-08-019, ZAC-08-079 and 25T-200809

We wish to be notified of the adoption of the proposed official plan or
Zoning by-law amendment or of the refusal of a request to amend the
official plan or zoning by-law.

We also wish to be notified of the decision of the City of Hamilton in respect
of the proposed draft plan of subdivision.

We would like the following concerns answered.

- 1) What effect will the following zoning changes have on the value of
the existing condominiums in the area?
- 2) Please explain the existing zoning and why it has been modified.
- 3) When and where will the public meeting be held?
- 4) What provisions will be made for the increase in traffic and increase
of need for parking in this multi-residential area?

Signed,

Concerned owners of
301 Frances Avenue
Stoney Creek, Ontario
L8E 3W6

Signatures and unit #'s attached

The following is a duplicate list of the signatures attached for confirmation of names
& unit numbers ONLY,,,

UNIT #	NAME
1806	Keith Goodspeed
1107	Dianne Bryk
102	George Stanley
202	Stephen MacDonald
1401	Mark Victor
1809	Suzanne & Erwin Jardine
108	Pauline & Don Olinski
302	Stewart Grainger
207	Nicky Whittaker
1205	John & Elizabeth Podgers
408	George Sheppard
1609	Harry & Barbara Clarke
804	Vita Maccotti
1908	John & Jeanine Motlik
1801	Ron & Donna Robinson
1109	Peter Taylor
902	Rose Marie Mamuza
1903	Fred & Marilyn De Boer
309	Wayne Johnny
1707	Melanie Moghabghab
1007	Thomas Robson
1703	Thelma Lyon
1804	Ethel Boyko
508	Jim & Lois Beattie
305	Milan VuJov
209	Karen Jack
1907	Stephanie Bryniak
306	Dragan Pocrmic
808	Maria & Gerrit Brons
609	Alfred MacDonald
1506	Karen Verbruggen
1508	Harold & Alice Kinder
608	Elsie Steen
809	Brian Walker
1003	Peter & Sharon Tisi
706	Danuta Czyznielewski
201	John & Donna Wood
701	Francis Purvey/A Baldasaro
505	Richard Zajczenko
1708	Ken Thornton
507	Doreen Stallard

1407	Dorothy Sherry
909	Juliet Beauvis
802	Sue Banting
704	Dorothy Ackles
1605	Les & Diane Needham
805	Betty Dobson
1008	Beverly Moore
1501	Max & Georgina Wasylyshen
503	Terry & Eleanor Penny
1705	M. Ferrarella
801	B & A McMurray
1406	Marta Hillier
1405	Heather Dyer
705	Diane Waring
604	Ed & Mary Teufel
1102	Gloria Nickerson
1802	Simone Boris
404	Yvon Mayrand
601	Jeff & Virginia Woodham
1808	Nellie Van Weert
1509	Donna Morgason
605	Mike & Marion Sarookanian
606	Sara Hamppi
602	Louise Lachance
1507	Sherry Bryk
1701	Maurice Jones
1905	Florence & John Lowes
1409	Karl Merkler
304	Cathy Bryk/Scott Kirkey
1505	Gloria Maxwell/Larry Gibb
803	Jessie Dosanjh
107	Jane Dillon
1106	Judy Newton
502	Jean & Ron Beckingham
1001	Anne Huculok
401	Krupicki Wieslaw
1902	Linda Mifflin
1204	Duncan MacDonald
103	Volney Montague
1403	Lilia Waller
204	James Mattini
1504	John Marks

Name(Printed)	Signature	Unit #	Date
KEITH GOODSON	<i>Keith Goodson</i>	1806	FEB 2/09
LIANNE BAYK	<i>Lianne Bayk</i>	1107	FEB 3/09
GEORGE STANLEY	<i>George Stanley</i>	102 102	FEB 8/09
S.R. MA DONALD	<i>S.R. Ma Donald</i>	202	2/12/09
MARK VICTOR	<i>Mark Victor</i>	1401	FEB 3/09
ERWIN JARDINE	<i>Erwin Jardine</i>	1509	FEB 3/09
PAULINE and JUSTI	<i>Pauline and Justi</i>	108	FEB 3/09
STEWART GRAINGER	<i>Stewart Grainger</i>	302	FEB 4/09
NICKY WHITTAKER	<i>Nicky Whittaker</i>	207	FEB 4/09
LARRY GIBB	<i>Larry Gibb</i>	1505	FEB 5/09
JOHN RUDGERS	<i>John Rudgers</i>	1205	FEB 5/09
GEORGE SHEPPARD	<i>George Sheppard</i>	408	FEB 5/09
HARRY CLARKE	<i>Harry Clarke</i>	1609	FEB 4/09
Vit. Maccioni	<i>Vit. Maccioni</i>	301	CONSIST
Jeanine MOTIK	<i>Jeanine Motik</i>	1908	2 FEB 09
RON ROBINSON	<i>Ron Robinson</i>	1801	4 FEB 09
PETER TULLOCH	<i>Peter Tulloch</i>	1109	05 FEB 09
ROSE MARIE MAMUZA	<i>Rose Marie Mamuzza</i>	902	05 FEB 09
FRED DE BRER	<i>Fred De Brer</i>	1903	Feb 7/09
MARILYN DE BRER	<i>Marilyn De Brer</i>	1903	Feb 7/09
WYNNE JOHNSTON	<i>Wynne Johnston</i>	309	08 FEB 09
M. SCHUBERT MELANE	<i>M. Schubert Melane</i>	1201	FEB 8/09
J. B. B. B.	<i>J. B. B. B.</i>	1007	FEB 8/09
THELMA LLOYD	<i>Thelma Lloyd</i>	1703	FEB 8/09
ETHEL BOYKO	<i>Ethel Boyko</i>	1804	FEB 6/09
JOAN BETHUNE	<i>Joan Bethune</i>	328	FEB 6/09
JIM BEATTIE	<i>Jim Beattie</i>	328	FEB 6/09
M. Vignone	<i>M. Vignone</i>	305	FEB 6/09
KAREN BELL	<i>Karen Bell</i>	209	FEB 6/09
S. PRYOR	<i>S. Pryor</i>	1907	FEB 6/09
D. POORNIC	<i>D. Poornic</i>	306	FEB 6/09
DONNA ROBINSON	<i>Donna Robinson</i>	1801	FEB 6/09
M. G. BRING	<i>M. G. Bring</i>	308	FEB 6/09
ALFRED MCDONALD	<i>Alfred McDonald</i>	609	FEB 6/09
CLARKE	<i>Clarke</i>	1609	Feb 5/09
KAREN VERBURGEN	<i>Karen Verburgen</i>	1506	FEB 6/09
KINDER HAROLD	<i>Kinder Harold</i>	1508	FEB 7/09
KINDER ALICE	<i>Kinder Alice</i>	1508	FEB 7/09
ELSIE STEEN	<i>Elsie Steen</i>	608	FEB 7/09
Brian WALKER	<i>Brian Walker</i>	809	FEB 7/09
PETER S. HANCOCK	<i>Peter S. Hancock</i>	1003	FEB 7/09
Janette Czyniakowski	<i>Janette Czyniakowski</i>	706	FEB 7/09
John WOOD	<i>John Wood</i>	201	FEB 7/09
Francis Kinner Alldredge	<i>Francis Kinner Alldredge</i>	701	FEB 8/09
RICHARD ZAJCZENKO	<i>Richard Zajczenko</i>	305	FEB 8/09
HILDE GREISER	<i>Hilde Greiser</i>	?	FEB 8/09
Ken Thornton	<i>Ken Thornton</i>	1708	FEB 8/09
DOREEN STALLARD	<i>Doreen Stallard</i>	507	" 9/09

x2

x2

x2

x2

x2

x2

x2

x2

x2

?

PRINT NAME	SIGNATURE		
Dorothy Sherry	Dorothy Sherry	1407	Feb 22 09
Walter Lebowitz	Walter Lebowitz	909	2/2/09
JAC DANTING	JAC DANTING	802	FEB 21 09
Dorothy Decker	Dorothy Decker	704	Feb 21 09
Frankie Decker	Frankie Decker	704	Feb 21 09
Betty Decker	Betty Decker	805	Feb 21 09
BEVERLY MAINE	Beverly Maine	1058	2/22/09
Max + Christina Wasylyshen	Max + Christina Wasylyshen	1501	Feb 21 09
Wendy Fildes Perry	Wendy Fildes Perry	503	Feb 21 09
Donna Hunsberr	Donna Hunsberr	1001	2/22/09
Ferrarecca M	FERRARECCA - M	1705	FEB 22 09
BJA McMurry	BJA McMurry	801	FEB 22 09
MARSH HUBER	MARSH HUBER	1406	FEB 22 09
HEATHER DYER	HEATHER DYER	1405	FEB 21 09
DIANE WACINE	DIANE WACINE	705	905 604 6389
MARY TEUFEL	MARY TEUFEL	607	905 602 1455
Ren Burdham	Ren Burdham	1605	905 662 8144 X 2
GLORIA NICKERSON	GLORIA NICKERSON	1102	Feb 21 09
Simone Davis	Simone Davis	1802	Feb 21 09
JOHN H. MARRAND	JOHN H. MARRAND	401	FEB 21 09
JOY VIGOR WOODHAM	JOY VIGOR WOODHAM	601	FEB 21 09
NELLIE VAN WEERT	NELLIE VAN WEERT	1808	Feb 13 09
SUZALETH PEXIERS	SUZALETH PEXIERS	1205	FEB 13 09
POONA MURGASANI	POONA MURGASANI	1509	FEB 13 09
MIKE SAROKANIAN	MIKE SAROKANIAN		
MARION SINCKOVAN	MARION SINCKOVAN	605	FEB 3 09 X 2
Sara Humpal	Sara Humpal	606	Feb 3 09
James John Wood	James John Wood	201	Feb 3 09 X 2
LOUISE LACHANCE	LOUISE LACHANCE	902	FEB 3 09 X 2
JOHN MOTLIK	JOHN MOTLIK	1903	FEB 03 09 X 2
Sherry Soyk	Sherry Soyk	1507	FEB 3 09
MAURICE DEJES	MAURICE DEJES	1701	2/3/09
F. J. LEWIS	F. J. LEWIS	1401	FEB 3 09 1905
K. MERRICKS	K. MERRICKS	1409	2/3/09
CONNIE and SKIDDA	CONNIE and SKIDDA	804	04 Feb 09
SUZANNE TARDIFA	SUZANNE TARDIFA	1809	Feb 4 09 X 2
GLORIA MAXWELL	GLORIA MAXWELL	1505	Feb 6 09 X 2
JESSIE DESANTIS	JESSIE DESANTIS	803	Feb 3 09
JANE GILLEN	JANE GILLEN	107	2-4-09
Jean NEWTON	Jean NEWTON	1166	2/4/09
Jean MCKENNA	Jean MCKENNA	502	2/5/09
JANE MCKENNA	JANE MCKENNA	1001	Feb 4 09
NESLAN KRUPICKI	NESLAN KRUPICKI	401	Feb 4 09
WANDA MIEFLIN	WANDA MIEFLIN	1902	FEB 5 09
DUNCAN MACDONALD	DUNCAN MACDONALD	1204	Feb 5 09
V MONTAGUE	V MONTAGUE	103	1 4 09
J. MONTAGUE	J. MONTAGUE	1403	Feb 5 09
J. MONTAGUE	J. MONTAGUE	304	Feb 6
J. MARKS	J. MARKS	1504	2/11/09

RE ZONING BY LAW Feb. 2 / 09
NO. 3692-92 - DAVID FALCETTA
PLANNING DIVISION

MY NAME IS JOSEPH VARRA AND
I LIVE IN THE SHORELIDER - 500 GREE
ROAD. ONE OF THE LONG TIME RESIDENCE
WHICH IN EFFECT WOULD NOT LIKE
TO SEE ANY DEVELOPMENT TAKE PLACE
ON THE LANDS DESCRIBED. A LOT OF
PEOPLE IN THE AREA FIND IT WONDERFUL
TO HAVE A PIECE OF SMALL PARK LAND
AVAILABLE FOR PIECE OF MIND TO WALK
THROUGH. PLEASE IN A WHILE BY THE WATERS EDGE
FOR THE SAKE OF SOME GREEDY
DEVELOPERS + EXTRA SO CALLED TAX
MONEY FOR THE CITY TELL THEM TO
DIG A HOLE ELSEWHERE + STUFF IT!

PLEASE FILE THIS + DON'T
THROW IT AWAY
THANKS FOR READING!

A COPY OF THIS LETTER WILL
ALSO BE SENT TO MARIA PEARSON
10 WARD 10 - P. MALLARD DIRECTOR - S. RUBINOWICH
AND SENIOR DIRECTOR DEER IT DE 11 11

Falletta, David

From: Barb Joy
Sent: January 31, 2009 12:25 PM
To: Falletta, David
Subject: Stoney Creek amendments

Dear Mr. Falletta:

According to the Stoney Creek Official Plan and proposed by-laws outlined by your department, Block 3 (RM5-7) is adjacent to my building at 500 Green Road - "the Shoreliner". I was not aware that this area had ever been zoned as "shopping centre". Or perhaps it pertains to the other Block 3 on your map that is further east?

Many Shoreliners are wondering if there is a timeline for building on the property adjacent to ours - Block 3 as above? Are there any immediate plans for this area? We would also like to know who owns it.

Apart from that, I noted that no area from Green Rd. to Millen has been put aside as commercial and, indeed, it seems no large shopping areas will be built east of Centennial to accommodate consumers in that rapidly expanding part of Stoney Creek from Green Road to the eastern border of the city. Thus mall-shopping is currently restricted to either Eastgate or Grimsby.

Filling up all areas with townhouses and apartments buildings as indicated on your map will leave citizens high and dry. To fulfill most of the needs of shoppers, there needs to be a mall built somewhere in the north-eastern area. What about the areas designated IS or SCI on your map? Just off the QEW and accessible by Millen Road, I'd think it could be a commercial magnet for area residents.

Also, I would like to know if the small convenience store at the corner of North Service Road and Green Road will be eradicated since the map shows this area as changing to multiple residential. But perhaps this pertains only to the vacant field behind the Bayliner on Frances Avenue?

Your clarifications and information on these subjects would be very much appreciated.

Barb Joy
Unit 607, 500 Green Rd.,
Stoney Creek, ON
L8E 3M6

02/02/2009