



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 16, 2019
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Yvette Rybensky (905) 546-2424 Ext. 5134
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-025 by Losani Homes Limited (Owner)**, for changes in land use designation in Volume 1 from Mixed Use – Medium Density to Neighbourhoods; from Arterial Commercial to Mixed Use – Medium Density; and Volume 2 from Mixed Use – Medium Density to Medium Density Residential 2; from Low Density Residential 2 to Medium Density Residential 2; to remove a public road from the Land Use Map; to add lands to Site Specific Policy Area “C” to permit a minimum residential density of 55 units per net hectare; to establish a Site Specific Policy Area to permit a minimum residential density of 50 units per net hectare; and, to establish a Site Specific Policy Area to permit a maximum of eight stories and a maximum residential density of 170 units per net hectare, in the Trinity West Secondary Plan, for lands located at 1809, 1817 and 1821 Rymal Road East, Stoney Creek, as shown on Appendix “A” to Report PED19030, be **APPROVED** on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19030, be adopted by City Council;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 2 of 42

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAC-16-064 by Losani Homes Limited (Owner)**, for a further modification to the Multiple Residential "RM3-57" Zone, Modified (Block 4); and changes in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-57" Zone, Modified (Block 5); Single Residential "R1" Zone to Single Residential "R3-41" Zone, Modified (Block 6); Single Residential "R1" Zone to Single Residential "R3-41a" Zone, Modified (Block 7); Neighbourhood Development "ND" Zone to Multiple Residential "RM3-67" Zone, Modified (Block 8); Multiple Residential "RM2-43" Zone to Multiple Residential "RM3-67" Zone, Modified (Block 9); and Service Commercial "CS-1" Zone, Modified, to Multiple Residential "RM3-67" Zone, Modified (Block 10), to permit an increased maximum density from 100 to 170 units per hectare and an increase in maximum height from 6 storeys to 8 storeys for multiple dwellings (Blocks 4 & 5), to permit a decrease in minimum density from 60 to 50 units per net hectare, consisting of townhouses, maisonette dwellings and stacked townhouses (Blocks 8, 9 and 10), and four single detached dwellings, to accommodate additional lands and reconfiguration of the road network as part of a residential community on lands located at 1809, 1817 and 1821 Rymal Road East (Stoney Creek), as shown on Appendix "A" to Report PED19030, be **APPROVED**, on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED19030, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the intent of the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No.____.
- (c) That **Amended Zoning By-law Amendment Application ZAC-16-064 by Losani Homes Limited (Owner)**, for changes in zoning from Service Commercial "CS-1" Zone, Modified to Mixed Use - Medium Density (C5) Zone (Block 1); Single Residential (R1) Zone to Mixed Use - Medium Density (C5) Zone (Block 2); and Neighbourhood Development (ND) Zone to Mixed Use - Medium Density (C5) Zone (Block 3), to permit reconfiguration of commercial

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 3 of 42

uses on lands located at 1809, 1816 and 1821 Rymal Road East (Stoney Creek), as shown on Appendix "A" to Report PED19030, be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix "D" to Report PED19030, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the intent of the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (d) That **Draft Plan of Subdivision Application 25T-201609 by Losani Homes Limited (Owner)**, to establish a Draft Plan of Subdivision known as "Midtown", on lands located at 1809, 1817 and 1821 Rymal Road East, Stoney Creek, as shown on Appendix "F" to Report PED19030, be **APPROVED** subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision "Midtown", 25T-201609, prepared by MHBC and certified by D. McLaren, O.L.S., dated November 16, 2018, consisting of one block for multiple dwellings and street townhouses including karst spring SP-3 (Block 1), one block for commercial development (Block 2), and one block for the purpose of a right of way widening along Rymal Road East (Block 3), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix "G" to Report PED19030.
 - (ii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City's Financial Policies and will be determined at the time of Development; and,
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, for each said Block, and in the case of multiple residential blocks, prior to the issuance of the first building permit, all in

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 4 of 42**

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

EXECUTIVE SUMMARY

The applicant is proposing adjustments and additional lands to a three phased residential community with commercial development, known collectively as "Central Park" and requires an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision to complete the community. The Official Plan Amendment proposes to adjust and re-distribute minimum and maximum densities to a number of blocks to align with the surrounding subdivision, to designate a number of blocks for commercial and residential development to be consistent with the Trinity West Secondary Plan, and to remove a public road from the Trinity West Secondary Plan Land Use Plan Map. A housekeeping amendment is also proposed to align the density with the Zoning By-law for one block currently going through site plan approval (Block 11, Site Plan Application DA-16-170).

An amendment to the Zoning By-law is required to recognize existing and proposed commercial development blocks in By-law 05-200, to expand the residential land uses to include stacked townhouse dwellings and incorporate revised minimum and maximum densities, number of storeys and a maximum height to a number of residential blocks to be consistent with the surrounding subdivision as well as establish an outdoor amenity area and protection of karst spring SP-3. The Draft Plan of Subdivision is for three blocks consisting of one multiple residential block, one commercial block and one right of way widening to comprehensively develop additional lands acquired by the applicant. A number of site-specific zoning by-law amendments of a technical nature are also being proposed to recognize one site lot as an interior lot, rear and front yard setbacks, visitor parking ratio, and distance separation between parking spaces (see Appendix "I" to Report PED19030).

Specifically, the applicant intends to develop the subject lands as follows (see Appendix "A" to Report PED19030):

- a mix of commercial uses having a combined area of approximately 3000 sq m, fronting onto Rymal Road East (Blocks 1 to 3 and 12, inclusive);
- four multiple dwellings having a maximum residential density of 170 units per net hectare fronting on Highland Road West (Blocks 4 and 5);
- Four lots containing single detached dwellings on Columbus Gate (Blocks 6 and 7);

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 5 of 42**

- townhouses, street townhouses, maisonettes and stacked townhouses having a minimum residential density of 50 units per net hectare fronting on Soho Street (Blocks 8, 9 and 10); and,
- townhouses, street townhouses and maisonettes having a minimum residential density of 55 units per net hectare fronting on Soho Street. (Block 11).

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (PPS, 2014), conform to the Growth Plan for the Greater Golden Horseshoe (the Growth Plan, 2017), and comply with the general intent of the policies of the UHOP and Trinity West Secondary Plan.

Alternatives for Consideration – See Page 41

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider applications for an Official Plan Amendment, Zoning By-law Amendment and for approval of a Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Proposal:

The subject lands, 1809, 1817 and 1821 Rymal Road East, Stoney Creek, totalling approximately 8.04 ha, combined, are located on the north side of Rymal Road East, east of Upper Red Hill Valley Parkway (URHVP). These applications represent three phases of the development known collectively as “Central Park”. The applicant is proposing adjustments to the densities for a number of the blocks for all phases.

The applicant intends to develop the subject lands as follows (see Appendix “A” to Report PED19030):

- a mix of commercial uses having a combined area of approximately 3000 sq m, fronting onto Rymal Road East (Blocks 1 to 3 and 12, inclusive);
- four multiple dwellings having a maximum residential density of 170 units per net hectare fronting on Highland Road West (Blocks 4 and 5);

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 6 of 42

- Four lots containing single detached dwellings on Columbus Gate (Blocks 6 and 7);
- townhouses, street townhouses, maisonettes and stacked townhouses having a minimum residential density of 50 units per net hectare fronting on Soho Street (Blocks 8, 9 and 10); and,
- townhouses, street townhouses and maisonettes having a minimum residential density of 55 units per net hectare fronting on Soho Street (Block 11).

Urban Hamilton Official Plan Amendment

The applicant has applied for an Official Plan Amendment to amend the Trinity West Secondary Plan (Volume 2 of the UHOP) to create a Site Specific Policy Area to permit a maximum residential density of 170 units per hectare (Blocks 4 and 5); to create a Site Specific Policy Area to permit a minimum residential density of 50 units per hectare (Blocks 8, 9, and 10); and, to add lands to Site Specific Area "C" to permit a minimum residential density of 55 units per hectare (Block 11) (see Appendix "A" to Report PED19030).

In addition, staff have proposed amendments to the Urban Hamilton Official Plan (UHOP, Volume 1) to redesignate Blocks 8, 9 and 10 from Mixed Use – Medium Density to Neighbourhoods, and to redesignate Block 12 from Arterial Commercial to Mixed Use – Medium Density in the UHOP; and amendments to the Trinity West Secondary Plan (Volume 2) to redesignate Block 9 from Low Density Residential 2 to Medium Density Residential 2, to redesignate Block 10 from Mixed Use – Medium Density to Medium Density Residential 2, and to remove a public road from the Land Use Map in the Trinity West Secondary Plan (see Appendix "A" to Report PED19030). Block 12 requires this amendment in the UHOP for housekeeping purposes.

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

The applicant has applied for a Zoning By-law Amendment for the following (see Appendix "A" to Report PED19030):

- To permit a maximum density of 170 dwellings per net hectare and to permit a maximum height of 32 metres and eight storeys for Blocks 4 and 5:
 - Block 4 – modifications to the Multiple Residential "RM3-57" Zone, Modified; and,
 - Block 5 – change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-57" Zone, Modified.

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 7 of 42**

- To establish four lots for single detached dwellings and to make these lands consistent with surrounding existing zoning for Blocks 6 and 7:
 - Block 6 – change in zoning from Single Residential “R1” Zone to Single Residential “R3-41” Zone, Modified; and,
 - Block 7 – change in zoning from Single Residential “R1” Zone to Single Residential “R3-41a” Zone, Modified.

- To permit a maximum density of 50 units per net hectare, stacked townhouses, a maximum building height of 13.5 m, to reduce the size of the required yards, to reduce the minimum distance between buildings on the same lot, to remove the minimum privacy area requirement for maisonette units and stacked townhouses, and to provide a parking rate of two parking spaces and 0.25 visitor parking spaces per unit for Blocks 8, 9 and 10:
 - Block 8 – change in zoning from Neighbourhood Development “ND” Zone to Multiple Residential “RM3-67” Zone, Modified;
 - Block 9 – change in zoning from Multiple Residential “RM2-43” Zone, Modified to Multiple Residential “RM3-67” Zone, Modified; and,
 - Block 10 – change in zoning from Service Commercial “CS-1” Zone, Modified to Multiple Residential “RM3-67” Zone, Modified.

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

At the time that the original application was submitted, the City of Stoney Creek Zoning By-law No. 3692-92 was in effect for commercial lands. The applicant proposed changes to the Service Commercial “CS” Zone for a portion of the subject lands. However, on November 16, 2018, By-law No. 17-240 came into force and effect, being a City initiated amendment to Zoning By-law No. 05-200 to establish the Commercial and Mixed Use (CMU) Zones. As a result, staff have proposed that these lands be removed from the City of Stoney Creek Zoning By-law No. 6392-92, and be added to the City of Hamilton Zoning By-law No. 05-200 and zoned Mixed Use – Medium Density (C5) Zone to permit commercial uses and be consistent with the Trinity West Secondary Plan.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 8 of 42

Draft Plan of Subdivision

The applicant has applied for a Draft Plan of Subdivision which proposes to create:

- One block for medium density residential, including karst spring SP-3 to be conserved (Block 1);
- One block for commercial uses (Block 2); and,
- One block for a right of way widening along Rymal Road East (Block 3).

Chronology:

October 7, 2016: Official Plan Amendment Application UHOPA-16-025, Zoning By-law Amendment Application ZAC-16-064 and Draft Plan of Subdivision Application 25T-201609 received.

November 23, 2016: Applications deemed complete.

December 8, 2016: Notice of Complete Applications and Preliminary Circulation sent to 18 property owners within 120 m of the subject lands.

December 12, 2016: Public Notice Sign was posted on the subject lands.

March 20, 2019: Public Notice Sign updated with Public Meeting date.

March 28, 2019: Circulation of the Notice of Public Meeting mailed to 36 property owners within 120 m of the subject property.

Details Of Submitted Applications

Owners: Losani Homes (1998) Limited (c/o Lorraine Roberts and William Liske)

Agent: MHBC (c/o Dave Aston and Stephanie Mirtitsch)

Location: Municipally known as 1809, 1817 and 1821 Rymal Road East (Stoney Creek)

Property Description:

<u>Lot Area:</u>	8.04 ha approximately, combined.
<u>Frontage:</u>	200 m approximately, along Highland Road West;

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 9 of 42**

75 m along Columbus Gate;
105 m approximately, along Soho Street; and,
346 m approximately, along Rymal Road East.

Depth: 173 m approximately, fronting on Highland Road West;
41 m approximately, fronting on Columbus Gate;
127 m, fronting on Soho Street; and,
227 m approximately, fronting on Rymal Road East.

Services: Full Municipal Services

Existing Land Use And Zoning

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Lands:	Vacant, Single Detached Dwellings, Commercial real estate sales building	Multiple Residential "RM3-57" Zone, Modified; Neighbourhood Development "ND" Zone; Multiple Residential "RM3-56" Zone, Modified; Single Residential "R1" Zone; Mixed Use – Medium Density (C5, 589) Zone; and, Service Commercial (CS-1) Zone, Modified.

Surrounding Lands:

North of Blocks 4 and 5	Commercial buildings	District Commercial (C6, 349, H66, H67, H100, H101) Zone.
North of Blocks 1, 2, 3 and 6 to 12	Single Detached Dwellings, Townhouses, Maisonettes, Open Space Vacant	Prestige Business Park (M3, H28) Zone; Service Commercial "CS-1" Zone; Multiple Residential "RM3-56" Zone, Modified; Multiple Residential "RM2-43" Zone, Modified; Mixed Use Medium Density (C5, 589) Zone; Single Residential "R1-20" Zone, Modified.
South of Blocks	Commercial Buildings,	Major Institutional (I3) Zone; Community

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 10 of 42**

1 to 3 and 6 to 12, inclusive	Bishop Ryan Secondary School	Commercial (C3, 589) Zone; Arterial Commercial (C7) Zone; Single Residential "R3-41" Zone, Modified.
South of Blocks 4 and 5	Future eco-corridor, regulated by HCA	Open Space (P4) Zone.
East of Blocks 1 to 3, and 6 to 12, inclusive	Residential dwellings	Multiple Residential "RM2-43" Zone, Modified; Multiple Residential "RM3-56" Zone, Modified; Community Institutional (I2, 615) Zone; Mixed Use Medium Density (C5, 589) Zone.
East of Blocks 4 and 5	Stormwater Management Pond	Conservation / Hazard Lands (P5) Zone.
West of Blocks 1 to 3, and 6 to 12, inclusive	Vacant	Prestige Business Park (M3, H28) Zone; Service Commercial "CS-1" Zone, Modified; Arterial Commercial (C7) Zone; Mixed Use Medium Density (C5, 589) Zone; Single Residential "R3-41" Zone, Modified.
West of Blocks 4 and 5	Vacant	Neighbourhood Development "ND" Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Planning Policy framework is established through the *Planning Act* (Section 3) and the PPS 2014. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The following policies, amongst others, apply to the proposal.

- "1.1.1 Healthy, liveable and safe communities are sustained by:
- a. promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 11 of 42**

- b. accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e. promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a. densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - 4. support *active transportation*;
 - 5. transit-supportive, where transit is planned, exists or may be developed; and
 - 6. are *freight-supportive*; and,
- b. a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The subject lands are located within a settlement area, proposing a complete community through a range of housing types as well as employment and recreational opportunities. The proposed development makes efficient use of existing and planned infrastructure, including the planned public rapid transit route along Rymal Road East. It provides for a land use pattern, density and mix of uses that will support use of transit and active transportation.

Noise

"1.2.6.1 *Major facilities and sensitive land uses* should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of *major facilities*."

The applicants have submitted a Noise study titled "Functional Environmental Noise Assessment Report" prepared by S. Llewellyn and Associates Ltd., dated March, 2014, revised December, 2014 and revised November, 2016 for the proposed development. The study recommended noise barriers, warning clauses, air conditioning specifications, and building components to be implemented. These requirements have been included as Condition Nos. 17 and 18 of Appendix "G" to Report PED19030.

Natural Heritage

"2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas, surface water features* and *ground water features*."

During previous applications of the "Central Park" development a number of hedgerows were identified on and near the subject lands, but have since been removed. An Environmental Impact Statement (EIS) prepared by Renovo Watershed Sciences Inc., dated January 2014 was provided with these applications. The subject lands contain natural heritage and hydrologic features, including buried Eramosa Escarpment (Blocks 4 and 5), karst spring SP-3 and a subsurface conduit (Blocks 8 and 10), and karst related sinkholes (Block 11) (see Appendix "A" to Report PED19030).

Blocks 4 and 5

The applicant has been advised that karst features may be located in the location of the underground parking areas. This will be further addressed at the Site Plan Control stage through additional Karst Assessments.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 13 of 42

Blocks 8 and 10

This site also contains karst spring SP-3 that is proposed to be retained and protected through a minimum 5.0 m enhanced buffer, as proposed in the revised EIS, prepared by GeoProcess Research Associates Inc., dated November, 2016, submitted in support of these applications. A site specific geotechnical report will be required to refine and determine the required buffer for the karst spring, as well as a landscape plan identifying enhanced landscaping and conservation measures. Since development has been identified adjacent to the karst spring, an explanation of how it will be monitored and maintained, as well as an Educational / Stewardship Brochure that will be distributed to future owners will also be required. These matters will be addressed through Condition Nos. 11, 12 and 13 of Appendix "G" to Report PED19030.

Block 11

This portion of the subject lands contains karst sink holes. A Tree Protection Plan and a Karst Assessment were conducted through Draft Plan of Subdivision 25T-201805, and measures pertaining to these features are being addressed through Site Plan Control application DA-16-170.

Cultural Heritage and Archaeology

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

The subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

1. Within 250 m of known archaeological sites;
2. Local knowledge associates areas with historic events / activities / occupations;
3. In an area of elevated topography;
4. In the vicinity of distinctive or unusual landforms; and,
5. Along historic transportation routes.

These criteria define the property as having archaeological potential. As part of previous application ZAC-14-002, two Stage 1-2 archaeological reports (P1024-0091-2015 and P1024-0002-2015), for the subject property were submitted to the City and the Ministry of Tourism, Culture and Sport. Both reports indicated no archaeological finds. It should be noted that the lands assessed in Report P1024-0002-2015 were identified as being

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 14 of 42**

adjacent to three registered archaeological sites (AhGW-233, AhGW-234, AhGW-235). The Province has signed off on the two reports for compliance with licensing requirements for 1809, 1817 and 1821 Rymal Road East, Stoney Creek.

The applicant has indicated that all of the visible surface artefacts were taken from the site at the time of the original assessment. Given that this development is planned for the lands located nearby AhGw-235, a Stage 3 archaeological assessment was identified as a requirement for future applications. The Stage 1-2 archaeological reports note that the locations of these artefacts were marked on site so that a controlled surface collection could be conducted, at a later date. However, as the site has since been significantly disturbed, this controlled surface collection can no longer take place. As a result, Municipal interest related to archaeology has been deemed satisfied.

Therefore, subject to the proposed conditions of draft plan approval and Zoning By-law regulations, the proposed development is consistent with the policies of the PPS 2014.

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) are applicable to the proposal.

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and,
 - iii. can support the achievement of complete communities.
- c) within settlement areas, growth will be focused in:
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,
 - iv. areas with existing or planned public service facilities.”

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 15 of 42

The subject lands are located within a settlement area, outside of the built boundary (see Appendix "G" – Boundaries Map of the UHOP). These applications propose a complete community through a range of housing types as well as employment opportunities, located where full municipal services are available. As part of the Registered Plan of Subdivision 62M-1250 and Site Plan Control Application DA-16-170, planned municipal water and wastewater systems were reviewed to ensure that sufficient municipal services are in place to support these applications.

Based on the above and subject to the proposed conditions of draft plan approval and Zoning By-law regulations, the proposal conforms to the Growth Plan.

Urban Hamilton Official Plan (UHOP)

The subject property is identified as "Neighbourhoods" and "Secondary Corridor" on Schedule 'E' – Urban Structure of the UHOP. The lands are designated on Schedule 'E-1' – Urban Land Use Designations of the UHOP, as follows (see Appendix "A" to Report PED19030):

- "Neighbourhoods" – Blocks 4, 5, 6 and 7;
- "Mixed Use – Medium Density" – Blocks 1 to 3 and Blocks 8 to 11; and,
- "Arterial Commercial" – Block 12.

The following policies, amongst others, are applicable to the proposal.

Neighbourhoods

E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services.

E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including *affordable* housing and *housing with supports*.

E.3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 16 of 42**

- a) New *development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
- c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided."

Blocks 4, 5, 6 and 7 are designated "Neighbourhoods" and permit residential development. Blocks 8, 9 and 10 are designated "Mixed Use – Medium Density", but are proposed for residential development which is consistent with, and a logical extension of surrounding residential uses. Therefore, staff recommend that Blocks 8, 9 and 10 be redesignated to "Neighbourhoods".

In accordance with policy E.3.2.7 a) and c) pedestrian connections and amenity area provide opportunity for walkability and ensure a safe, animated and attractive public realm. These provisions will be addressed through Condition Nos. 9 and 10 of Appendix "G" to Report PED19030 which require the establishment of Architectural and Urban Design Guidelines, prepared by a designated Design Architect (Condition No. 9 of Appendix "G" to Report PED19030). All architectural drawings prepared for applicable building permits shall be reviewed and approved by a separate Control Architect (Condition No. 10 of Appendix "G" to Report PED19030). The Architectural and Urban Design Guidelines will be further implemented at the Site Plan Control stage.

Medium Density Residential

"E.3.5.8 For medium density residential uses, the maximum height shall be six storeys."

Blocks 4 and 5 are proposed for four multiple residential dwellings having a maximum density of 170 residential units per net hectare. To allow for a more efficient and compact footprint to achieve the increase in density, the applicant is proposing an increase in building height from the permitted six storeys to eight storeys. This more compact footprint will enable greater opportunity for pedestrian circulation, outdoor amenity areas and adequate parking to serve future residents. This amendment will be discussed in greater detail in the Analysis and Rationale for Recommendation section.

Residential Greenfield Design

- "E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods.
- E.3.7.5 New residential *development* in *greenfield areas* shall generally be designed and planned to:
- b) preserve existing trees and natural features; and,
- E.3.7.7 Prior to registration of a plan of subdivision, the City may require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City. The City may undertake *architectural control* to ensure compliance with the approved urban design or architectural guidelines."

With the exception of the real estate sales centre located at 1809 Rymal Road East, the majority of the subject lands are vacant, having previously been used for agricultural purposes, and most recently for stockpiling of soils resulting from prior phases of the "Central Park" development. These applications propose development that is cohesive, and contributes to the character of the "Central Park" development. These developments allow for connection to the broader community with the layout of streets, trails and pedestrian connections. For Blocks 1, 2, 3, 8, 9, 10 and 12, Policies E.3.7.3 and E.3.7.7 will be implemented through Condition Nos. 9 and 10 of Appendix "G" to Report PED19030 through the requirement for an Urban Design Brief.

Based on the concept that has been provided (see Appendix "H-d" to Report PED19030), these applications have the opportunity to preserve the existing naturally occurring karst spring SP-3 located in Block 10 in accordance with Policy E.3.7.5. The details of how these features will be preserved will be addressed through Condition Nos. 11, 12 and 13 of Appendix "G" to Report PED19030 and through Site Plan Control.

Arterial Commercial

- "E.4.2.6 A limited range and scale of retail and service commercial uses catering to the traveling consumer, are land extensive retail establishments, or cannot be appropriately accommodated in areas designated Mixed Use, shall be permitted in and directed to the Arterial Commercial designation."

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 18 of 42**

The subject lands include a portion of land, located nearest to the intersection of Rymal Road East and URHVP, that is designated Arterial Commercial in Volume 1 of the UHOP (Block 12), whereas this portion of land is designated as Mixed Use – Medium Density in the Trinity West Secondary Plan. As the scale and form of development proposed for Block 12 is not proposed to reflect the Arterial Commercial designation in Volume 1, staff are recommending an amendment to redesignate these lands, as a housekeeping amendment, from Arterial Commercial to Mixed Use – Medium Density to reflect the Trinity West Secondary Plan (see Appendix “B” to Report PED19030). This amendment will be further discussed in the Analysis and Rationale for Recommendation Section of this Report.

Cultural Heritage

“B.3.4.4.2 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the Planning Act, R.S.O., 1990 c. P.13:

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

As previously discussed in the PPS section, municipal interest is deemed to be satisfied.

Transportation Network

“C.4.2.10 *Development of major transit generators* shall provide safe and convenient pedestrian and cycling environments and access through building orientation, site layout, traffic management, and the provision of facilities such as sidewalks, crosswalks, bike lanes and trails, bicycle parking and loading, and connections to transit service.

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 19 of 42**

C.4.2.11 The City shall encourage new *development* to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement of goods where feasible.”

These applications contribute to the broader “Central Park” development as a major transit generator due to the increase in residents to the area. Hamilton Street Rail currently operates the Route #44 Rymal buses past this subject lands, as well as Routes #21 and #43 Stone Church busses north of the subject lands with no planned changes in service. Ridership (modal split) will be promoted through the introduction of additional express bus service referred to as the “S” Line on the Rymal Road East BLAST corridor.

In accordance with Policy C.4.2.10 staff will seek facilities that minimize the walking distances and to provide safe and convenient pedestrian and cycling routes to existing and planned public transportation facilities at the Site Plan Control stage for Blocks 4 and 5, and through Condition Nos. 9 and 10 of Appendix “G” to Report PED19030 for Blocks 1, 2, 3, 8, 9, 10 and 12.

“C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:

- c) Major arterial roads, subject to the following policies:
 - i) The primary function of a major arterial road shall be to carry relatively high volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
 - ii) Although land accesses are permitted, they shall generally be controlled /restricted.
 - iii) The basic maximum right-of-way widths for major arterial roads shall be 45.720 metres unless otherwise specifically described in Schedule C-2 – Future Right-of-Way Dedications.

- e) Collector roads, subject to the following policies:
 - i) The function of a collector road shall be equally shared between providing direct land accesses and the movement of moderate volumes of traffic within and through designated Employment or Neighbourhood Areas.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 20 of 42

C.4.5.8 The efficiency, safety and traffic carrying capacity of parkways, major arterial and minor arterial roads shall be protected by minimizing the number and spacing of intersecting streets and access points.”

The subject lands are served by roads that are classified, in accordance with UHOP Schedule C – Functional Road Classification the road network, as follows:

- Rymal Road East – Major Arterial
- Upper Red Hill Valley Parkway (URHVP) – Major Arterial
- Highland Road West – Collector
- Upper Mount Albion Road – Collector

In accordance with Policy C.4.5.2 and C.4.5.8, Rymal Road East and URHVP have been protected for high volume traffic use by limiting access to one local access on Rymal Road East. Block 3 of the Draft Plan of Subdivision provides for a road widening along the Rymal Road East frontage, including widths that protect the future BLAST rapid transit “S” Line planned for Rymal Road East, and maintain the existing multi-use trail along Rymal Road East (Condition No. 2 of Appendix “G” to Report PED19030). Upper Mount Albion Road will be closed from accessing Rymal Road East as a result of the broader “Central Park” development, as planned by the Trinity West Secondary Plan.

Stormwater Management

“C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage.”

Blocks 1, 2, 3, 8, 9 and 10

Infrastructure and stormwater management facilities were developed as part of prior phases of the “Central Park” development. The following issues will be addressed through Condition Nos. 3, 6, 7 and 8 of Appendix “G” to Report PED19030:

- Enhanced stormwater quality control will be provided;
- The impact of development on the existing watermain easement; and,
- The proposed stormwater management and impact to adjacent lands including a grading and drainage easement on adjacent City owned lands.

Trinity West Secondary Plan

The subject properties are designated on Map B.7.7-1 – Land Use Plan of the Trinity West Secondary Plan as follows (see Appendix “A” to Report PED19030):

- “Mixed Use – Medium Density” – Blocks 1, 2, 3, 8, 10 and 12;
- “Medium Density Residential 3” – Blocks 4 and 5;
- “Low Density Residential 1” – Blocks 6 and 7;
- “Low Density Residential 2”, containing a public road – Block 9; and,
- “Medium Density Residential 2” – Block 11.

The following policies, amongst others, are applicable to the proposal.

- “B.7.7.1 Development of the Trinity West Area shall be based on the following principles:
- i) Provision of safe, continuous, and accessible public access throughout the neighbourhood and between adjacent neighbourhoods;
 - ii) Provision of a mixture of land uses, including a full range and mix of housing types. All built forms shall be designed at a human scale;
 - v) Integration of new parks and open spaces with existing natural open spaces to provide new passive and active recreational opportunities, and to establish linkages creating an interconnected system of parks and open space;
 - vi) Creation of a balanced multi-modal transportation system which facilitates public transit, cycling, and walking modes, in addition to automobiles, and provides accessibility to all users;
 - vii) Development of community structure based on a modified grid pattern of streets to maximize connectivity and permeability while respecting the natural topography of the land;
 - viii) Conservation and enhancement of significant natural heritage features within and adjacent to Trinity West, including the Eramosa Karst and other Environmentally Significant Areas;

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 22 of 42**

B.7.7.2 b) Residential

- ii) Ensure compatibility of adjacent residential areas by providing for a gradual transition of densities, which are lower adjacent to existing homes and open space, and higher along major arterial roads.
- vi) Define functional classification and future ultimate right-of-way for existing and proposed roads in the area.”

To satisfy Policy B.7.7.1 i), vi) and vii), continuous pedestrian access through the subject lands will be addressed (or for Block 11, has been addressed) at the Site Plan Control Stage, and / or through Condition Nos. 9 and 10 of Appendix “G” to Report PED19030 for Blocks 1-3 and Blocks 8 and 10, being the proposed Plan of subdivision.

In accordance with Policies B.7.7.1 ii) and B.7.7.2 b) ii), these applications propose a mix of uses including a range of housing types that contribute to the full range and mix of the broader “Central Park” development.

Per Policy B.7.7.1 v), active and passive open spaces have been broadly provided in the “Central Park” development. Shared private amenity space in Blocks 8, 9 and 10 will be required by the site specific Zoning By-law and conservation requirements will be achieved through Condition Nos. 11, 12 and 13 of Appendix “G” to Report PED19030, and at the Site Plan Control stage.

With respect to Policy B.7.7.2 b) vi) these applications propose to access the block via the planned road network. Block 11 includes a private road network that has been approved through Site Plan Control Application DA-16-170. Blocks 8, 9 and 10 include a proposed private road network which replaces the public road located within Block 9. The private road is necessary to accommodate the karts spring within the development. Details of the private road network will be determined at the Site Plan Control stage.

Residential Designations

The lands within Blocks 6 and 7 are designated Low Density Residential 1.

“B.7.7.3.4 Low Density Residential 1 Designation

In addition to Section E.3.4 - Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 1 on Map B.7.7-1 - Trinity West - Land Use Plan, the following policies shall apply:

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 23 of 42**

- a) Notwithstanding Policy E.3.4.3, permitted uses shall include only single detached dwellings.
- b) The maximum net residential density of development shall not exceed 20 units per hectare (uph).
- c) Notwithstanding Policy E.3.4.5, the maximum building height shall be two storeys.”

At the November 29, 2018 Committee of Adjustment meeting, Consent Application No. SC/B-18:123 was approved for Blocks 6 and 7 to facilitate the creation of four lots for single detached dwellings having a net residential density of 18.5 units per hectare. The consent is subject to a number of conditions, including approval of a zoning by-law amendment as Blocks 6 and 7 currently do not conform to the Zoning By-law. Therefore, to facilitate the four lots, modifications to the By-law are required in order to satisfy Condition No. 2 of the Consent Application. The maximum height as per Policy B.7.7.3.4 c) is established at 11 metres through the Zoning By-law.

The lands within Block 9 are designated Low Density Residential 2.

“7.7.3.5 Low Density Residential 2 Designation

In addition to Section E.3.4 - Low Density Residential Policies of Volume 1, for lands designated Low Density Residential 2 on Map B.7.7-1 - Trinity West - Land Use Plan, the following policy shall apply:

- a) The net residential density of development shall be greater than 20 units per hectare, and shall not exceed 40 units per hectare (uph).”

These lands are proposed to be developed with a range of housing forms including townhouses, as a continuation of approved proposals for surrounding lands. Prior to previous UHOPA, Zoning By-law Amendment and Plan of Subdivision applications (see Report PED16072) these lands were designated Medium Density Residential 2. However, following approval of that UHOPA, approved Plan of Subdivision No. 25T-201401 incorporated a minor amendment that removed the public road from the Block 9 lands, thereby impacting how density is assessed for this area. The proposed townhouse development would have a minimum density of 50 units per hectare rather than the maximum 40 units per hectare permitted under the current designation. Therefore, staff recommend that these lands be redesignated to Medium Density Residential 2 with a Site Specific Policy to permit a minimum density of 50 units per

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 24 of 42**

hectare. The amendment will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

The lands within Blocks 8 and 11 are designated Medium Density Residential 2.

"B.7.7.3.6 Medium Density Residential 2 Designation

In addition to Section E.3.5 - Medium Density Residential Policies of Volume 1, for lands designated Medium Density Residential 2 on Map B.7.7-1 - Trinity West - Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policies E.3.5.2 and E.3.5.3, uses permitted include multiple dwellings as well as street town houses.
- b) The net residential density of development shall be greater than 60 units per hectare, and shall not exceed 75 units per hectare (uph)."

These lands are conditionally approved for residential development through Site Plan Control Application DA-16-170, and proposed to include a mix of townhouses and maisonettes. The applicant has proposed that these lands be added to Site Specific Policy Area "C", having a minimum residential density of 55 units per net hectare to provide flexibility and consistency with adjacent lands. The amendment will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

Block 10

These lands are currently designated Mixed Use – Medium Density and are proposed to be redesignated to Medium Density Residential 2, with a new Site Specific Policy Area to permit a minimum residential density of 50 units per net hectare. Commercial uses are not proposed on these lands, and therefore staff recommend that they be redesignated to reflect the proposed use. The amendment will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

The lands within blocks 4 and 5 are designated Medium Density Residential 3.

"B.7.7.3.7 Medium Density Residential 3 Designation

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 25 of 42**

In addition to Section E.3.5 - Medium Density Residential Policies of Volume 1, for lands designated Medium Density Residential 3 on Map B.7.7-1 - Trinity West - Land Use Plan, the following policies shall apply:

- a) The net residential density of development shall be greater than 75 units per hectare, and shall not exceed 100 units per hectare (uph).
- b) Notwithstanding Policy E.3.5.9 a), the Upper Red Hill Valley Parkway shall function as a controlled access arterial. Direct access to the Medium Density Residential 3 land uses shall not be permitted from the Upper Red Hill Valley Parkway. Access to the Medium Density designated lands shall be provided by the adjacent collector and internal roads."

The applicant has proposed to establish a Site Specific Policy Area to permit increasing the maximum residential density from 100 units per hectare to 170 units per net hectare, to be accessed via the adjacent collector, Highland Road West, in accordance with Policy B.7.7.3.7 b). The increase in density will enable the applicants to provide smaller units, thereby offering a greater range of housing options in the "Central Park" community. The proposed amendment is discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

The lands contained in Blocks 1, 2, 3, 10 and 12 are designated Mixed-Use – Medium Density.

"B.7.7.4.1 Mixed-Use - Medium Density

In addition to Section E.4.6 - Mixed-Use - Medium Density of Volume 1, the following policies shall apply to the lands designated Mixed-Use - Medium Density on Map B.7.7-1 - Trinity West - Land Use Plan:

- c) Notwithstanding Policy E.4.6.11, the amount of retail and service commercial space within each area designated Mixed-Use - Medium Density in Trinity West, may be less than 25,000 square meters of floor area.
- d) Direct access to individual properties or units from Rymal Road shall be discouraged; shared or combined common access points and rear lane arrangements shall be provided, where possible, through land consolidation and/or rights-of-way."

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 26 of 42**

Blocks 1, 2, 3 and 12

These blocks are proposed to be developed as single use commercial buildings, approximately 15,600 sq m in gross floor area, combined, in accordance with Policy B.7.7.4.1 c). Per Policy B.7.7.4.1 d), these blocks are proposed to have one shared access and front onto Rymal Rd East.

These proposed amendments are discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

Urban Design

“B.7.7.7.2 Streetscape and Built Form

- f) The layout of streets, configuration of lots, and the sighting of buildings shall ensure that:
 - i) There is no reverse lotting adjacent to streets unless otherwise approved by the City;
 - ii) There is generally unobstructed road frontage adjacent to public open spaces;
 - iii) Streets and open spaces have an appropriate degree of continuity and enclosure, and opportunities are provided for the creation of views both within the community and to adjacent to natural heritage areas;
 - iv) Service and parking facilities are integrated into the design of buildings to minimize disruption to the safety and attractiveness of the adjacent public realm.
 - v) Pedestrian ease of access and enjoyment of public street and other outdoor spaces is encouraged; and,
 - vi) The safety and security for all persons in public places including streets, parks, and amenity areas are promoted through the design and sighting of buildings, entrances, walkways, amenity and parking areas to provide visibility and opportunities for informal surveillance.

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 27 of 42**

B.7.7.7.3 Commercial and Mixed Use Areas

- a) Buildings shall be located close to the street at grade, with main entrances on a street, with barrier free access at street level.
- b) Principal entrances shall face the public street or an exterior space directly adjacent and visible from the public street.
- e) Where possible, combined accesses shall be provided.
- g) In order to maintain unimpeded views of the building façade and to enhance a pedestrian oriented environment, parking on corner sites shall be encouraged to locate in the rear yard, away from the street.”

Blocks 1, 2, 3 and 12

As per Policy B.7.7.7.2 f) iv) and vi), connectivity will include integrated pedestrian facilities through the shared parking proposed on these lands and also carry north through the proposed residential development of Blocks 8, 9, 10 and 11 with safe, permanent, interconnected pedestrian facilities. Losani Homes have previously constructed a temporary sales office for the “Central Park” subdivision as a permanent building to be converted to an alternative commercial use upon the closure of the sales function. This building has a primary entrance and significant glazing facing Rymal Road East. In accordance with Policy B.7.7.7.3 architectural details for future buildings on the site, including entrances and glazing facing Rymal Road East, will be addressed at the Site Plan Control stage.

Blocks 4 and 5

The concept plan, attached as Appendix “H-a” to Report PED19030, shows surface parking located between the buildings and the public street. As per Policy B.7.7.7.2 f), iv), v) and vi), staff discourage this arrangement of spaces and will seek opportunities to minimize the provision of surface parking at this location; or, alternatively request multiple smaller parking areas distributed on site that include landscaped islands and maintain a close relationship between buildings and adjacent open spaces. Parking within this proposed development is to consider pedestrian convenience and safety as well as visual impact. This issue will be addressed in detail at the Site Plan Control stage.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 28 of 42

Blocks 8, 9 and 10

The concept plan depicts an open space area within Block 10 containing a naturally occurring karst spring SP-3 (see Appendix "H-d" to Report PED19030). The size of the required buffer for spring SP-3 must be determined prior to registration of this block and will be addressed through Condition Nos. 11, 12 and 13 of Appendix "G" to Report PED19030. In accordance with Policy B.7.7.7.2 f) ii), the proposed open space area is depicted as having road frontage with 1.5 metre concrete sidewalks on two sides, and a row of visitor parking along the east side. These connections are to the commercial blocks to the south, and also include the broader "Central Park" community, and will be addressed through proposed Draft Plan Condition Nos. 9 and 10 in Appendix "G" to Report PED19030 and implemented at the Site Plan Control stage.

Block 11

With respect to Policy B.7.7.7.2 i), these lands propose reverse lotting where lots abut the URHVP. This lotting configuration will also require a noise wall to mitigate noise associated with the URHVP, as identified in the Functional Environmental Noise Assessment Report submitted by the applicant and reviewed by staff. The necessary noise wall will create acoustic and visual buffering from the public road, thereby eliminating the visual benefit of residential dwellings that front onto the URHVP. Similar lotting patterns can be found along the URHVP, such as adjacent to the Mud Street ramp. Thus, the proposed reverse lotting can be supported. The remaining provisions of Policy B.7.7.7.2 will be addressed in detail as part of the Site Plan Control process.

Natural Heritage System

"B.7.7.9.1 In addition to Section C.2.0 - Natural Heritage System of Volume 1, the following policies shall apply:

Subsurface Conduit Area Overlay

- b) The area identified as Subsurface Conduit Overlay on Map B.7.7 - 2 - Trinity West - Natural Heritage System, contains subsurface flow conduits originating from the Eramosa Karst ANSI to a spring within the Trinity West Neighbourhood. The subsurface water flow function shall be maintained to sustain the drainage function of the conduit.
- c) Prior to approval of development applications within the area subject to the Subsurface Conduit Overlay, the specific location and depth of

this conduit and an appropriate buffer width shall be determined through further detailed study. Once defined, development including building structures and deep buried services shall only be permitted on land over the conduit and within the recommended buffer if accompanied by a detailed study, prepared by a professional geoscientist with demonstrated expertise in karst environments, which demonstrates that the function of the conduit can be maintained.

- d) In accordance with Policy 7.7.9.1 c), the study should include comprehensive tracer testing during several peak flow periods to be able to map out the main hydraulic conduit and its sub-conduits in sufficient detail such that the full extent of the hydraulic system and factors that contribute to its long-term functioning are well understood. Road crossings and shallow utilities may be permitted subject to the recommendations of the detailed study. Specific permitted uses may include amenity space, parks, recreation and open space uses, and those which are compatible with the planned residential neighbourhood and which shall maintain the conduit function. These uses shall be set out in the implementing Zoning By-law.

Buried Eramosa Escarpment

- e) The area identified as "Buried Eramosa Escarpment" on Map B.7.7-2 - Trinity West - Natural Heritage System, is an area of shallow soil depth over karstic bedrock. Development of buildings and structures which require extensive intrusions into bedrock, such as multiple dwellings, shall be supported by a site-specific geotechnical study. The geotechnical study shall be prepared in support of Site Plan applications, and any specific design measures resulting from the study shall be implemented.

Springs

- f) The location of Springs is identified on Map B.7.7-2 - Trinity West - Natural Heritage System. The function and geomorphology of these springs shall be maintained. Prior to approval of development applications, a geotechnical study shall be required to determine appropriate buffer widths and permitted uses."

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 30 of 42

As discussed in the PPS section, an Environmental Impact Statement was provided relating to these applications, confirming that they contain natural hydrologic features, including buried Eramosa Escarpment, karst spring SP-3 and a subsurface conduit that is associated with the Escarpment. These features will be addressed in further detail as part of the detailed review and design of the Plan of Subdivision through Draft Plan Condition Nos. 4, 5, 11, 12 and 13 of Appendix "G" to Report PED19030, to both City and the Conservation Authority's satisfaction and incorporated into the Site Plan Control process through detailed design of the blocks.

Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200

The subject lands are currently Zoned as follows:

- Blocks 1 and 10 – Service Commercial "CS-1" Zone, Modified;
- Blocks 2, 6 and 7 – Single Residential "R1" Zone;
- Blocks 3, 5 and 8 – Neighbourhood Development "ND" Zone;
- Block 4 – Multiple Residential "RM3-57" Zone, Modified;
- Block 9 – Multiple Residential "RM2-43" Zone, Modified;
- Block 11 – Multiple Residential "RM3-56" Zone, Modified; and,
- Block 12 – Mixed Use - Medium Density (C5, 589) Zone.

These applications propose the following changes in zoning (see Appendix "C" and "E" to Report PED19030):

- Blocks 1, 2 and 3 – to be added to City of Hamilton Zoning By-law No. 05-200 and zoned Mixed Use – Medium Density (C5) Zone;
- Blocks 4 and 5 – to be zoned Multiple Residential "RM3-57" Zone, with modifications;
- Block 6 – to be zoned Multiple Residential "R3-41" Zone;
- Block 7 – to be zoned Multiple Residential "R3-41a" Zone;
- Blocks 8, 9 and 10 – to be zoned Multiple Residential "RM3-67" Zone; and,
- Blocks 11 and 12 – no change in zoning is proposed.

These modifications are identified and discussed in detail in Appendix "E" to Report PED19030.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 31 of 42

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Hydro One.

The following Departments and Agencies submitted the following comments:

Transportation Planning, Planning and Economic Development note that a right of way widening is required, to include widths that protect the future BLAST rapid transit "S" Line planned for Rymal Road East, and maintain the existing multi-use trail along Rymal Road East in addition to sidewalks, which are required along both sides of the right of way (see Condition No. 2 of Appendix "G" to Report PED19030). A Detailed Transportation Demand Management Report is to be submitted at the Site Plan Control stage.

Corporate Services Department requires that sanitary sewer and connection fees, totalling \$27,616.76, based on 2018 rates, be paid by the owner / applicant, in accordance with By-law 07-299, and notes that these rates are subject to annual adjustment.

Forestry and Horticulture Section, Public Works has reviewed the proposal and noted that municipal trees will be impacted by the development. The applicant will be required to finalize the necessary tree removal permit along with associated tree replacement fees and any new tree street plantings.

Canada Post Corporation has reviewed the proposal and noted that the development will be serviced by a centralized mail box system. The applicant will be required to work with Canada Post Corporation in order to determine appropriate locations and designs for each mail box, per Condition Nos. 14 and 15 of Appendix "G" to Report PED19030.

Recycling and Waste Disposal, Environmental Services Division has advised that the residential portions of the proposed development are eligible for municipal waste collection and require sufficient area on each property to store waste containers without impeding sidewalks or movement of waste collection vehicles. Environmental Services advises that site design for multiple residential uses must accommodate a minimum of one 360 Litre recycling cart for every 10 units, and a minimum of one 120 litre green cart for every 15 units. The anticipated movement of waste collection vehicles shall be illustrated on the site plans and road layout must allow for continuous forward

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 32 of 42

movement for an 18 m straight head-on approach on multi-residential properties. These issues will be resolved at the Site Plan Control stage. Environmental Services Division advises that the proposed commercial portion is ineligible for municipal waste collection.

Public Health Services, Health Environment Division (PHS) requires a pest control plan be developed and implemented prior to construction, through to completions. PHS advise that any new cooling towers that are proposed with these proposed developments must be registered with PHS, and any new pool or spa must meet the requirements of RPO 1990, Reg. 565 and / or O.Reg 428/05 and the Medical Officer of Health must grant permission for use. Depending on future tenure, either individual homeowners or the future condominium Corporation would be responsible to meet the regulations associated with any new pool or spa.

Union Gas Limited has advised that there may be service lines running within the subject lands, which may or may not be affected by the proposed development, and that the applicant should contact Ontario One to conduct locates of natural gas pipelines prior to any activity on the subject lands.

Hamilton Conservation Authority (HCA) advises that the majority of the subject lands drain north as part of the Upper Davis Creek Subwatershed to the Red Hill Creek system, and, as such enhanced stormwater quality control should be provided. It is understood by HCA that stormwater drainage is being addressed through infrastructure and stormwater management facilities being developed as part of prior applications of "Central Park", but notes that there are outstanding issues from those phases pertaining to runoff coefficients and stormwater modeling.

HCA advises that the subject property contains karst conditions and features, including a spring located in Block 10, and Sinkholes located within Block 11. The EIS makes recommendations for the protection of the spring, including a five metre buffer, in association with HCA permit applications to close-out two other sinkholes located in other lands of the "Central Park" development. HCA has requested revised Draft Plan of Subdivision drawings and servicing drawings which indicate the location of the spring and associated buffer along with details of the site-specific karst management, protection, implementation and monitoring plan to ensure the existing function of the spring is maintained. This is addressed through Condition No. 16 of Appendix "G" to Report PED19030.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 18 property owners within 120 metres of the subject property on December 8, 2016. A Public Notice sign was posted on the subject property on December 12, 2016 and updated on March 20, 2019 with the Public Meeting date. Finally, Notice of the Public Meeting was circulated to 36 property owners on March 28, 2019. As of the writing of this Report, no communication from the public has been received pertaining to these applications.

Public Consultation Strategy

In accordance with the applicant's submitted Public Consultation Strategy, the applicants have liaised with the former Ward Councillor to determine if a Community Information Meeting would be required. To date, a community meeting has not been held.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposed Urban Hamilton Official Plan, Zoning By-law Amendment and Draft Plan of Subdivision Applications have merit and can be supported for the following reasons:
 - i) They are consistent with the PPS and conform to the Growth Plan; and,
 - ii) They comply with the general intent of the UHOP and Secondary Plan in that the proposed development maintains sufficient gross floor area for Mixed Use – Medium Density lands, locates residential densities in accordance with the Trinity West Secondary Plan, and provides for a mixture of dwelling units.
2. The subject lands are located on the north east corner of Rymal Road East and URHVP, and portions extend north to Highland Road West, and east to Upper Mount Albion Road. These applications are proposing the following (see Appendix "A" to Report PED19030):
 - Blocks 1, 2 and 3 are proposed for approximately 1600 sq m of stand-alone commercial uses. A Zoning By-law Amendment is required to allow for

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 34 of 42

those uses permitted in the C5 Zone (see concept plan in Appendix "H-d" to Report PED19030);

- Block 12 is proposed for approximately 1400 sq m of stand-alone commercial. An Official Plan is required to designate Block 12 for mixed use development, and to allow for those uses permitted in the C5 Zone (see concept plan in Appendix "H-d" to Report PED19030). The original application did not propose changes to the UHOPA land use designation for any part of the subject lands. Staff have recommended to change the designation of Block 12 from Arterial Commercial to Mixed Use – Medium Density, consistent with Blocks 1, 2 and 3, in order to make them consistent with the Trinity West Secondary Plan designations and recognise the more local scale of commercial development being proposed;
- Blocks 4 and 5 are proposed for four multiple dwellings, having a density between 75 and 170 units per net hectare and a maximum height of 32.0 m or eight storeys, including surface and underground parking, which are located adjacent to a Community Node. These lands require UHOP and Zoning By-law Amendments to permit the proposed density (see concept plan in Appendix "H-a" to Report PED19030);
- Blocks 6 and 7 are comprised of four newly created single detached dwelling lots, established through an approved Consent Application. These lands require a Zoning By-law Amendment to establish zoning consistent with adjacent lands within the "Central Plan" development, and to establish site specific provisions recognizing the eastern most lot as an interior lot (see concept plan in Appendix "H-c" to Report PED19030);
- Blocks 8, 9 and 10 lands are proposed for residential uses, consisting of townhouses, maisonettes and stacked townhouses, having a density between 50 and 75 units per net hectare. UHOP and Zoning By-law Amendments are required to designate these lands for stand-alone residential use, to permit the density, to ensure appropriate shared private open space, and for other site specific provisions (see concept plan in Appendix "H-d" to Report PED19030); and,
- Block 11 is proposed for a mix of townhouses, street townhouses and maisonettes that have been conditionally approved through Site Plan Application DA-16-170. A UHOP Amendment is required to permit a

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 35 of 42

minimum density of 55 residential units per net hectare (see concept plan in Appendix "H-b" to Report PED19030).

Official Plan Amendments

Blocks 8, 9 and 10 are proposed to be redesignated from "Mixed Use-Medium Density" to "Neighbourhoods" in Volume 1 of the UHOP to permit exclusively residential uses. These amendments can be supported as the proposal complies with UHOP Policies E.3.4.1, E.3.4.2, E.3.4.3 and E.3.4.4 in that they centrally locate low density, grade oriented housing forms, including townhouses, maisonettes and stacked townhouses with a minimum density of 50 units per net hectare within the Trinity West Secondary Plan area. With respect to Policy E.4.6.11 staff are satisfied that the potential impact to retail and commercial space resulting from changing Blocks 8, 9 and 10 from Mixed Use – Medium Density to Neighbourhoods will be limited, as local commercial uses are permitted within the Neighbourhoods designation.

Block 12 is proposed to be redesignated from "Arterial Commercial" to "Mixed Use – Medium Density" in Volume 1 of the UHOP. The change is required to permit a range of pedestrian oriented commercial uses. Concept plans that have been submitted by the applicant indicate that these applications can comply with Policies E.4.6.1, E.4.6.3, E.4.6.9, E.4.6.21 pertaining to mid and low rise buildings for day-to-day commercial facilities, oriented to the street and capable of evolving over time (see Appendix "H-d" to Report PED19030). The commercial buildings are proposed to share parking in the rear of the block, and to share an access onto Rymal Road East, in accordance with Policies B.3.3.9.1 and B.3.3.10.2, B.3.3.10.4, B.3.3.10.5. Staff are supportive of designating the entire block as Mixed Use – Medium Density in order to ensure consistency of the UHOP with the Trinity West Secondary Plan, and can therefore be considered a Housekeeping Amendment.

Blocks 4 and 5 require a Policy amendment to the Trinity West Secondary Plan to establish a Site Specific Area to permit a maximum residential density of 170 units per net hectare, instead of 100 units per net hectare, and a maximum height of 32.0 m or eight storeys within the Medium Density Residential 3 Designation whereas six storeys are currently permitted. With respect to Residential Greenfield Design Policies E.3.7.2, E.3.7.3, E.3.7.5 and E.3.7.7, this amendment will contribute to the range and mix of housing within the Trinity West Secondary Plan. It will support the existing and planned public transportation system and will be developed so as to relate to planned amenity spaces. These applications

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 36 of 42**

comply with UHOP Policies E.3.6.4, E.3.6.5 and E.3.6.6 with respect to higher density residential areas locating along an arterial road and abutting a community node, and having planned community facilities and services. Staff support the increase in density and height as these lands will contribute to a greater range of housing options within the Trinity West area.

Blocks 9 and 10 in the Trinity West Secondary Plan are further proposed to be redesignated to "Medium Density Residential 2" from "Low Density Residential 2" and "Mixed Use – Medium Density", respectively. Blocks 8, 9 and 10 are proposed to have a Site Specific Policy Area added to the Trinity West Secondary Plan in order to permit a minimum residential density of 50 units per net hectare, instead of 60 units per hectare. Policy B.7.7.3.6 permits the housing types that are proposed by these applications, namely street townhouses and multiple dwellings. This lower density is required to ensure that sufficient open space and buffers can be provided for the conservation of a natural spring located within the site. Staff have proposed that a public road segment be removed from Block 9. This segment was previously established through approved Plan of Subdivision 25T-201401, but was subsequently removed as a minor revision to the approved plan. In these applications Blocks 8, 9 and 10 will be accessed via a private road. The amendment to remove the public road segment from the Trinity West Secondary Plan maintains consistency of the Secondary Plan with the previously approved Plan of Subdivision, as revised.

Block 11 is proposed to be added to the Site Specific Policy Area "C" of the Trinity West Secondary Plan to make these lands consistent with the adjacent lands, located to the north and east, and to permit a minimum density of 55 residential units per net hectare instead of 60 units per net hectare. These applications comply with UHOP Policy E.3.4 pertaining to low density residential development. Staff are satisfied with a modification to reduce the minimum density for these lands to provide consistency and continuity with the immediately adjacent lands, as they are a logical and sequential extension of housing typology.

3. **Zoning By-law Amendments**

The subject lands are subject to the City of Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200. These applications propose to add portions of the subject lands to the City of Hamilton Zoning By-law No. 05-200, and to rezone other portions of the subject lands to adjust the

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 37 of 42**

density, permitted uses, and other site specific provisions as outlined in detail in Appendix "E" to Report PED19030.

Blocks 1, 2 and 3 are proposed to be added to City of Hamilton Zoning By-law No. 05-200. The change in zoning is to permit those uses within the Mixed Use – Medium Density (C5) Zone, such as various commercial uses as well as future potential residential uses. These blocks are proposed to be developed as single use commercial buildings which are intended to serve the day to day needs of local residents, and propose a more pedestrian focused urban design. The proposed layout of the buildings will allow the site to evolve over time for future mixed uses such as residential and other commercial uses. Therefore, staff support the change in zoning.

Blocks 4 is proposed to have further modification to the Multiple Residential "RM3-57" Zone, Modified, and Block 5 is proposed to be changed from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-57" Zone, Modified, to permit four multiple dwellings having a maximum density of 170 units per hectare and maximum building height of 32.0 m or eight stories, whichever is less. The proposed increased density and height of the subject lands offsets the decrease in density of lands to the south, and are supported by planned and existing public transit and commercial and service uses. Therefore, staff support the modification.

Block 6 is proposed to be changed from Single Residential "R1" Zone to Single Residential "R3-41" Zone, Modified. Block 7 is to be changed from Single Residential "R1" Zone to Single Residential "R3-41a" Zone, Modified. The change in zoning is to permit a built form and site design that is consistent with the existing surrounding uses, and to recognize Block 7 as an interior lot. If the subject property was deemed to be a corner lot, zoning regulations would be prohibitively restrictive to the development of the lot due to adjacent lands to the east being developed as a cul du sac bulb. Therefore, the lot configuration will include four lots, all of which are considered to be interior lots, which front onto Columbus Gate. Therefore, staff support the modification.

Blocks 8, 9 and 10 are proposed to be changed from Neighbourhood Development "ND" Zone, Multiple Residential "RM2-43" Zone, Modified and Service Commercial "CS-1" Zone, Modified, to Multiple Residential "RM3-67" Zone, Modified in order to permit a minimum residential density of 50 units per net hectare, consisting of townhouses, maisonette dwellings and stacked townhouses, among other site specific amendments. These applications will be

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 38 of 42

subject to urban design considerations that will otherwise only affect the public realm, such as front yards and pedestrian connectivity, while also allowing for greater flexibility in the layout of residential units within the block to ensure that these blocks are able to achieve the proposed minimum density target while providing for sufficient open space and required infrastructure. Therefore, staff support the modification.

Draft By-laws are appended in Appendix "C" and "D" to Report PED19030.

4. The proposed Draft Plan of Subdivision will consist of three blocks (see Appendix "F" to Report PED19030), enabling a mix of townhouses, maisonette units and stacked townhouses (Block 1), commercial buildings (Block 2), and a right of way widening along Rymal Road East (Block 3). Block 1 lands will be subject to a future Draft Plan of Condominium.

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

- (a) It is consistent with the Provincial Policy Statement, the Growth Plan, and with the general intent of the Urban Hamilton Official Plan including the Trinity West Secondary Plan;
- (b) Through the phasing of development within the Trinity West Secondary Plan, the proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It complies with the applicable policies of the Urban Hamilton Official Plan and the Trinity West Secondary Plan as well as the proposed Urban Hamilton Official Plan and the Trinity West Secondary Plan Amendments;
- (d) The proposed Draft Plan of Subdivision can be appropriately subdivided and will not negatively impact the natural heritage features of the site;
- (e) The proposed subdivision will be compatible with the "Central Park" road network and block pattern;
- (f) It is in the public interest in that it implements the Trinity West Secondary Plan with respect to connectivity, shared amenity space and urban design;
- (g) The dimensions and shape of the lots are appropriate;

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 39 of 42**

- (h) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft approval and Subdivision Agreement;
- (i) Adequate municipal services are available, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
- (j) The applications will not have any negative impact on the city's finances.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

- 5. The following comments are provided by the Growth Management Division, and will be addressed as Draft Plan of Subdivision conditions, and at Site Plan Control stage:

General

- The Owner shall acquire the remaining portion of Part 20, Plan 62R-18064 (see Part 3 of Appendix "I" to Report PED19030). Acquisition of this parcel is an outstanding condition of Subdivision 25T-201401 that is being carried over to this proposal to allow portions of previously approved Plan of Subdivision 25T-201401 to proceed to registration, thereby allowing Site Plan Control application DA-16-170 to proceed, while maintaining our ability to ensure that this requirement is resolved (Condition No. 1 of Appendix "G" to Report PED19030).
- The Owner shall submit the necessary transfer deed to the City's Legal Department to convey the Rymal Road East road widening to the City (Condition No. 2 of Appendix "G" to Report PED19030).
- A 9.0 m watermain easement exists, which bisects the westerly limit of Blocks 1, which must be clearly shown on future site plan drawings. All proposed buildings, including stairs, balconies, decks and any other projections, must be shown a minimum of 1.0 metre outside of the limit of this easement (Condition No. 8 of Appendix "G" to Report PED19030).

Grading

- The Owner agrees, in writing, to obtain a grading and drainage easement over the adjacent lands, and to provide a cash payment to the City as a financial compensation for the required works to bring additional fill on the subject lands (Condition No. 8 of Appendix "G" to Report PED19030).

Stormwater, Water and Wastewater Servicing

- The Owner agrees to pay all outstanding servicing costs associated with the installation of the municipal and private services on Rymal Road East, adjacent to the subject lands (Condition No. 3 of Appendix "G" to Report PED19030).
- Services that were constructed under Phase 1 of the proposed development have not yet been assumed by the City. No servicing of remaining phases shall commence until these municipal services have been assumed by the City.
- The following updates are required of the Functional Servicing Brief, due to lack of information provided, outdated details, and due in part to revisions to the Draft Plan of Subdivision 25T-201805:
 - Geotechnical Report;
 - Storm drainage outlet details;
 - Grading and associated impacts to the existing spring feature;
 - An easement required for the storm sewer; and,
 - Establishment of a Joint Servicing Agreement.

Karst Features

- The Owner agrees to provide proof that all permits related to maintaining of karst spring SP-3, from the Hamilton Conservation Authority and / or the Ministry of Natural Resources are in place (Condition No. 4 of Appendix "G" to Report PED19030).
- The Owner agrees to develop a plan, and post adequate security deposit, to protect and maintain karst conduits as identified in specified reports provided by the applicant (Condition No. 5 of Appendix "G" to Report PED19030).

**SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 41 of 42**

- The Owner agrees to address comments which the City has provided to the applicant, pertaining to the karst spring SP-3 and Hydrogeological Report (Condition Nos. 4, 11 of Appendix "G" to Report PED19030).

ALTERNATIVES FOR CONSIDERATION

Should these applications be denied, the subject lands could be developed in accordance with the range of uses and provisions of the current zoning, as follows (see Appendix "A" of Report PED19030):

- Block 1 and 10 – Service Commercial "CS-1" Zone, Modified;
- Block 2, Block 6 and Block 7 – Single Residential "R1" Zone;
- Block 3, Block 5 and Block 8 – Neighbourhood Development "ND" Zone;
- Block 4 – Multiple Residential "RM3-57" Zone, Modified; and,
- Block 9 – Multiple Residential "RM2-43" Zone, Modified.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Official Plan Amendment

Appendix "C" – Draft Zoning By-law No. 3692-92 Amendment

Appendix "D" – Draft Zoning By-law No. 05-200 Amendment

SUBJECT: Applications to Amend the Urban Hamilton Official Plan, Zoning By-law Nos. 3692-92 and 05-200, and Approval of a Draft Plan of Subdivision "Midtown" for lands located at 1809, 1817, 1821 Rymal Road East, Stoney Creek (PED19030) (Ward 9)
- Page 42 of 42

Appendix "E" – Zoning Modifications
Appendix "F" – Proposed Draft Plan of Subdivision 25T-201609
Appendix "G" – Draft Plan of Subdivision Conditions
Appendix "H-a" – Concept Plan for Blocks 4 and 5
Appendix "H-b" – Concept Plan for Block 11
Appendix "H-c" – Plan of Consent to sever for Blocks 6 and 7
Appendix "H-d" – Concept Plan for Blocks 1, 2, 3, 8, 9, 10 and 12
Appendix "I" – Part 20 of Plan 62R-18648