



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 18, 2018
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 50 Green Mountain Road West (Stoney Creek) (PED18211) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Zoning By-law Amendment Application ZAC-17-077 by New Horizon Development Group (Green Mountain) Inc., (Owner)** for a change in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM3-65(H)” Zone, Modified, to permit 94 maisonettes and 95 townhouse dwellings for a total of 189 units on a private (condominium) road for lands located at 50 Green Mountain West, as shown on Appendix “A” to Report PED18211, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED18211, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017) and complies with the Urban Hamilton Official Plan;
 - (iii) That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning.

The Holding Provision Multiple Residential (Holding) “RM3-65(H)” Zone, Modified, shall be removed conditional upon:

- (1) The Owner entering into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (2) The Owner entering into a Site Plan Agreement with the City to construct the services within the site and complete the flow monitoring analysis for a period of five years including sufficient securities to the satisfaction of the Manager of Development Approvals.
- (3) The Owner submitting an updated Traffic Impact Study ("TIS") to the satisfaction of the Manager of Transportation Planning.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment to the former City of Stoney Creek Zoning By-law No. 3692-92 is to change the zoning of the subject lands from the Neighbourhood Development "ND" Zone to a site specific Multiple Residential "RM3" Zone (with site specific modifications, including that the condominium road be deemed a public street, the front lot line be deemed Green Mountain Road West, minimum front yard and side yard requirements, minimum distance between buildings on the same lot, maximum density permitted, maximum height permitted (for the maisonettes), maximum lot coverage permitted and minimum landscaped open space required to permit 94 maisonette and 95 townhouse dwellings on a private (condominium) road.

A Holding Provision has also been included for the completion of a Record of Site Condition (RSC), a Site Plan Agreement and updated TIS. The "H" Holding Provision can be lifted by by-law once the applicant has submitted to and received acknowledgement by the Ministry of the Environment, Conservation and Parks (MOECP) of the RSC to the satisfaction of the Director of Planning and Chief Planner and that the Owner enter into a Site Plan Agreement with the City to construct the services within the site and complete the flow monitoring analysis for a period of five years including sufficient securities to the satisfaction of the Manager of Development Approvals. In addition, an updated Traffic Impact Study is required to the satisfaction of the Manager of Transportation Planning.

The proposed Zoning By-law Amendment has merit, and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the Urban Hamilton Official Plan, as well as the Nash Neighbourhood Secondary Plan.

Alternatives for Consideration – See Page 25

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for an amendment to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands, 50 Green Mountain Road West (Stoney Creek), currently contains the Hamilton Teleport operation. By way of background, Juch-Tech was the owner and operator of the subject lands, as well as Hamilton Teleport. Hamilton Teleport is a carrier-neutral, independent co-operative of satellite antennae that receive and transmit signals from and to satellites licensed by Canada and other administrations. As provided by the applicant, Hamilton Teleport ceased their operation on the subject lands as of June 1, 2018.

The subject lands have an area of 3.89 hectares and are bounded by Green Mountain Road West and the Terrapure landfill operation to the south, newly constructed residential to the north, newly constructed residential and a rock crushing operation to the west, as well as Morrissey Boulevard to the east. The proposed development is for a total of one hundred and eighty-nine (189) residential units consisting of 94 three storey maisonettes and 95 two storey townhouse dwellings on a private (condominium) road accessed from Green Mountain Road West, with 47 visitor parking spaces and a parkette.

The proposed Zoning By-law Amendment is to change the zoning of the subject lands from the Neighbourhood Development “ND” Zone to a site specific Multiple Residential “RM3” Zone within the former City of Stoney Creek Zoning By-law No. 3692-92.

In addition, site specific modifications were requested by the applicant to accommodate this development, including: that the condominium road be deemed a public street, the front lot line be deemed Green Mountain Road West, minimum front yard and side yard requirements, minimum distance between buildings on the same lot, maximum density permitted, maximum height permitted (for the maisonettes), maximum lot coverage permitted and minimum landscaped open space required.

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Chronology:

- October 30, 2017: Submission of Zoning By-law Amendment Application ZAC-17-077.
- November 21, 2017: Application ZAC-17-077 deemed incomplete.
- November 22, 2017: Application ZAC-17-077 deemed complete.
- December 14, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Application ZAC-17-077 to 117 property owners within 120 metres of the subject lands.
- December 21, 2017: Public Notice Sign installed on subject lands.
- May 15, 2018: Public Information Meeting held by the applicant and agent.
- August 22, 2018: Public Notice Sign updated with Public Meeting Information.
- August 31, 2018: Circulation of the Notice of Public Meeting to 117 property owners within 120 m of the subject lands.

Details of Submitted Application:

- Location:** 50 Green Mountain Road West (see Appendix “A” to Report PED18211).
- Owner/Applicant:** New Horizon Development Group (Green Mountain) Inc.
- Agent:** GSP Group
(c/o: Sara Knoll)
- Property Description:**
- | | |
|----------------------|-------------------------------------|
| <u>Lot Frontage:</u> | 231.55 metres (Green Mountain Road) |
| <u>Lot Depth:</u> | 171.38 metres |
| <u>Lot Area:</u> | 3.889 hectares |
| <u>Servicing:</u> | Full Municipal Services |

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Neighbourhood Development “ND” Zone

Surrounding Land Uses:

North	Townhouse Dwellings	Multiple Residential “RM2-20” Zone, Modified
South	Green Mountain Road West and Terrapure Landfill Operation	Neighbourhood Development “ND” Zone
East	Morrisey Boulevard and Vacant Land	Multiple Residential “RM2-20” Zone, Modified
West	All Around Rock Crushing Operation and Vacant Land	Neighbourhood Development “ND” Zone, Multiple Residential “RM2-40” Zone, Modified, Local Commercial “LC” (H1) Zone and Local Commercial “LC” (H2) 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 Provincial Policy Statement (2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

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

Staff also note Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policies of the PPS (2014) also apply:

“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

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

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- Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- Along historic transportation routes; and,
- Proximity to known historic activities, events or occupations (within 250m of farmhouse built by S. James (Lot 1-2, Concession 8, Barton Township as located on 1875 *Illustrated Historical Atlas of the County of Wentworth* by Page & Smith)).

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply. A Stage 1 and 2 Archaeological Assessment was prepared by This Land Archaeology Inc., dated May 9, 2017 and entered into the Ontario Public Register of Archaeological Reports and a letter of confirmation was issued by the Ministry of Tourism, Culture and Sport, dated May 10, 2017. Therefore, municipal interest in the archaeological potential of the subject property has been addressed.

Natural Hazards

- “3.1.1 Development shall generally be directed to areas outside of:
- a. hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
 - b. hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and,
 - c. hazardous sites.”

The Hamilton Conservation Authority (HCA) advised that karst features have been identified in areas to the northwest and east of this property and that there may be potential for karst features on the subject site. The HCA requested the applicant conduct a preliminary screening of the site for karst features.

The HCA reviewed a report entitled “Karst Hazard Assessment, 50 Green Mountain Road West, Hamilton (Stoney Creek), ON” prepared by Terra-Dynamics Consulting Inc. and dated June 2, 2017. The report indicates that no sinkholes were observed within the site, but some surface erosion / gullying was found along the north and east limits of the developable lands. The report describes these erosion features as crevices (inactive karst cutters) which are likely in-filled with some construction debris and soil material. To ensure the developable lands do not cause any hazards to existing

developed properties, all recommendations outlined in Part 6 of the Karst Assessment Report should be followed by the water resources engineering consultant and construction crews. It is also recommended to have a qualified karst specialist inspect and monitor the grading and servicing work to minimize potential impacts to the micro-karstic hazards. Written permission will be required from HCA for any mitigation of the karst features. The requirements will be addressed at the Site Plan Control stage.

Human-Made Hazards

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

The subject property is recognized as a potentially contaminated site due to the current and past use of the property for commercial purposes. As a result, the property is subject to environmental review to allow for the proposed residential use. The applicant will be responsible for providing a Record of Site Condition (RSC) that has been filed appropriately satisfying MOECP. As such, if approved, a Holding Provision is proposed pending the provision of a Notice of Acknowledgment letter from the MOECP for the RSC as a requirement.

Based on the foregoing, the subject proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2017)

The policies of the Growth Plan for the Greater Golden Horseshoe (2017) apply to any planning decision. The following policies, amongst others, apply to the proposal.

The Growth Plan supports mixed use intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan:

“Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields...This Plan recognizes transit as a first priority for major transportation investments. It sets out a regional vision for transit, and seeks to align transit with growth by directing growth to major transit station areas and other strategic growth areas, including urban growth centres, and promoting transit investments in these areas.”

“2.2.4.10 Lands adjacent to or near to existing and planned frequent transit should be planned to be transit-supportive and supportive of active transportation and a range and mix of uses and activities.”

The subject lands are located within a settlement area where it will be developed with full municipal services, is in close proximity to a Major Arterial road (Upper Centennial Parkway), has access to transit and will provide for a complete community through a compact urban form.

Given the above, staff are of the opinion that the proposal conforms to the Growth Plan.

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The following policies, amongst others, are applicable to the subject applications.

Scale and Design

“E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. *Residential intensification* within these areas shall enhance and be *compatible* with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

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:

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
- e) *Development* shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

E.3.2.13 The City supports *residential intensification* on lands within the Neighbourhoods designation in accordance with Section B.2.4 – Residential Intensification Policies, F.1.14 – Division of Land, and other applicable policies.

E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling

forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

E.3.3.2 *Development or redevelopment* adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are *compatible* with existing and future uses in the surrounding area.”

Compatibility / Compatible is defined in the Urban Hamilton Official Plan as “means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. *Compatibility* or *compatible* should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

On the basis of this definition, compatibility of the proposed development is not reviewed on whether the proposed development is the same as or similar to existing development in the area, but whether the proposed uses, density and massing of the development are mutually tolerant and capable of existing together in harmony within the area.

The subject proposal is located on a Collector Road (Green Mountain Road West), as well as in close proximity to a Major Arterial road (Upper Centennial Parkway) and therefore, the proposed location is consistent with Policy E.3.3.1. The proposed one 189 townhouse and maisonette dwellings will be of a size and scale that is compatible with the existing and planned scale of development in the area, which consists of townhouses and single detached dwellings. Furthermore, there are three storey townhouses to the rear of the subject property, as well as on the east side of Morissey Boulevard.

In addition, the proposed development is appropriate in respect to the transition in scale to the neighbouring buildings, which range in height from two to three storeys, and massing that respects the existing street proportions and lot patterns. The proposed height of the maisonettes of 12.5 metres and 11 metres for the townhouses is in keeping with the surrounding area. Visitor parking is proposed within the development and sufficient amenity area by way of a parkette is also proposed. The massing is also similar to existing and proposed residential development in the area, which includes single detached dwellings and townhouses. The proposed development will provide landscaping and visual barriers that will buffer neighbouring properties, consistent with the amount of landscaping on other properties in the neighbourhood.

Noise

The UHOP contains relevant policies with respect to noise. Section B.3.6.3 indicates:

“B.3.6.3 Noise, vibration, and other emissions such as dust and odours from roads, airports, railway lines and stationary sources have the potential to negatively impact the quality of life of residents. The objective of the

following policies is to protect residents from unacceptable levels of noise, vibration, and other emissions and to protect the operations of transportation facilities, commercial, and employment (industrial) uses.

B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

In regard to the above applicable policies, the applicant submitted a study, entitled, “Noise Impact Study, 50 Green Mountain Road West, Hamilton, ON, as prepared by HGC Engineering, dated October 27, 2017 in support of the subject proposal. The aforementioned Study reviewed the acoustic requirements for the proposed development with respect to Green Mountain Road West and Upper Centennial Parkway. In addition, future consideration for All Around Contracting to the west and the Terrapure Stoney Creek Landfill to the south were included. Based on the results of the Study, a noise warning clause will be required to be included on the future Site Plan undertaking and in all agreements of purchase and sale or lease and all rental agreements informing future residents of the industrial operations at the landfill and construction material recycling yard.

Residential Intensification

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

- a) a balanced evaluation of the criteria in b) through g) as follows:
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design;

- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

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

- a) the matters listed in Policy B.2.4.1.4;
- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.”

The existing neighbourhood is comprised of the Terrapure landfill to the south, a rock crushing operation and vacant land to the west, three storey street townhouses to the north, as well as three storey townhouses on the east side of Morrissey Boulevard. The proposed townhouses will be compatible with the existing surrounding development, including the Red Hill and Victory Ridge Subdivisions, which include three storey street townhouses. In addition, the proposed maisonettes will contribute to a range of a mix of uses / dwelling types and which are internal to the proposed development.

The proposed development is appropriate in respect to the transition in scale to the adjacent developments, which range in height from two and three storeys, and massing that respects the existing street proportions and lot patterns, as well as in keeping with the medium density range of 49 units per hectare. The proposed height of the maisonettes at 12.5 metres and 11 metres for the townhouses is in keeping with the surrounding existing and planned developments. Visitor parking is proposed within the development and sufficient amenity area by way of a private parkette is also proposed.

Adequate servicing is available with sufficient capacity for the proposed development, with an appropriate Holding Provision for flow monitoring analysis for five years. In addition, there are no anticipated shadowing, overlook, noise, lighting, and traffic issues. Finally, there are no cultural heritage resource concerns.

Nash Neighbourhood Secondary Plan

The western portion of the subject lands are designated “Low Density Residential 2h” and the eastern portion of the subject lands are designated “Medium Density Residential 2”, while the northern portion of the subject lands is identified as hedgerow within the Nash Neighbourhood Secondary Plan. The entire subject lands are identified as Site Specific Policy ‘C’ within the Nash Neighbourhood Secondary Plan. The following policies apply:

Residential Designations

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

- b) Low Density Residential 2h Designation:
 - i) Notwithstanding Policy E.3.4.3 of Volume 1, multiple dwellings such as street and block townhouses, duplexes, triplexes and quadraplexes shall be permitted.
 - ii) Notwithstanding Policy E.3.4.4 of Volume 1, the density shall be in the range of 30 to 49 units per net residential hectare.
 - iii) The maximum height of dwelling units shall be three storeys.
 - v) Notwithstanding Policy E.3.4.1 of Volume 1, the location of lands designated Low Density Residential 2h shall generally be at the periphery of residential neighbourhoods adjacent to or close to arterial and/or collector roads.

B.7.5.4.2 In addition to Section E.3.5 – Medium Density Residential of Volume 1, the following policies shall apply to lands designated Medium Density Residential 2 and Medium Density Residential 3 as shown on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:

a) Medium Density Residential 2 Designation:

- i) Multiple dwellings such as street and block townhouses, duplexes, triplexes and quadraplexes shall be permitted.
- ii) Notwithstanding Policy E.3.5.7 of Volume 1, the density of development shall be in the range of 30 to 49 units per net residential hectare.
- iii) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum height of dwelling units shall be three storeys.
- v) The location of Medium Density Residential 2 designated lands shall generally be at the periphery of residential neighbourhoods adjacent to or close to arterial and/or collector roads.
- vi) Individual driveways shall not be permitted to directly access the public street. Individual vehicular access shall be provided by either a private lane parallel to the public road in front of the buildings separated from the public street by an enhanced continuous landscape strip or, by a private lane behind the buildings.
- vii) Buildings shall be located as close to the street as possible while still allowing for front porches, stairs and a small landscaped area; or other appropriate methods that would achieve the desired effect would also be considered.”

The proposed development of 189 maisonette and townhouse dwellings has a density of 48.6 units per net residential hectare. The proposed uses are permitted and the proposed density is within the permitted range in the “Low Density Residential 2h” and “Medium Density Residential 2” designations. The proposed dwellings will also not be more than three storeys in height.

In addition, the proposed development is at the periphery of the neighbourhood and located along Green Mountain Road West, which is a Collector road. The proposed driveways will not access the public streets and buildings are located close to the street.

“B.7.5.6.2 The open space system for the Nash Neighbourhood includes the following designations and components designated on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:

f) hedgerow features;

B.7.5.6.8 Any development must address the retention of Core Areas and other wooded areas included within the Natural Open Space designation identified on Map B.7.5-1 - Nash Neighbourhood - Land Use Plan as follows:

a) Wooded areas, including existing “hedgerows” should be maintained, enhanced, and incorporated into the overall design of the neighbourhood where possible. The delineation of the hedgerows shall be identified as part of a development application. Hedgerows are not intended to only be identified by existing mature tree species but shall also include other vegetation which establishes this area as a hedgerow. (A hedgerow can be defined as a narrow linear strip of trees that defines a laneway or a boundary between fields).”

The hedgerow no longer exists on the subject property, however, there are some trees on the property and therefore, a Tree Protection Plan and Landscape Plan will be required at the Site Plan Approval stage.

Urban Design Policies

This Secondary Plan incorporates a number of design considerations to take advantage of the unique natural setting and features of the area, to encourage the creation of a distinct community identity, and to promote walking, transit use and connectivity through the development of a safe and attractive pedestrian realm throughout the neighbourhood.

“B.7.5.9.1 In addition to Sections B.3.3 – Urban Design and E.3.7 – Residential Greenfield Design of Volume 1, Policy B.7.5.9.2 through Policy B.7.5.9.6 shall apply to development of the Nash Neighbourhood.

B.7.5.9.2 Streetscape and Built Form

a) Wherever possible the presence of garages on the public street shall be minimized by:

i) setting them back from the front façade or locating them flush with the front façade of the building;

- ii) locating them at the rear or side of the building by a private lane or driveway;
 - iii) minimizing the width of the garage by creating deeper garages to accommodate storage; and,
 - iv) incorporating varied roof lines, architectural details and porches to emphasize the pedestrian entrance to the building while minimizing the presence of the garage.
- b) Architectural variation shall be encouraged through the incorporation of varied roof lines, materials and colours in each building and from building to building.
- c) Variation in the number of storeys, porch designs, architecture style and building type from building to building shall be encouraged.
- d) Continuous rows of building façades shall be discouraged.
- f) Buildings on corner sites shall be encouraged to have façades with architectural details and windows facing both streets.
- g) 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 natural heritage and rural 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 streets 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.”

From the applicant’s Concept Plan, as shown on Appendix “C” to Report PED18211, the proposed garages are to be flush with the dwelling unit or set back from the unit. The proposed units along Green Mountain Road West will have reverse frontage, which in the opinion of staff is acceptable, as driveways will be located internally and decorative fencing and architectural mitigation of those units will be addressed to ensure an animated street frontage and enhanced street presence. In addition, due to sightline concerns along Green Mountain Road West with respect to a significant grade difference and vehicular traffic travelling west to east, it was necessary to locate the proposed driveways for the townhomes along that frontage internally rather than as individual driveway access to Green Mountain Road West. The reverse frontage lots will also be reviewed in detail during the Site Plan Approval and Draft Plan of Subdivision and Condominium process to further address the additional urban design policies above.

Environment Policies

“B.7.5.11.2 Any plans of subdivision or other development applications in the Nash Neighbourhood shall be accompanied by a noise and vibration report identifying possible effects of the quarrying operation and mitigating measures, if any, which are necessary until the ongoing quarrying operation located west of Upper Centennial Parkway and south of Green Mountain Road ceases.

B.7.5.11.3 Development proposals for residential or institutional uses located within 500 metres of the Taro East Quarry/Landfill site and former Taro West Quarry/Landfill site may be required to submit studies demonstrating that there are no adverse effects on the development or that the effects can be mitigated. Said studies may include but not be limited to hydrogeology, traffic, air quality, noise, etc. subject to the requirements of the City.”

Terrapure Environmental (Terrapure) is the owner and operator of the Stoney Creek Regional Facility (SCRF), the landfill located at the northwest corner of Mud Street and Upper Centennial Parkway (Highway 20). The landfill was approved under the *Environment Protection Act* (“EPA”) to receive 2,000,000 cubic metres of industrial fill / soils (“non-waste”) and 6,320,000 cubic metres of solid, non-hazardous residual materials from commercial, industrial and institutional sources (that have exhausted all recycling options) for a total approved site capacity of 8,320,000 cubic metres. Terrapure is proposing to increase the approved capacity of the SCRF by 3,680,000 cubic metres, so that Terrapure can continue to receive post-diversion solid, non-hazardous residual material generated within the Hamilton and Greater Toronto Area. If approved, the SCRF facility would have a total site capacity of 10,000,000 cubic metres.

The applicant has submitted a Noise Feasibility Study and Geotechnical Study that includes the Landfill Impact Assessment. Both studies conclude that the landfill has no adverse effect on the proposed development. Within the undertaking at the Site Plan Approval stage and Draft Plan of Subdivision and Condominium, the applicable noise warning clause that “Purchasers / tenants are advised that this property is in close proximity to the Terrapure Environmental Stoney Creek Landfill and All Around Contracting which may at times generate sound which are audible” shall be added to all Agreements of Purchase / Sale and Lease.

Other appropriate warning clauses will be required at the Site Plan Control / Draft Plan of Subdivision and Draft Plan of Condominium to advise future purchasers and tenants of the landfill and All Around Contracting.

Implementation

“B.7.5.13.1 Prior to any development occurring within the Nash Neighbourhood, a traffic study shall be required, to the satisfaction of the City, to determine the adequacy of the following intersections and roads to accommodate the ultimate development proposed within the Nash Neighbourhood and assess the potential roundabouts and other traffic calming measures within the Nash Neighbourhood:

d) Green Mountain Road.

B.7.5.13.4 Lands intended for residential use within 160 metres of the working licensed limits of an active quarry or the limits of a former quarry under rehabilitation shall be placed in a Holding Zone in accordance with Section F.1.8 – Holding By-laws. The Holding Zone will not be removed for those lands immediately adjacent to the quarry properties, until such time as the completion of mining and the completion of rehabilitation on quarry lands immediately adjacent to the Residential Holding Zone.”

The applicant’s provided a Traffic Impact Study, which provides the following,

“With signal timing optimization, the intersection of Green Mountain Road West and Upper Centennial Parkway is forecast to operate at an overall LOS B or better during the AM and PM peak hours. The site traffic represents less than three percent (3%) of the total traffic at this intersection. The remaining study area intersections, including the site driveway connections to Green Mountain Road West, are forecast to operate at good levels of service with all movements operating at LOS B or better. The two site driveway connections to Green Mountain Road West will operate at acceptable levels of service with no required improvements or provisions for left-turn lanes on Green Mountain Road West. No remedial measures are necessary to accommodate the increase in traffic due to subject development.”

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An updated TIS will be required as part of the “H” Holding Provision (Policy B.7.5.13.4). In addition, the applicant’s provided an exhibit showing that the subject lands are approximately 160 metres of the limits of the Terrapure limits (Policy B.7.5.13.4). Therefore, an “H” Holding Provision will not be required to meet Policy B.7.5.13.4.

Site Specific Policy - Area C

“B.7.5.14.3 For lands shown as Site Specific Policy - Area C on Map B.7.5-1 - Nash Neighbourhood - Land Use Plan, the following policies shall apply:

- a) Site Specific Policy - Area C is currently used for an “earth station” (satellite dishes and associated equipment) regulated and licensed by Industry Canada and subject to Health Canada’s Safety Code 6 guidelines. This existing use shall be permitted, subject to compliance with the noted Federal Regulations, as amended, until redevelopment of the property occurs.
- b) These lands are intended to be redeveloped for low and medium density residential purposes. Development for these uses can occur without further amendment to this Plan.”

The proposed development is for 189 residential units, consisting of 94 maisonettes and 95 townhouse dwellings on a private (condominium) road and is within the medium density range. Therefore, the subject proposal complies with the intended use of the above-noted site specific policy.

Therefore, the subject proposal complies with Urban Hamilton Official Plan.

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

The subject lands are zoned Neighbourhood Development “ND” within the former City of Stoney Creek Zoning By-law No. 3692-92. The Neighbourhood Development “ND” Zone permits a number of agricultural uses, as well as single detached dwellings and accessory uses thereto. The applicant is proposing a total of 189 townhouse and maisonette dwellings on a private condominium road and requires an Amendment to the Zoning By-law to change the zoning to a site specific Multiple Residential “RM3” Zone. In addition, a number of site specific modifications are required, including:

- modification to recognize the condominium road for the purposes of frontage and access;
- modification to recognize that Green Mountain Road West be deemed the front lot line;

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- modification to the minimum front yard and side yards to recognize the condominium form of tenure;
- modification to the minimum distance required between buildings on the same lot;
- modification to the maximum density permitted;
- modification to the maximum height permitted (for the maisonettes);
- modification to the maximum lot coverage permitted; and,
- modification to the minimum landscaped open space required.

A number of these modifications are technical to recognize the lot configuration and housing form, which was never contemplated in the parent by-law. An analysis of the site specific modifications is included in the Analysis and Rationale for Recommendation section of this Report.

RELEVANT CONSULTATION

The following Departments and Agencies have no comments or concerns with the applications:

- Public Health Services, Health Protection Division;
- Recreation, Healthy and Safe Communities; and,
- Strategic Planning, Capital & Compliance, Public Works Department.

The following Departments and Agencies have provided comments on the applications:

Recycling & Waste Disposal, Environmental Services Division, Public Works Department commented that the proposed development is eligible for municipal waste collection service, subject to meeting the City's requirements.

Forestry & Horticulture Section, Public Works Department requires that the Tree Management Plan to address potential conflicts with publicly owned trees and a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal / external City property be provided at the Site Plan Control stage.

Hamilton Conservation Authority indicated that minor karst features have been identified within the subject property. Staff are of the opinion that potential hazards associated with the identified features can be mitigated, if required. As described above, all recommendations outlined in the Karst Hazard Assessment should be

followed in the planning and design of the development proposal to minimize potential risks and impacts associated with karst features. Notwithstanding the above comments, including the requirement for written permission from HCA for mitigation of karst hazards and request for further comment regarding groundwater association with the bedrock aquifer, HCA has no objection to the approval of the subject Zoning By-law Amendment application at this time. The recommendations within the Karst Hazard Assessment will be addressed at the Site Plan Control stage.

Transportation Planning Services, Planning and Economic Development provided that a Transportation Demand Management Options Report (“TDM”) is to be submitted as part of the Site Plan Approval process. An updated Traffic Impact Study (“TIS”) will be required as part of the “H” Holding Provision.

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 sent to 117 owners within 120 m of the subject property on December 14, 2017, for the proposed Zoning By-law Amendment Application. To date, one submission has been made to the City regarding the subject proposal, attached as Appendix “D” to Report PED18211. These concerns are discussed further in the Analysis and Rationale for Recommendation section.

A Public Notice Sign was posted on the property on December 21, 2017 and updated on August 22, 2018, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on August 31, 2018.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant held a public information meeting at 325 Winterberry Drive, Suite 101, Hamilton (REMAX Office) on May 15, 2018. The applicant set up easels with various elevation, perspective and site plan drawings. Furthermore, the applicant’s consulting team was in attendance to field any questions. A notice advising of the public information meeting was sent to all residents within 120 m of the subject lands. A total of four people, City staff and the Ward Councillor attended the public information meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:
 - (i) The subject proposal is consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe (2017);

- (ii) The subject proposal complies with the policies of the UHOP;
- (iii) The addition of 189 townhouse and maisonette dwellings is supportable, as they will permit residential uses that provide an ultimate built form that is compatible with the character of the area; and,
- (iv) The proposed development represents good planning by, among other things, providing a compact and efficient urban form.

2. **Zoning By-law Amendment**

The applicant has requested an amendment to the former Stoney Creek Zoning By-law No. 3692-92 for a change in zoning from the Neighbourhood Development “ND” Zone to a site specific Multiple Residential “RM3” Zone in order to permit a total of one hundred and eighty-nine maisonettes and townhouse dwellings, fronting on a private condominium road. Site specific modifications are required in order to permit the following:

- modification to recognize the condominium road for the purposes of frontage and access;
- modification to recognize that Green Mountain Road West be deemed the front lot line;
- modification to the minimum front yard and side yards to recognize the condominium form of tenure;
- modification to the minimum distance required between buildings on the same lot;
- modification to the maximum density permitted;
- modification to the maximum height permitted (for the maisonettes);
- modification to the maximum lot coverage permitted; and,
- modification to the minimum landscaped open space required.

Condominium Road and Green Mountain Road to be the Front Lot Line

A private common element condominium road shall be deemed a street for the purposes of the proposed development, allowing for landscaping and visitor parking within the common element condominium road, as well as for the purposes of establishing frontage on a road and access.

In addition, the By-law requires that in the case of a corner lot, the shorter lot line that abuts the street shall be deemed to be the front lot line and the longer lot line that abuts the street shall be deemed to be the side lot line. Although Morrissey Boulevard is the shorter of the lot lines rather than Green Mountain Road West, due to the proposed layout, grade and functionality, the applicant has requested that for the purposes of the By-law, Green Mountain Road West be considered the front lot line. Staff considers these modifications minor and typical for condominium developments. Therefore, these modifications can be supported by staff.

Minimum Front Yard

The applicant is requesting modifications to reduce the minimum front yard from 7.5 metres to 4.5 metres to the end wall of the dwelling unit and 6.0 metres to the rear wall of the unit for the maisonettes and townhouses. Staff can support these modifications as it will bring the residential units closer to the street, while still providing adequate parking for the proposed units and allowing for landscaping in the front yard. Therefore, staff support the modifications.

Minimum Side Yard

The proposed modification is to reduce the minimum side yard requirement from 6.0 metres to 4.5 metres to the end wall of the dwelling unit and to 7.0 metres to the rear wall of the dwelling unit for the maisonettes and townhouses. Staff consider these minor modifications, as they will have no adverse impacts on adjacent properties and will permit a more compact urban form. Therefore, staff support the modifications.

Minimum Distance Required Between Buildings on the Same Lot

The By-law requires a minimum distance between buildings on the same lot of 15 metres, except 3 metres between end walls and 9 metres between an end wall and rear wall for the maisonettes and townhouses. The applicant has requested a minimum distance of 2.6 metres between end walls. As this only occurs in two places for the proposed development and 3 metres will be maintained everywhere else, staff considers this a minor modification that will permit a more compact urban form. Therefore, staff supports the modification.

Maximum Density

The applicant has requested a maximum density of 49 units per net hectare for the proposed townhouse dwellings and maisonettes, whereas the By-law requires a maximum density of 40 units per hectare for the maisonettes. The increase in density complies with the medium density designation for the subject lands. Staff are satisfied that this is a minor modification as it is compatible with

the existing and planned development for the area and permits a compact urban form. Therefore, the proposed modification is supported by staff.

Maximum Building Height

The maximum height is proposed to be increased from the permitted 11.0 metres to 12.5 metres for the proposed maisonettes, while still maintaining three storeys in compliance with the UHOP and Secondary Plan. The proposed development is appropriate in respect to the transition in scale to the neighbouring buildings, which range in height from two to three storeys. There are sufficient setbacks from other existing and proposed developments, including to the north of 17.80 metres from the dwellings to the rear lot line. Therefore, the proposed height modification can be supported by staff.

Maximum Lot Coverage

The maximum lot coverage permitted is 35 percent, however, the applicant has requested that it be 37 percent. Staff considers this a minor modification and is not impacting the ability to provide sufficient pervious cover for stormwater infiltration. Therefore, Staff are supportive of this modification.

Minimum Landscaped Open Space

A minimum landscaped open space of 50 percent of the lot area, which may include the privacy area, is required. The applicant has proposed this requirement be a minimum of 30 percent for the subject development. The development will continue to provide front and rear amenity spaces, sufficient space for snow storage, as well as a 600 square metre private parkette has been proposed within the development. In addition, the requirement for the parkette has been included into the site specific zoning by-law to ensure the park is developed. Staff can support this modification as it permits the built form and maintains appropriate landscaping and amenity area.

3. The required number of parking spaces is two spaces per unit. The proposal includes 378 parking spaces, meeting the requirement for two spaces per unit, with one in the garage and one in the driveway. The minimum number of visitor parking spaces required is 0.5 spaces for each maisonette and townhouse dwelling, but would not include street townhouses. There are 94 proposed maisonettes and therefore, 47 visitor parking spaces are to be provided. The applicant is providing the required number of visitor spaces. In addition, it is recommended that the following warning clause be included in all purchase and sale and / or lease agreements as part of the future Site Plan Approval and Draft Plan of Condominium:

“Garages are intended for use as parking. It is the owner’s responsibility to ensure that their parking needs can be met on their own property. On-street parking in this area is limited and cannot be guaranteed in perpetuity.”

4. Future Draft Plan of Subdivision, Draft Plan of Condominium, as well as Part Lot Control and Site Plan Applications will be required to implement the subject development.
5. **Engineering**

The existing width of Green Mountain Road adjacent to the subject lands is 20.12 metres. The ultimate width of Green Mountain Road is 26.21 metres in accordance with Schedule “C-2” of the Urban Hamilton Official Plan. The Owner will be required to dedicate a 3 metre wide strip of land from the subject property for right-of-way widening purposes.

The major and minor flows from the subject lands shall be directed to the northwest corner of the property to Bradshaw Drive. There is an existing storm stub on Bradshaw Drive sized to convey the minor flows from the subject lands with a runoff coefficient of 0.67.

The Development Engineering Approvals Section, Infrastructure Planning (Stormwater Management) and Public Works Department has no concerns with the Zoning By-Law Amendment Application proceeding to approval. All outstanding servicing, stormwater management, grading, water servicing, watermain hydraulic analysis, etc. will be reviewed in more detail at the Site Plan Application review and approval stage. The applicant shall provide a response letter with the formal Site Plan Approval submission explaining how the above comments have been addressed.

The Development Engineering Section has concerns with the increased density on the site that exceeds the assumption for the design of the downstream sanitary sewer system. As such, Development Engineering requires a Holding Provision to be in place over the subject lands until the proponent enters into a Site Plan Agreement with the City to construct the services within the site and complete the flow monitoring analysis for a period of five years including sufficient securities to the satisfaction of the Manager of Development Approvals.

In addition, it is recommended that the Owner demonstrate that they have paid all the outstanding servicing costs for the installation of the municipal infrastructure to the adjacent landowner prior to receiving final Site Plan / Draft Plan of Subdivision Approval.

6. A Holding Provision is required for a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site

Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee. In addition, the Owner must enter into a Site Plan Agreement with the City to construct the services within the site and complete the flow monitoring analysis for a period of five (5) years including sufficient securities to the satisfaction of the Manager of Development Approvals. Finally, the Owner must also submit an updated Traffic Impact Study ("TIS") to the satisfaction of the Manager of Transportation Planning.

7. A letter was received by Empire Communities ("Empire"), attached as Appendix "D" to Report PED18211, regarding cost-sharing concerns for items Empire has front-ended for the Nash Neighbourhood, including the oversizing of sanitary and storm servicing infrastructure, urbanization of Green Mountain Road and the stormwater management pond within the Victory lands. Staff are of the opinion that the scope of the current application is to make a recommendation on the built form and that the aforementioned items can be addressed through the future Draft Plan of Subdivision / Condominium applications. Staff recommend that the applicant provide the necessary payment to the adjacent landowner prior to receiving Site Plan / Draft Plan of Subdivision Approval.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment Application be denied, the property could be utilized in accordance with the Neighbourhood Development "ND" Zone, which permits existing uses, as well as some agricultural uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

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.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: - Location Map
- Appendix “B”: - Zoning By-law Amendment
- Appendix “C”: - Concept Plan
- Appendix “D”: - Public Submission

GZ:jp