



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 14, 2020
SUBJECT/REPORT NO:	Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Revised Zoning By-law Amendment Application ZAC-17-076, by Branthaven Winona Hills Inc., (Owner)** for a change in zoning from the Agricultural Specialty “AS” Zone to the Single Residential “R4-35” Zone, Modified (Block 1); from the Rural Residential “RR” Zone to the Single Residential “R4-35” Zone, Modified (Block 2); from the Single Residential “R1” Zone to the Single Residential “R4-35” Zone, Modified (Block 3); from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36” Zone, Modified (Block 4); from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36(H)” Zone, Modified, Holding (Block 5); from the Agricultural Specialty “AS” Zone to the Single Residential “R4-37” Zone, Modified (Block 6); and, from the Agricultural Specialty “AS” Zone to the General Commercial “GC-30(H)” Zone, Modified, Holding (Block 7), to permit the development of 50 single detached dwellings, a temporary stormwater management pond, and residential reserve blocks on the lands known as 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED20055, be **APPROVED** on the following basis:

- (i) That the draft By-law attached as Appendix “B” to Report PED20055, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions 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 for the following:

The Holding Provisions for the Single Residential “R4-36(H)” Zone, Modified, Holding, shall be removed conditional upon:

- i. That the Owner prepare and implement an Emergency Overland Flow Route and dedicate an easement of suitable width for the Emergency Overland Flow Route to the City, all to the satisfaction of the Manager of Development Approvals;

The Holding Provisions for the General Commercial “GC-30(H)” Zone, Modified, Holding, shall be removed conditional upon:

- i. That land assembly occur in order to provide commercial zoned frontage, to the satisfaction of the Director of Planning and Chief Planner; and,
- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.
- (b) That **Revised Draft Plan of Subdivision 25T-201711, by Branthaven Winona Hills Inc., (Owner)** to establish a Draft Plan of Subdivision on the lands known as 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek), as shown on Appendix “A” to Report PED20055, be **APPROVED**, subject to the following:
 - (i) That this approval apply to the Draft Plan of Subdivision 25T-201711, prepared by Glen Schnarr & Associates Inc., and certified by S.D. McLaren, O.L.S., dated January 14, 2020, consisting of 50 lots for single detached dwellings (Lots 1-50), one temporary multi-use path block (Block 51), ten residential reserve blocks (Blocks 52-61), two residential reserve blocks for a temporary stormwater management pond (Blocks 62-63), future road for a temporary stormwater management pond (Block 64), three road widenings (Blocks 65-67), two 0.3 m reserve blocks (Blocks 68-69), and a public road (Street ‘A’), attached as Appendix “D” to Report

PED20055, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix “E” to Report PED20055;

- (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision, including all interim or temporary works; and,
 - (iii) That Payment of Cash-in-Lieu or dedication 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, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council.
- (c) That the Real Estate Section be authorized to transfer back to Branthaven Winona Hills Inc. Blocks 51 to 56 and Blocks 58 to 61 for interim temporary works (temporary road connection to Barton Street, temporary turning circle, and temporary pedestrian walkway to Highway No. 8) at such time that the adjacent lands are developed and permanent access and services are established.

EXECUTIVE SUMMARY

The applicant has applied for a Zoning By-law Amendment and a Draft Plan of Subdivision to permit the development of 50 single detached dwellings, ten residential reserve blocks, a temporary multi-use path block and a temporary stormwater management pond, as well as future road blocks, road widenings, 0.3 m reserve blocks, and a public road.

The applicant is proposing a site specific Single Residential “R4-35” Zone, Modified, a Single Residential “R4-36” Zone, Modified, and a Single Residential “R4-37” Zone, Modified for the lands intended for residential purposes and adding lands to the existing General Commercial “GC-30” Zone, Modified for the lands designated for commercial uses. Proposed modifications to the Single Residential “R4” Zone for minimum lot area, frontage, setbacks, lot coverage, and encroachments are discussed in detail in Appendix “C” to Report PED20055. Staff are supportive of the proposed modifications.

Holding ‘H’ provisions are recommended in order to ensure that a suitable emergency overland flow route can be adequately provided and that the General Commercial “GC-30” Zone zoned lands are assembled with abutting lands to provide commercial zoned frontage and access to Highway No. 8.

SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) –
Page 4 of 40

The proposed Draft Plan of Subdivision approval would be subject to the owner entering into a Standard Form Subdivision Agreement, with Special Conditions. The proposed subdivision has received LPAT approval to develop ahead of the Block 3 Servicing Study lands to the west. The ultimate roads, sewers, and watermain connections would be provided when the lands to the west are developed. In order to advance this development ahead of the Block 3 Servicing Study lands, the Owners have proposed interim and temporary works, including a temporary road connection to Barton Street, a temporary turning circle, a temporary pedestrian walkway to Highway No. 8, a temporary SWM pond, temporary watermain, and temporary sanitary and storm sewers. Once the lands to the west have been developed and the permanent works have been constructed, the interim and temporary works will be removed, all at the Owner's expense.

The proposal has merit and can be supported as it is consistent with the PPS (2020) and conforms to A Place to Grow (2019), complies with the general intent of the UHOP including the policies of the Fruitland-Winona Secondary Plan, and represents good planning by, among other things, providing a compatible development that is in keeping with existing and planned development in the surrounding area and provides for the logical extension of existing and planned infrastructure.

Alternatives for Consideration – See Page 39

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

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Branthaven Winona Hills Inc.
Applicant/Agent:	Glen Schnarr & Associates Ltd. (c/o Mark Condello)

SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) –
Page 5 of 40

File Number:	ZAC-17-076 25T-201711
Type of Application:	Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	50 lots for single detached dwellings (Lots 1-50), one temporary multi-use path block (Block 51), ten residential reserve blocks (Blocks 52-61), two residential reserve blocks for a temporary stormwater management pond (Blocks 62-63), one block for a temporary stormwater management pond and future road (Block 64), three road widenings (Blocks 65-67), two 0.3 m reserve blocks (Blocks 68-69), and a public road (Street 'A'), as shown on Appendix "D" to Report PED20055.
Property Details	
Municipal Address:	1218 and 1226 Barton Street, and 1219 Highway No. 8, Stoney Creek (see Appendix "A" to Report PED20055)
Lot Area:	± 3.84 ha (Irregular)
Servicing:	Existing watermains and sanitary sewers are adjacent to the subject lands, and temporary municipal services are to be provided.
Existing Use:	The subject site is level and is currently developed with a single detached dwelling fronting on Barton Street and associated accessory structures. Vegetation ranging between cultivated lawns and gardens, grassland, and modest tree stands are also present on the subject lands.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms with A Place to Grow (2019).

SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) –
Page 6 of 40

Official Plan Existing:	<ul style="list-style-type: none"> • Designated “Neighbourhoods” and “Secondary Corridor” on Schedule E – Urban Structure • Designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	Designated “Low Density Residential 1”, “Low Density Residential 2”, and “Local Commercial”, and located in “Area Specific Policy Area F”, on Map B.7.4-1 – Fruitland-Winona Secondary Plan Land Use Plan.
Secondary Plan Proposed:	No amendment proposed or required.
Zoning Existing:	Agricultural Specialty “AS” Zone; Single Residential “R1” Zone; and, Rural Residential “RR” Zone.
Zoning Proposed:	<ul style="list-style-type: none"> • Single Residential “R4-35” Zone, Modified (Blocks 1, 2 and 3); • Single Residential “R4-36” Zone, Modified (Blocks 4 and 5); • Single Residential “R4-36(H)” Zone, Modified, Holding (Block 5); • Single Residential “R4-37” Zone, Modified (Block 6); and, • General Commercial “GC-30(H)” Zone, Modified, Holding (Block 7). <p>(See Appendix “B” to Report PED20055.)</p>
Modifications Proposed:	<ul style="list-style-type: none"> • Definition and Regulation of Swales; • Minimum Lot Area; • Minimum Lot Frontage; • Minimum Front Yard; • Minimum Side Yard; • Maximum Lot Coverage; • Minimum Dwelling Width; • Dimensions of Parking Spaces and Parking Restrictions; • Yard Encroachments; and, • Interior Garage Width; and, • Permitted Uses for a temporary stormwater management

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 for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) –
Page 7 of 40

	pond. (See Appendix “C” to Report PED20055)
Processing Details	
Received:	October 23, 2017
Deemed Complete:	November 6, 2017
Notice of Complete Application:	Sent to 142 property owners within 120 m of the subject property on November 24, 2017.
Public Notice Sign:	Posted December 19, 2017, updated with Public Meeting date on February 26, 2020, and updated again with new Public Meeting date on June 17, 2020.
Notice of Public Meeting:	Sent to 142 property owners within 120 m of the subject property on March 6, 2020.
Notice of Cancellation of Public Meeting:	Sent to 142 property owners within 120 m of the subject property on March 20, 2020.
Updated Notice of Public Meeting:	Sent to 142 property owners within 120 m of the subject property on June 26, 2020.
Public Comments:	None received to date.
Revised Concepts:	<ul style="list-style-type: none"> • November 7, 2018; • May 6, 2019; • August 13, 2019; and, • January 16, 2020.
Processing Time:	981 days.

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling, Accessory Structures, otherwise Vacant	Agricultural Specialty “AS” Zone, Single Residential “R1” Zone, and Rural Residential “RR” Zone
<u>Surrounding Land Uses:</u>		
North	Single Detached Dwellings or Vacant	Rural Residential “RR” Zone and Residential “R6” Zone
South	Former Banquet Hall, Single Detached Dwellings	General Commercial “GC-30” Zone, Modified and Single Residential “R1” Zone
East	Single Detached Dwellings	Single Residential “R2” Zone
West	Single Detached Dwellings or Vacant	Agricultural Specialty “AS” Zone, Agricultural Specialty “AS-7” Zone, Modified, Single Residential “R1” Zone, and Rural Residential “RR” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (PPS 2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent LPAT approval of the City of Hamilton Urban Hamilton Official Plan, 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 (i.e. efficiency of land use) are discussed in the Official Plan analysis that follows.

One exception to the local implementation of the Provincial planning policy framework is that the UHOP has not been updated with respect to Cultural Heritage policies of the PPS (2020). The following policies, amongst others, apply:

- “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.
- 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 meets two of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Along historic transportation routes (Barton Street, Highway 8); and,
- 2) In areas of pioneer EuroCanadian settlement (adjacent to historic Winona settlement and on land settled by Mr. Edward Pettit as found on the 1875 Illustrated Historical Atlas of Wentworth County).

These criteria define the property as having archaeological potential. A Stage 1-2 archaeological report (P058-611-2010) has been submitted to the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries and has received Ministry sign-off letters dated September 4, 2012. Staff concur with the recommendations made in the report, and the archaeology condition for the subject application has been met to the satisfaction of municipal heritage planning staff.

AME Materials Engineering has prepared a Phase One Environmental Site Assessment dated March 20, 2017 and a Phase Two Environmental Site Assessment dated April 18, 2017 in support of the development application. These studies reviewed the site for areas of potential contamination because of the site being in the vicinity of a former garage with fill material known to be contaminated, previous import of fill materials of undetermined origin, and use of pesticides in connection with former agricultural uses. Based on the results of the studies, soil samples were collected and a review of the chemical analysis of the soil samples indicate that certain samples identified lead, zinc & boron (hot water soluble) impacted material and material with a pH value not within MOECP's prescribed range. Accordingly, prior to development of the property, it will be necessary to delineate the extent and depth of the impacted materials through further soil testing, excavate and dispose of the delineated impacted material offsite, and verify that the soil remaining onsite satisfies MOECP Standards through the submission of a

Record of Site Condition (RSC). This requirement will be secured through Condition No. 48 in Appendix “E” to Report PED20055.

As the application complies with the UHOP, it is staff’s opinion that the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the PPS (2020); and,
- conforms to A Place to Grow (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Neighbourhoods” and “Secondary Corridor” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. The lands are also designated “Low Density Residential 1”, “Low Density Residential 2”, and “Local Commercial”, and located in “Area Specific Policy Area F” in the Fruitland-Winona Secondary Plan. The following policies, amongst others, apply to the proposal.

Neighbourhoods Designation

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and *housing with supports*;
 - d) local commercial uses.
- 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.”

The proposed subdivision contributes to the provision of complete communities by expanding the range of residential development for the area. The neighbourhood is well served with parks, elementary schools, commercial uses and other amenities within walking distance.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 *Development* in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
 - c) A mix of lot widths and sizes *compatible* with streetscape character; and a mix of dwelling unit types and sizes *compatible* in exterior design, including character, scale, appearance and design features; shall be encouraged. *Development* shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure *compatibility*.”

The proposed development is located within the interior of the neighbourhood and provides a mixture of lot widths and sizes compatible with existing and planned development in the area as well as proposing a built form, including heights, that complies with the low density residential policies of the Neighbourhoods designation.

Four of the proposed lots (Lot 50 and Blocks 51, 60 and 61) are proposed to have direct access to major arterial designated roadways (Barton Street and Highway No. 8), due to the configuration of the property. As a result, these lots will be required to have a hammerhead style driveway turnaround and additional front yard setbacks to accommodate this direct access. This issue is further discussed below in the Transportation Network Policies of the Fruitland-Winona Secondary Plan.

Secondary Corridor Designation

- “E.2.4.2 *Urban Corridors* are a separate structural element from the Neighbourhoods, which are set out in Section E.2.6, however in many locations, *Urban Corridors* function as an integral part of the surrounding Neighbourhood, and serve as a central focal point.

- E.2.4.5 Secondary Corridors shall serve to link nodes and *employment areas*, or Primary Corridors.
- E.2.4.13 Corridor studies or secondary planning may be undertaken for the *Urban Corridors*, or portions, to provide greater direction on mix of uses, heights, densities, built form, and design. Pending the completion of such studies, the land use designations and policies set out in Chapter E – Urban Systems and Designations and Volume 2 shall provide direction for *development proposals*.”

The section of Barton Street along the frontage of the subject property is a designated Secondary Corridor, following the potential rapid transit route connecting the future multi-modal transportation terminal conceptually identified within the vicinity of the intersection of Fifty Road and South Service Road to the east, and westward past Jones Road where it crosses to Highway No. 8 and continues westward to the Sub-Regional Node located at Eastgate Square Mall. The development of the multi-modal transportation terminal on Fifty Road is pending the extension of LRT service and lands being available to construct a combination LRT / GO Transit rail station hub. To date, while the LRT network terminus at Eastgate Square Mall is uncertain, Metrolinx / GO Transit provides service along the existing CN Railway corridor towards Niagara.

Land use along the frontage of the subject site is designated for low density residential development, providing a gradual transition from the existing residential developments to the east to the planned residential development to the west, in accordance with the Fruitland-Winona Secondary Plan and the Block 3 Servicing Strategy discussed below.

Residential Greenfield Design

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character.
- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.
- 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:

- a) minimize changes to existing topography;
- b) preserve existing trees and natural features;”

The subject lands constitute a greenfield development as the lands are within the Urban Boundary but are not identified as being within the built-up area. The subject lands are located in a settlement area where full municipal services are available and will contribute to a complete community through a compact design that includes a diverse range and mix of housing types and land use that will contribute to a grid street configuration supportive of alternative modes of transportation with easy access to local stores and services in the area. These matters are discussed below in more detail in the Fruitland-Winona Secondary Plan and Block 3 Servicing Strategy policies.

Natural Heritage

“C.2.5.2 New *development* and *site alteration* shall not be permitted within provincially significant *wetlands*, *significant coastal wetlands* or *significant habitat of threatened and endangered species*.”

A “Report on Four Avian Species at Risk and Other Breeding Bird Species within the Fruitland-Winona Secondary Plan Area, SCUBE Central, SCUBE East ‘A’, SCUBE East ‘B’ Parcels” was prepared by Stantec Consulting Ltd., dated August 2012. Based on this report, Eastern Meadowlark, a provincially and federally ‘threatened’ species was identified on site.

A Species at Risk (SAR) Targeted Survey report was prepared by GEMS, dated July 19, 2018. Within this report, targeted surveys were completed for Eastern Meadowlark and Short-eared Owl. In addition, correspondence with the Ministry of Natural Resources and Forestry (MNRF) has been provided. Based on this information, it appears that the habitat has changed on site and no longer supports Eastern Meadowlark or Short-eared Owl. As a result, specific zoning requirements (i.e. Conservation / Hazard Land (P5) Zone) are not required. It is important to note that in accordance with Provincial legislation and policy requirements, if SAR are identified on site prior to or during the proposed construction, the MNRF should be contacted.

“C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Trees have been identified on the subject property, and staff have reviewed a submitted Tree Protection Plan (TPP). Revisions to the TPP are required. The City requires 1 for 1 compensation for any tree (10 cm DBH or greater) that is proposed to be removed from private property, with said compensation to be identified on a Landscape Plan. A final approved TPP and Landscape Plan will be required to be prepared and implemented as Condition Nos. 49 - 50 of Appendix “E” to Report PED20055.

Noise

“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.”

A Noise Feasibility Study, dated September 26, 2018, completed by HGC Engineering, reviewed the acoustic requirements for this development with respect to environmental noise due to vehicular traffic on Barton Street and Highway No. 8 and stationary noise associated with the commercial business park to the north-west. Based on the results of the study, warning clauses and forced air ventilation will be required. These requirements will be secured as Condition No. 47 in Appendix “E” to Report PED20055.

Transportation Network

“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:

iii) The basic maximum right-of-way widths for major arterial roads shall be [as] described in Schedule C-2 – Future Right-of-Way Dedications.

f) Local roads, subject to the following policies:

ii) The basic maximum right-of-way widths for local roads shall be ... 20.117 metres ...;

C.4.5.6.1 The City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a road right-of-way dedication

in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-2 – Future Right-of-Way Dedications.”

Barton Street is a designated Major Arterial with a future right-of-way width of 40.576 m specified in Schedule C-2 of the UHOP. The composition of this right-of-way width is 36.576 m for an arterial road cross section, plus an additional 4.0 m on the south side of Barton Street to accommodate the Barton Street Pedestrian Promenade, in accordance with Volume 2, Policy B.7.4.10.16 of the UHOP. Accordingly, a road widening of approximately 11.95 m to provide a right-of-way width of 22.0 m from the road centreline has been provided on the Draft Plan and will be dedicated to the City (see Appendix “D” to Report PED20055), which has been secured through Condition No. 8 of Appendix “E” to Report PED20055.

Highway No. 8 is also a designated Major Arterial with a future right-of-way width of 36.576 m specified in Schedule C-2 of the UHOP. A road widening of approximately 3.34 m to provide a right-of-way width of 18.0 m from the road centreline has been provided on the Draft Plan and will be dedicated to the City (see Appendix “D” to Report PED20055), which has been secured through Condition No. 9 of Appendix “E” to Report PED20055.

The proposed Street ‘A’ is classified a local road with a 20.0 m right-of-way width and, in accordance with Policy C.4.5.7 a), 4.57 x 4.57 m daylight triangles are located at each corner as shown on the Draft Plan (see Appendix “D” to Report PED20055). These matters, including the ultimate closure of the temporary road between Street ‘A’ and Barton Street, have been secured through Condition Nos. 5, 10, and 54 of Appendix “E” to Report PED20055.

Daylight triangles on the east and west side of the temporary road between Street ‘A’ and Barton Street are proposed on neighbouring properties not owned by the Applicant. The Applicant has been unable to obtain the necessary lands required to meet the City’s requirement for daylight triangles. The Owner shall provide a sightline analysis to the satisfaction of Transportation Planning to demonstrate how satisfactory sightlines will be provided at all stages of the development (i.e.: pre- and post- Barton Street widening and urbanization). The Owner shall also provide adequate sightline triangles as per Transportation Planning’s comments. These matters have been addressed through Condition Nos. 7 and 44 of Appendix “E” to Report PED20055.

There is a portion of the proposed 4.5 m by 4.5 m daylight triangle in front of Lot 1 (±2.0m). The daylight triangle, as part of the temporary road, would potentially be returned to the Developer once the temporary road is no longer deemed necessary. To avoid a complicated process that would involve the Developer returning the portion of the daylight triangle in front of Lot 1 to the future home owner, it is proposed that an equivalent easement on Lot 1 be registered on title. The easement would restrict the

homeowner from planting, constructing, parking, or otherwise placing any item above 0.5 m in height within the designated area. The easement would be in favour of the City and would be discharged when the temporary road lands are returned to the Developer. This easement has been addressed through Condition No. 6 of Appendix “E” to Report PED20055.

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

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

As has been previously discussed, the proposed Draft Plan of Subdivision complies with the Urban Hamilton Official Plan and meets all requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the site can be serviced using existing infrastructure, subject to the proposed Draft Plan conditions. The development will not adversely impact the natural environment, will be integrated with existing lands and roads, and will not adversely impact municipal finances. Furthermore, road alignments and servicing for the lands to the west have been factored into the design of the subdivision. Future development of the lands to the west, per the Block 3 Servicing Strategy, has been contemplated and accommodated, as discussed further in this report.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of Volume 1 of the Urban Hamilton Official Plan.

Fruitland-Winona Secondary Plan

The subject lands are designated “Low Density Residential 1”, “Low Density Residential 2”, and “Local Commercial”, and located in “Area Specific Policy Area F” in the Fruitland-Winona Secondary Plan. The following policies, amongst others, apply to the proposal.

Residential Designations

“B.7.4.4.3 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.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.3.4.3 of Volume 1, the permitted use shall be limited to single-detached dwellings; and,
- b) Notwithstanding Policy E.3.4.4 of Volume 1, the net residential density shall not exceed 20 units per hectare.

B.7.4.4.4 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.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policy shall apply:

- a) Notwithstanding Policy E.3.4.4 of Volume 1, the net residential density shall be greater than 20 units per hectare and shall not exceed 40 units per hectare.”

The proposed development is for 50 single detached residential lots. These lots (Lots 1-50) are designated Low Density Residential 2 on 1.94 net residential hectares, which converts to 25.8 units per net residential hectare. The future residential portion of Block 51 is designated Low Density Residential 1. The ultimate development concept as shown on Appendix “F” to Report PED20055 envisions lots that are consistent with the required range of densities. Therefore, the proposed development complies with the

density range requirements for low density residential in the Neighbourhoods designation.

Local Commercial

“B.1.2. The policies of Volume 1 and 3 shall apply to all secondary plans unless otherwise specified in the policies of this Volume. Where a discrepancy between the policies and/or designations exists, the policies and designations of the secondary plan shall prevail.”

A ±0.06 ha local commercial parcel (part of Block 51) is intended to be merged with adjacent lands also designated Local Commercial in the Fruitland-Winona Secondary Plan (FWSP). These abutting lands are known as Winona Centre, and are comprised of over four hectares of land extending from the intersection of Winona Road and Highway No. 8. This FWSP designation prevails over the Policies of Volume 1 of the UHOP, specifically Policy E.3.8.6 which limits a maximum site area of all contiguous parcels for local commercial to one hectare. Accordingly, the proposed local commercial parcel complies with the policies of the UHOP. The last recognized use on the adjacent lands is a banquet facility in an existing single storey building, and a review of aerial photography shows that portions of the parking area and a row of shrubs, which appear to be incorporated with the use of these lands, encroach onto the subject site. Merging the proposed commercial lands with the existing commercial property will align the lot fabric with the neighbourhood land use designations and ensure that the parcel has lot frontage and access onto a public road.

An 'H' Holding provision is recommended to ensure development of the commercial portion of Block 51 does not occur until land assembly occurs to provide commercial zoned frontage. Should the merger of the existing and proposed commercial blocks not come to fruition, the owner could submit a revised proposal to redesignate and rezone the entirety of Block 51 as commercial to maintain the existing frontage. This revised proposal would be reviewed through a future planning application.

Area Specific Policy – Area F also applies to the commercial parcel (part of Block 51), speaking to built form and urban design for commercial development. These matters will be addressed through future planning applications with respect to Block 51.

Urban Design

“B.7.4.10.2 Architectural variation through the incorporation of varied roof lines, materials and colours in each building and from building to building, shall be encouraged.

- B.7.4.10.3 Variation in the number of storeys, porch designs, architectural style and building type from building to building shall be encouraged.
- B.7.4.10.4 Continuous rows of repetitive building façades shall be discouraged.
- B.7.4.10.5 Building façades with architectural details and windows facing both streets shall be encouraged on corner sites.
- B.7.4.10.6 The layout of streets, configuration of lots and the siting of buildings shall ensure:
- a) There is no reverse lotting adjacent to streets;
 - b) Streets and open spaces have an appropriate degree of continuity;
 - c) Opportunities are provided for the creation of views both within the community and adjacent to natural heritage areas;
 - d) Pedestrian connections to public streets and other outdoor spaces are encouraged;
 - e) The safety and security of all persons in public places including streets, parks and amenity areas shall be promoted through the design and siting of buildings, entrances, walkways, amenity and parking areas to provide visibility and opportunities for informal surveillance;
 - g) Joint access driveways between adjacent sites on arterial and collector roads shall be considered to reduce collision conflict points, minimize disruption to the public sidewalk, maximize the areas available for landscaping, and minimize expanses of pavement;”

A revised Urban Design Brief, dated October 2018, completed by Adesso Design Inc., provides direction for the implementation of the built form of the development including the single detached dwellings, streetscape interface, and landscaping. Staff have reviewed the Urban Design Brief and are of the opinion that it provides for sufficient urban design of the development. Conditions ensuring that the design intent articulated in the Urban Design Brief is implemented through architectural drawings is secured as Condition No. 51 in Appendix “E” to Report PED20055.

The long-term pedestrian connectivity to local amenities is based on assumptions regarding the close proximity of road allowances between the Block 3 Servicing

Strategy (B3SS) and Highway 8 to the south and Barton Street to the north. To achieve optimal walking distances for a pedestrian oriented community, short, direct blocks are desirable. Pedestrian connectivity is a primary consideration of the development of the B3SS, and through development of the concept plan, accesses are proposed within close proximity to ensure this connectivity.

Transportation Network

“B.7.4.13.9 In addition to Section C.4.5.8 – Access Management of Volume 1, the following policies shall apply to the Fruitland-Winona Secondary Plan area:

- b) The alignment of the local road network shall be detailed within the plans of subdivision in accordance with the Block Servicing Strategy and policies of Section 7.4.14. The rights-of-way of all streets within and bordering the Secondary Plan area shall be protected and dedicated to the City in accordance Section C.4.5.6 – Road Widening of Volume 1;
- c) Joint vehicular access to development along Barton Street shall be encouraged to not interrupt the Barton Street Pedestrian Promenade;”

Four of the proposed lots (Lot 50 and Blocks 51, 60 and 61) propose direct access to major arterial roadways. These proposed accesses will be considered in the design of the Barton Street Pedestrian Promenade. Staff note that the character of Winona along Barton Street and Highway No. 8 affords several existing driveway accesses to single detached dwellings. One of the main concerns with accesses onto major roadways is vehicles backing out onto the roadway. To address this concern, these lots will be required to have a hammerhead style driveway turnaround and additional front yard setbacks. This matter is being addressed through the modifications proposed in the implementing Zoning By-law, attached as Appendix “B” to Report PED20055, and as Condition No. 43 of Appendix “E” to Report PED20055.

Block Servicing Strategy

“B.7.4.14.1 The following policies shall apply to lands identified as the “Servicing Strategy Area” as identified on Map B.7.4-4 – Fruitland-Winona Secondary Plan – Block Servicing Strategy Area Delineation:

- b) The City shall develop a Block Servicing Strategy for the Blocks identified on Map B.7.4-4 Fruitland-Winona Secondary Plan - Block Servicing Strategy Area Delineation;”

The subject lands are not located within a Servicing Strategy Area; however, the lands to the west are located in the Block 3 Servicing Strategy (B3SS) and the subject lands will ultimately depend on the development of those lands for connectivity and servicing. In the interim, the proposed Draft Plan of Subdivision will provide temporary access to Barton Street and servicing until such time that the adjacent lands to the west are developed and permanent access and services to the subject lands are established. The development proposes a temporary full municipal road access to Barton Street through Blocks 58-61, a temporary pedestrian connection to Highway No. 8 through Blocks 51 and 52 to provide access for pedestrians to area amenities, and a temporary SWM pond on Blocks 62-64. The aforementioned blocks and a ± 0.06 hectare Local Commercial block (part of Block 51) will be developed when the adjacent lands to the west and south, respectively, develop (see the ultimate development concept attached as Appendix “F” to Report PED20055). With respect to the temporary pedestrian connection, it is noted that there would presently be a gap of ± 175 m between the multi-use path on Highway No. 8 and the existing pathway to the east.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Fruitland-Winona Secondary Plan.

Stoney Creek Zoning Bylaw No. 3692-92

In order to permit the proposed development, the Zoning By-law Amendment application proposes to rezone the subject property as follows:

- Single Residential “R4-35” Zone, Modified (Blocks 1, 2 and 3);
- Single Residential “R4-36” Zone, Modified (Blocks 4 and 5);
- Single Residential “R4-36(H)” Zone, Modified, Holding (Block 5);
- Single Residential “R4-37” Zone, Modified (Block 6); and,
- General Commercial “GC-30(H)” Zone, Modified, Holding (Block 7).

The proposed zoning is discussed in the Analysis and Rationale section of this Report, and an evaluation of the proposed modifications to the “R4” Zone is included in Appendix “C” to Report PED20055. The ‘H’ Holding provisions have been discussed above.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none"> • Asset Management, Strategic Planning Division, Public Works Department; • Construction, Strategic Planning Division, Public Works Department; • Light Rail Transit Office, Planning and Economic Development Department; and, • Recreation Division, Healthy and Safe Communities Department. 		No Comment.
	Comment	Staff Response
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p><u>Water and Wastewater Servicing</u></p> <p>There are existing watermains and sanitary sewers adjacent to the subject lands. A temporary watermain is proposed to connect to an existing watermain on Barton Street during the interim period, and a temporary sanitary sewer is proposed to drain to the existing sewer on Barton Street via the interim / temporary road between Street 'A' and Barton Street. The permanent watermain connections would be constructed at the west end of Street 'A' once the required Block 3 Servicing Strategy is completed, and the ultimate sanitary sewers are proposed to drain west through the adjacent development, and eventually to a lowered Barton Street sanitary sewer that is required to service Block 3.</p>	Noted.

SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) – Page 23 of 40

	<p><u>Storm Drainage and Stormwater Management</u></p> <p>There are no existing storm sewers on Barton Street or Highway No. 8 immediately adjacent to the proposed subdivision, and both have rural cross sections and are serviced by ditches. There is an existing stormwater management (SWM) pond located north of Arvin Avenue. This existing SWM pond was designed to accept pre-development flows from a drainage area that includes the proposed subdivision. No allowance was made in the design of the existing SWM pond for post-development drainage from the subdivision. To address the stormwater drainage the Owner is proposing to construct a temporary SWM pond within the proposed subdivision that would outlet to a temporary storm sewer (±530 m length) between the temporary pond and existing Arvin Avenue SWM pond. The temporary SWM pond would be designed to control the post-development flows to the pre-development levels. All of the temporary and interim works would be entirely at the expense of the Owner.</p>	<p>These matters, including all necessary easements, detailed SWM Report, design and construction (including staging), maintenance and operation and provision of securities, and detailed sump pump designs, are addressed as Condition Nos. 4, 19, 20, 28, 29, 30, 32, 45, and 46 of Appendix “E” to Report PED20055.</p>
	<p><u>Groundwater Levels</u></p> <p>The Hydrogeological reports submitted indicate that there are seasonally high ground water</p>	<p>This matter is being addressed through Condition No. 26 of Appendix “E” to Report PED20055.</p>

SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) – Page 24 of 40

	<p>levels that in some cases exceed the 100-yr/operating level of the temporary SWM pond. The SWM pond shall be designed to include a synthetic and clay barrier liner to adequately prevent inflow and uplift associated with the recorded seasonally high ground water levels. The Owner shall be responsible for preparing and implementing a program to monitor the liner for the period where the temporary pond is required. The design of the liner shall be peer reviewed by a qualified professional and all costs associated with the review shall be at the Owner's sole expense.</p>	
	<p><u>Roadways</u></p> <p>Barton Street</p> <ul style="list-style-type: none"> The existing width of Barton Street adjacent to the subject lands is approximately 20 m. The ultimate right of way width for Barton Street adjacent to this property is 40 m (36 m plus a 4 m pedestrian promenade on the south side) requiring a 22 m widening from the original centreline of road. The road widenings to be dedicated along the south side of the road adjacent to the subject lands is approximately 12 m and the exact dimensions shall be confirmed prior to final registration of the plan. The final plan of subdivision shall 	<p>Barton Street</p> <ul style="list-style-type: none"> Road right-of-way dedication is being addressed through Condition No. 8 of Appendix "E" to Report PED20055. The required overlay is addressed through Condition No. 42 of Appendix "E" to Report PED20055. <p>Highway No. 8</p> <ul style="list-style-type: none"> Road right-of-way dedication is being addressed through Condition No. 9 of Appendix "E" to Report PED20055.

	<p>identify separate blocks that shall be dedicated to the City of Hamilton for road widening purposes.</p> <ul style="list-style-type: none"> As part of construction of the proposed subdivision, the Owner will be required to reconstruct the section of Barton Street from Street 'A' westward approx. 170 m. <p>Highway No. 8</p> <ul style="list-style-type: none"> The future road width of Highway No. 8 is 36 m according to the UHOP schedules. The required widening is to be based on 18 m from the existing centerline of road. The road widening to be dedicated along the north side of the road adjacent to the subject lands is approximately 3.4 m and the exact dimensions shall be confirmed prior to final registration of the plan. The final plan of subdivision shall identify separate blocks that shall be dedicated to the City of Hamilton for road widening purposes. 	
	<p><u>Preliminary Grading Plan and 'H' Holding Provision</u></p> <p>The proposed grading needs to be revised to demonstrate that there will be no adverse impact to adjacent properties, as there are several Lots / Blocks where existing drainage could be blocked and/or may require</p>	<p>These emergency overland flow route is addressed with a Holding provision through the implementing Zoning By-law attached as Appendix "B" to Report PED20055, and through Condition Nos. 23, 25, and 31 of Appendix "E" to Report PED20055.</p>

	<p>increased side yards to reconcile with existing grades. The grading of the overland flow route and emergency overland flow also need to be revised to reconcile with existing grades, provide continuous fall, and demonstrate a suitable outlet. Insufficient cover is proposed for culverts in the existing ditch along Barton Street, and the proposed grading and temporary SWM pond presume obtaining permission from adjacent property owners (for lands located at 1195 Highway No. 8). The design needs to be considered independent of adjacent lands unless written permission is obtained before preliminary grading.</p>	
	<p><u>Temporary Works</u></p> <ul style="list-style-type: none"> • It is foreseeable that during the construction of the temporary storm sewer within Barton Street that temporary road closures and/or lane restrictions would be required. Where a road closure may be allowed by the City, the Applicant will be required to obtain all associated approvals and provide advanced notification to the affected neighbours. A construction management plan will be required to address and mitigate the impacts of the Barton Street works. • The temporary SWM pond is being proposed across the 	<ul style="list-style-type: none"> • A construction management plan is addressed through Condition No. 24 of Appendix “E” to Report PED20055. • Temporary SWM pond matters are addressed through Condition Nos. 13, 18, and 41 of Appendix “E” to Report PED20055. • The temporary walkway block matters are addressed through Condition Nos. 12, 14, 22 and 36 of Appendix “E” to Report PED20055. • Warning clauses, dedication, transfers, construction, temporary signage, liability and maintenance, securities, SWM pond

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SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) – Page 27 of 40

	<p>Future ROW (Block 64) that would connect the north portion of Street 'A' with a future road to the west. The Owner shall agree to dedicate sufficient ROW to the City upon request, and within 45 days of receiving notice, to establish the permanent connection between Street 'A'. The Owner shall provide a security to the City in the form of an irrevocable letter of credit for the extension of Street 'A', including all above ground and underground services. The City shall not be obligated to return the temporary road Blocks 58, 59, 60 and 61 until the future ROW has been dedicated and permanent road connections are established to the west.</p> <ul style="list-style-type: none">• The future residential portion of Block 51 and Block 52 has a temporary walkway proposed to provide pedestrian access to Highway No. 8 during the interim period ahead of a permanent access becoming available when the lands to the west are developed. The Owner shall be responsible to install the walkway, signage, and lighting, and for maintenance, removal and restoration, at their sole cost. Blocks 51 and 52 shall be dedicated to the City as a public highway. Once a suitable permanent connection has been provided	<p>decommissioning, removal, restoration, and cost estimates for the forgoing, of the temporary works, are addressed through Condition Nos. 2, 10-12, 14, 15, 21, 30, and 37 of Appendix "E" to Report PED20055.</p>
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SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) – Page 28 of 40

	<p>via future development to the west the Owner shall obtain permission to remove the walkway and complete the restoration work. After the removal of the walkway the Owner shall apply to have Blocks 51 and 52 stopped up and closed by the City. The City shall commence the process to return the Block 51 and Block 52 lands to the Owner after the stop-up and close by-law has been passed by the City.</p> <ul style="list-style-type: none">• The temporary works (access road and turning circle, sewers, watermain, SWM pond, etc.) will not be assumed and the assumption of the permanent roads and sewers will not take place until all of the temporary works have been removed, restoration completed, and the permanent road connections to the west have completed the required maintenance period. The Owner will be required to notify all prospective purchasers through all agreements of purchase and sale and registration on title that these works are temporary and will be removed and development integrated with the lands to the west as and when those lands develop.	
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	<p><u>Driveways and On-Street Parking</u></p> <ul style="list-style-type: none">• There would be a portion of the curb radius from the temporary road connection to Barton Street that would end up in front of the driveway of the lands located at 1220 Barton Street. The existing driveway would also be 9m or less from the proposed interim intersection. The Owner will be required to show the existing house and driveway of the lands located at 1220 Barton Street and demonstrate how conflicts will be avoided.• The driveways of Lots 25-27 are overlapping and would be in conflict as proposed. The current configuration of Lots 25-27 is not supported due to the potential conflicts and overlap of the driveways in front of the adjacent lots. These lots shall be reconfigured to avoid driveways with excessive angles and overlapping within the boulevards.• A revised Parking Plan (received November 19, 2019) demonstrates how the minimum 40% on-street parking requirement will be satisfied during the interim and ultimate conditions. The plan proposes some parking on the temporary road connection to Barton Street that will not be available in the ultimate condition. The parking plan	<ul style="list-style-type: none">• The Owner shall demonstrate through the detailed engineering design how the temporary road will be constructed in accordance with the City standards and avoid any conflict with the driveway of 1220 Barton Street.• Driveway and on-street parking matters will be addressed at the detailed design stage through Condition Nos. 38 and 39 of Appendix “E” to Report PED20055.
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SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) –
Page 30 of 40

	proposes to limit the widths of some driveways and pairing of driveways to generate the necessary number of parking spaces.	
	<p><u>Block 51 (Commercial Block and Temporary Multi-Use Path)</u></p> <p>Block 51 has lands zoned Commercial that are to be merged with residential lands fronting Highway No. 8 to avoid the Commercial portion of Block 51 from being landlocked, with the intent that it may be merged with the adjacent commercial lands in the future.</p>	<p>The area of Block 51 that is zoned Commercial shall be subject to a Holding provision that shall not be lifted until it is either merged with the adjacent commercial lands or suitable commercial zoned frontage is provided, which is secured through a Holding provision in the implementing Zoning By-law attached as Appendix “B” to Report PED20055. The residential portion of Block 51 and Block 52 has a temporary walkway proposed, which has been discussed in the temporary works above.</p>
	<p><u>General</u></p> <ul style="list-style-type: none"> As part of detailed engineering design and review, the Owner will be required to include warning clauses in all agreement of purchase and sale and/or lease, agree to pay for any required utility relocation, provide temporary parking restriction signage, establish 0.3 m reserve blocks, prepare a pest control plan, construct all temporary and permanent sidewalks, multi-use pathways, and roads, conduct well monitoring, and prepare and 	<ul style="list-style-type: none"> Detailed engineering design matters will be addressed through Condition Nos. 1-3, 16-17, 27, 33-36, and 40 of Appendix “E” to Report PED20055.

SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) –
Page 31 of 40

	<p>implement a geotechnical report.</p> <ul style="list-style-type: none"> • In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision, including any interim or temporary works. 	
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> • Approved the Tree Management Plan, and no permit or fees are required. • Landscape Plan, prepared and signed by a certified Landscape Architect, required. 	<ul style="list-style-type: none"> • Landscape plan must be submitted for review by the Forestry & Horticulture Section, which is addressed as Condition 2.8 of the City's Standard Conditions of Subdivision Approval. The condition of Street Tree Planting will be cleared upon receipt of a plan depicting new trees and a cash payment.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> • The lands making up the cul-de-sac at the south end of Street 'A' will need to provide 0.3 m reserves on the 62M Plan. • Requested a note be included to the conditions of Draft Plan of Subdivision indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted. 	<ul style="list-style-type: none"> • The necessary 0.3 m reserve blocks are addressed through Condition No. 17 of Appendix "E" to Report PED20055. • The note has been added to the conditions of Draft Plan of Subdivision approval (see Appendix "E" to Report PED20055).
Hamilton Conservation Authority	<ul style="list-style-type: none"> • The SWM concept indicates that an impermeable liner will be provided to isolate the SWM facility from the shallow 	<ul style="list-style-type: none"> • These matters are being addressed as Condition No. 52 of Appendix "E" to Report PED20055.

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SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) –
Page 32 of 40

	<p>aquifer. HCA note that a geotechnical consultant should provide recommendations about the thickness of the liner, and demonstrate that the potential for contamination of the shallow aquifer is not an issue.</p> <ul style="list-style-type: none"> • Recommends a verified oil/grit separator model be incorporated into the SWM design to meet the “Normal” level of the quality control treatment, and that additional quality controls for areas bypassing the SWM facility be provided. 	
Landscape Architectural Services, Strategic Planning Division, Public Works Department	The Fruitland-Winona Secondary Plan and Trails Master Plan outline the Barton Street Pedestrian Promenade and multi-use trail along Barton Street within this area.	The Barton Street Pedestrian Promenade has been discussed above under the Transportation Network policies of the Fruitland-Winona Secondary Plan.
Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department	Requested a Pest Control Plan and a Dust Management Plan during the construction / development phase of the project.	These requirements are being addressed as Condition Nos. 27 and 53 of Appendix “E” to Report PED20055.
Recycling and Waste Disposal Section, Environmental	This development is eligible for municipal waste collection service subject to meeting the City’s requirements. The property owner must contact the City to request	This requirement is being addressed as a note on the conditions of Draft Plan of Subdivision approval (See Appendix “E” to Report

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SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) – Page 33 of 40

Services Division, Public Works Department	waste collection service to complete a site visit to determine if the property complies with the City's waste collection requirements.	PED20055).
Transit Planning and Infrastructure, Public Works Department (formerly HSR)	The site is presently served by Stoney Creek TransCab (HSR's shared-ride taxi service). There are no current plans to implement fixed-route bus service. TransCab ridership is monitored and will be used to support any future transit improvements, which will benefit from additional mixed uses and density. In the longer term, an extension of the BLAST rapid transit network along Highway No. 8 is envisioned, subject to ridership growth and approval of operating and capital budgets.	Noted.
Transportation Planning Section, Planning and Economic Development Department	<ul style="list-style-type: none"> • Traffic Impact Study and Transportation Demand Management Options Report, prepared by GHD dated October 9, 2018, approved. • All necessary road allowances, including daylighting and visibility triangles, have been provided. • Pavement markings, traffic signs and/or traffic signal plans are required. • A site line analysis is required for the proposed interim intersection of Street 'A' and Barton Street, considering multiple locations of the future traffic controls (i.e. Stop Bar and Stop Sign), also factoring 	<ul style="list-style-type: none"> • Road allowances and signage / marking plans will be secured through Condition Nos. 5 - 8 and 54 - 55 of Appendix "E" to Report PED20055. • The sight line analysis is secured through Condition No. 44 of Appendix "E" to Report PED20055. • Driveway locations will be secured through Condition Nos. 38 and 39 of Appendix "E" to Report PED20055.

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SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) –
Page 34 of 40

	<p>in the location of the future Barton Street Pedestrian Promenade.</p> <ul style="list-style-type: none"> • Driveway locations and municipal sidewalks must conform to City standards. 	
Canada Post	<ul style="list-style-type: none"> • Owners / developers are required to notify purchasers of Centralized Mailbox locations. • Provided their requirements for the Centralized Mailbox locations. 	<ul style="list-style-type: none"> • These requirements are being addressed as Condition Nos. 56 - 58 of Appendix "E" to Report PED20055.
Ministry of Environment, Conservation, and Parks	<ul style="list-style-type: none"> • As the lands are already zoned for residential use, the rezoning is a refinement to the zoning to reflect the proposed development. • The applicant has advised that underground storage tanks and/or buried waste is on the subject or adjacent lands and that a Phase I and II Environmental Site Assessment has been prepared. As there is no change in use occurring, a Record of Site Condition is not mandatory under O. Reg. 153/04. • The application also states that a Class I industry is located within 500 metres of the subject lands, but there is no identification of this industry to enable confirmation as to the class of this industry and confirm that a suitable separation distance is present, 	<ul style="list-style-type: none"> • The UHOP includes policies to determine whether there is any potential for land use incompatibility to occur as a result of proximate existing and permitted uses in order to then determine whether the proponent needs to address potential contamination impacts and any suitable mitigation. This matter has been discussed previously and has been addressed as Condition No. 48 of Appendix "E" to Report PED20055. • The applicant advises that the property located at 1175 Barton Street is occupied by a modern, multi-tenant building with a total area of 13,376 m² containing a mix of regional and national tenants. There is no outside storage and all manufacturing processes are

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SUBJECT: Applications for Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 1218 and 1226 Barton Street, and 1219 Highway No. 8 (Stoney Creek) (PED20055) (Ward 10) –
Page 35 of 40

	so no further comment can be provided.	conducted within the building, therefore impacts of other emissions would be negligible. Based on the results of the Noise Impact Study, as discussed above, warning clauses with respect to stationary noise associated with the commercial business will be required. This requirement will be secured as Condition No. 47 in Appendix “E” to Report PED20055.
Union Gas	Requested that as a condition of final approval, the owner is required to provide the necessary easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to them.	This requirement is a Standard Condition of Draft Approval.

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 142 property owners within 120 m of the subject property on November 24, 2017. At the time of preparation of this report, no public submissions have been received.

A Public Notice Sign was posted on the property on December 19, 2017, and updated on February 26, 2020, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on March 6, 2020. A notice of cancellation regarding the Public Meeting was circulated on March 20, 2020 in response to the COVID-19 emergency.

The Public Notice sign was updated again on June 17, 2020 with the new Public Meeting date and Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on June 26, 2020.

Public Consultation Strategy

The applicant prepared a Public Consultation Strategy in accordance with the Provisions of the *Planning Act*. As noted above, no comments or requests were made by the public, and as such a pre-Planning Committee non-statutory public open house was not warranted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS (2020) and conforms to A Place to Grow (2019), as the proposal represents an opportunity for growth in settlement areas;
 - ii) It complies with the general intent of the UHOP, as it is an extension of the approved developments to the east of the subject lands, adds to the creation of a complete community, and contributes to a range of housing options in the Fruitland-Winona Secondary Plan area;
 - iii) It complies with and implements the policies of the Fruitland-Winona Secondary Plan; and,
 - iv) The proposal represents good planning by, among other things, providing a compatible development that is in keeping with existing and planned development in the surrounding area and provides for the logical extension of existing and planned infrastructure.
2. The proposed Zoning By-law Amendment is to change the zoning:
 - from the Agricultural Specialty “AS” Zone to the Single Residential “R4-35” Zone, Modified (Block 1);
 - from the Rural Residential “RR” Zone, to the Single Residential “R4-35” Zone, Modified (Block 2);
 - from the Single Residential “R1” Zone to the Single Residential “R4-35” Zone, Modified (Block 3);
 - from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36” Zone, Modified (Block 4);
 - from the Agricultural Specialty “AS” Zone to the Single Residential “R4-36(H)” Zone, Modified, Holding (Block 5);

- from the Agricultural Specialty “AS” Zone to the Single Residential “R4-37” Zone, Modified (Block 6); and,
- from the Agricultural Specialty “AS” Zone to the General Commercial “GC-30(H)” Zone, Modified, Holding (Block 7),

to permit the development of up to 50 single detached dwellings, a temporary stormwater management pond, and residential reserve blocks. Given that the proposed development complies with the Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan, contributes to a complete community through a compact design that includes a diverse range and mix of housing types within the existing and planned surrounding neighbourhood, provides a mixture of lot widths and sizes compatible with existing and planned development in the area, and has a built form that is consistent with character of the surrounding area, staff are supportive of the proposed Zoning By-law Amendment.

The implementing by-law proposes modifications to the Single Residential “R4” Zone which are discussed in Appendix “C” to Report PED20055.

3. As it relates to Official Plan and Secondary Plan policy framework, the proposed subdivision has received LPAT approval to develop ahead of the Block 3 Servicing Study lands to the west. The ultimate roads, sewers, and watermain connections would be provided when the lands to the west are developed. In order to advance the development ahead of the Block 3 Servicing Study lands the Owners have proposed interim and temporary works. These interim works include a temporary road connection to Barton Street (Blocks 58 - 61), a temporary SWM pond (Blocks 62 - 64), ±530 m of temporary storm sewer to create an interim storm outlet, a temporary watermain and sanitary sewer, a temporary turning circle (Blocks 53 - 56), and a temporary walkway to Highway No. 8 (Blocks 51 - 52). Once the lands to the west have been developed and the permanent works have been constructed, the interim and temporary works will be removed and replaced with residential lots and/or additional lands added to residential lands, all at the Owner’s expense.

Both Barton Street and Highway No. 8, which abut the proposed subdivision, are currently in the EA process for future road improvements. The timing of the implementation of the EA works is currently anticipated to be 2025 and beyond. The permanent connections to the Block 3 Servicing Study lands are not currently anticipated to be in place before the EA works. The Owner will be required to pay urbanization costs based on the frontage and the new roads servicing rates applicable at the time of registration.

4. 'H' Holding provisions have been included in the implementing Zoning By-law attached as Appendix "B" to Report PED20055 in order to ensure that a suitable emergency overland flow route can be adequately provided and that the General Commercial "GC-30" Zone zoned lands are assembled with abutting lands to provide suitable commercial zoned frontage and access to Highway No. 8.

Modifications to the Single Residential "R4" Zone (discussed in Appendix "C" to Report PED20055) to provide for increased side yard setbacks, where required, are included to reconcile grading and drainage of abutting existing properties. Further, any development of the residential portion of Block 51 that would not be encumbered by the proposed multi-use path has been deferred and will be reviewed through a future Part Lot Control application to ensure that grading and drainage can be reconciled with the existing lot and that sufficient lot frontage is provided for a lot fronting on Highway No. 8 to be compatible with the surrounding streetscape.

Through staff review of the proposed development, instead of Holding provisions for the interim / temporary works on Blocks 51-52, 53-56 and 58-61 (multi-use path, turning circle, and access road, respectively), as shown on the Draft Plan of Subdivision attached as Appendix "D" to Report PED20055, it has been agreed between the City and the Owner that these lands will be transferred to the City until such time that the adjacent lands to the west, located within the Block 3 Servicing Strategy boundary area are developed and permanent access and services are established to the subject lands. At such time the subject lands will be restored and then returned to the Owner for nominal consideration (see the ultimate development concept attached as Appendix "F" to Report PED20055). This matter is addressed through Condition Nos. 10-12 of Appendix "E" to Report PED20055 and will be carried out through a Memorandum of Understanding.

5. The proposed Draft Plan of Subdivision will consist of 50 lots for single detached dwellings (Lots 1-50), one temporary multi-use path block (Block 51), ten residential reserve blocks (Blocks 52-61), two residential reserve blocks for a temporary stormwater management pond (Blocks 62-63), future road (Block 64), three road widenings (Blocks 65-67), two 0.3 m reserve blocks (Blocks 68-69), and a public road (Street 'A'), attached as Appendix "D" to Report PED20055.

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, A Place to Grow, and with the general intent of the Urban Hamilton Official Plan;

- (b) Through the phasing of development within the Fruitland-Winona 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;
- (d) The lands can be appropriately used for the use for which it is to be subdivided;
- (e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (f) The dimensions and shape of the lots are appropriate;
- (g) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
- (h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement; and,
- (j) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision.

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

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with Agricultural Specialty "AS" Zone, Single Residential "R1" Zone, and Rural Residential "RR" Zone in the City of Stoney Creek Zoning By-law No. 3692-92, which permits uses including, but not limited to, agricultural uses and single detached dwellings.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and 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.

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” – Draft Zoning By-law Amendment

Appendix “C” – Zoning Modification Chart

Appendix “D” – Draft Plan of Subdivision

Appendix “E” – Draft Plan of Subdivision Special Conditions

Appendix “F” – Ultimate Development Concept

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