



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 7, 2021
<b>SUBJECT/REPORT NO:</b>	Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Ohi Izirein (905) 546-2424 Ext. 5134
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-21-004, by IBI Group (c/o Jared Marcus, Applicant) on behalf of Winona Point Joint Venture Inc (c/o Fernando Puga, Owner)** to re-designate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan, and to re-designate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the subject lands from Area Specific Policy – Area E, and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan; to permit a commercial / residential mixed use development comprised of stacked townhouse dwellings, ground floor commercial space with dwelling units above, and one single storey commercial building, for a total of 454 residential units and 2,475 m<sup>2</sup> of commercial space, on lands located at 1290 South Service Road and 5 and 23 Vince Mazza Way, as shown on Appendix “A” attached to Report PED21223, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That **Amended Zoning By-law Amendment Application ZAC-21-008, by IBI Group (c/o Jared Marcus, Applicant) on behalf of Winona Point Joint Venture Inc (c/o Fernando Puga, Owner)** to change the zoning from the Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding to the Mixed Use Medium Density (C5, 562) Zone (Block 1) and from the District Commercial (C6, 562) Zone to the Mixed Use Medium Density (C5, 562) Zone (Block 2) to permit a mixed use development with a one-storey commercial building, five, three-storey mixed use buildings with ground floor commercial and 50 stacked townhouse units above, and 12, four-storey stacked townhouse dwellings with 404 units, for a total of 454 residential units and 2,475 m<sup>2</sup> of commercial space, with surface and underground parking and landscaped amenity areas, on lands located at 1290 South Service Road and 5 and 23 Vince Mazza Way, as shown on Appendix “A” attached to Report PED21223, be **APPROVED** on the following basis:
  - (i) That the draft By-law attached as Appendix “C” to Report PED21223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (i) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

## **EXECUTIVE SUMMARY**

The Applicant has applied for an Urban Hamilton Official Plan Amendment and a Zoning By-law Amendment to permit a mixed use development with a one-storey commercial building, five, three-storey mixed use buildings with ground floor commercial and 50 stacked townhouse units above, and 12, four-storey stacked townhouse dwellings with 404 units, for a total of 454 residential units and 2,475 m<sup>2</sup> of commercial space, with 68 surface and 553 underground parking spaces and landscaped amenity areas.

The Official Plan Amendment proposes to re-designate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan (UHOP) and to “Medium Density Residential 2” and remove the subject lands from Area Specific

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Policy – Area E and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan.

The Zoning By-law Amendment proposes to change the zoning from the Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding and the District Commercial (C6, 562) Zone to the Mixed Use Medium Density (C5, 562) Zone. A number of site specific modifications to the Mixed Use Medium Density (C5) Zone are proposed to accommodate the proposed development.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the general intent and purpose of the UHOP and Fruitland-Winona Secondary Plan. In particular, the proposed development complements the existing function of the neighbourhood by expanding the range of retail and commercial services in addition to providing a range of housing. The proposal provides for residential intensification in a strategic location, ensuring land, municipal services, and transportation systems are used and expanded efficiently and contributes to a full range of residential dwelling types. This proposal will contribute additional density that will strengthen the viability of extending local transit service and sustain the commercial uses in the area.

**Alternatives for Consideration – See Page 47**

**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 Official Plan Amendment and Zoning By-law Amendment. The proposed Zoning By-law Amendment is to amend a Zoning By-law that remains under appeal to the Ontario Land Tribunal (OLT). Therefore, Council’s approval of the Zoning By-law Amendment will not take effect until either the appeal is withdrawn by the Applicant, a negotiated settlement is reached and approved by the OLT, or alternatively the OLT dismisses the appeal. The staff recommended approval of the zoning application is in effect a negotiated settlement that will be implemented through adoption of a site specific Official Plan Amendment and Zoning By-law Amendment. As of the writing of this report, the Applicant has confirmed their intent to withdraw their appeal

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upon the proposed Zoning By-law Amendment being passed by Council and becomes final and binding.

## **HISTORICAL BACKGROUND**

### **Report Fact Sheet**

<b>Application Details</b>	
Owner:	Winona Point Joint Venture Inc (c/o Fernando Puga).
Applicant/Agent:	IBI Group (c/o Jared Marcus).
File Number:	UHOPA-21-004. ZAC-21-008.
Type of Application:	Urban Hamilton Official Plan Amendment. Zoning By-law Amendment.
Original Proposal:	<p>A one-storey commercial building, seven, three-storey mixed use buildings with ground floor commercial space and 54 stacked townhouse units above, 12, four-storey stacked townhouse dwellings with 304 units, and a 28 storey multiple dwelling containing 266 units, for a total of 624 residential units and 2,630 m<sup>2</sup> of commercial space, with surface, at grade and underground parking, and landscaped amenity areas.</p> <p>As a result of comments and feedback from staff and the public, a revised submission was made, which included the removal of the 28 storey multiple dwelling containing 266 units.</p>
Revised Proposal:	<p>A mixed use development with a one-storey commercial building, five, three-storey mixed use buildings with ground floor commercial and 50 stacked townhouse units above, and 12, four-storey stacked townhouse dwellings with 404 units, for a total of 454 residential units and 2,475 m<sup>2</sup> of commercial space, with 68 surface and 553 underground parking spaces with two accesses from Vince Mazza Way, and landscaped amenity areas including a woonerf inspired parkette with a covered seating area, community garden, children's play structure, and a multipurpose spray pad / skating rink, interior courtyards with raised planter beds between dwellings, and a stroll garden along the north portion of the site (see the Preliminary Site Plan and Building Elevations attached as Appendix "F" to Report PED21223).</p>

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<b>Property Details</b>	
Municipal Address:	1290 South Service Road and 5 and 23 Vince Mazza Way (see Location Map attached as Appendix “A” to Report PED21223).
Lot Area:	±3.5 ha (rectangular).
Servicing:	Full municipal services.
Existing Use:	Vacant.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “District Commercial” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	“Neighbourhoods” designation.
Secondary Plan Existing:	“District Commercial” and within “Area Specific Policy E” area in the Fruitland-Winona Secondary Plan.
Secondary Plan Proposed:	“Medium Density Residential 2” Designation, remove the lands from “Area Specific Policy – Area E”, and add a new Site Specific Policy to the Fruitland-Winona Secondary Plan.
Zoning Existing:	<ul style="list-style-type: none"> <li>1290 South Service Road: Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding (in effect); and, District Commercial (C6, 562) Zone (under appeal); and,</li> <li>5 and 23 Vince Mazza Way: District Commercial (C6, 562) Zone. (Refer to the Location Map attached as Appendix “A” to Report PED21223).</li> </ul>
Zoning Proposed:	Mixed Use Medium Density (C5, 562) Zone.
Modifications Proposed:	<p>The Applicant proposed the following modifications:</p> <ul style="list-style-type: none"> <li>Surfaces of Parking Spaces and Parking Lots to include exhaust and intake vents provided at grade; and,</li> <li>Minimum Barrier Free Parking Space Sizes from 4.4 metres to 2.4 metres (AODA Type A) or 3.4 metres (AODA Type B) accompanied by a 1.5 metre shared painted aisle. Staff revised the modification to 2.8 metres in width accompanied by a 1.5 metre shared painted aisle.</li> </ul>

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<p>Modifications Proposed <b>Continued:</b></p>	<ul style="list-style-type: none"> <li>• Landscaped Area(s) or Landscaped Parking Island(s) Within a Parking Lot from 10% to 7% of the area of the parking lot;</li> <li>• Minimum Number of Barrier Free Parking Spaces from a proportion of the total required parking provided to a fixed number;</li> <li>• Number of Parking Spaces for Multiple Dwellings and Commercial Uses from a range based on use, unit sizes and numbers, to a minimum 1.25 and maximum 1.5 parking spaces per dwelling unit and a specific per gross floor area per commercial unit; and,</li> <li>• Bicycle Parking Requirements from a range based on use and unit sizes to 94 for Multiple Dwellings and to extend none required for certain commercial uses under 450 m<sup>2</sup> to apply to all commercial uses.</li> <li>• Building Setback from a Street Line from a minimum of 3.0 metres and maximum of 4.5 metres to varied setbacks based on use and street frontage, including 0.0 metres from the Vince Mazza Way street line. Staff revised the modification to a minimum of 0.9 metres for commercial uses, 3.0 metres for dwelling units, and 0.6 metres from a daylighting triangle or curve consistent with the proposed development;</li> <li>• Exclusion of Minimum Rear Yard requirements as the site fronts a street on all sides;</li> <li>• Building Height from a minimum of 7.5 metres and maximum of 22.0 metres to a minimum of 5.0 metres and a maximum of 16.0 metres; and,</li> <li>• Built form for New Development for the orientation of principal building entrances towards the street to only apply to commercial uses.</li> </ul> <p>The Applicant also requested that Permitted Yard Encroachment regulations not apply. As a result of the above noted revisions to minimum Building Setback from a Street Line, these regulations remain applicable to the proposed development, and therefore these modifications have not been included within the proposed Zoning By-law Amendment.</p>
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Modifications Proposed <b>Continued:</b>	<p>In addition, staff have included the following modifications:</p> <ul style="list-style-type: none"> <li>• Additional Prohibited Uses (i.e. large scale, institutional, and automobile-oriented uses);</li> <li>• Adding a Minimum Gross Floor Area for Retail and Service Commercial Uses of 1,900 m<sup>2</sup>;</li> <li>• Built form for New Development for existing regulations that are not yet final and binding; and,</li> <li>• Limiting Minimum Amenity Area for Dwelling Units and Multiple Dwellings for balcony or rooftop amenity areas to less than 4.0 metres in depth.</li> <li>• (See Appendix “D” attached to Report PED21223).</li> </ul>
<b>Processing Details</b>	
Received:	December 22, 2020.
Deemed Complete:	January 21, 2021.
Notice of Complete Application:	Sent to 17 property owners within 120 m of the subject lands on February 5, 2021.
Public Notice Sign:	Posted February 3, 2021, updated with revised project description on June 11, 2021, and updated with Public Meeting date November 10, 2021.
Notice of Public Meeting:	Sent to 339 addresses including those within 120 m of the subject lands. Council directed that the circulation be increased to include the area north of the Queen Elizabeth Way Highway in the area of Baseline Road and Riviera Ridge, and other interested persons requesting to be notified on November 19, 2021.
Public Comments:	37 letters / emails: 32 expressing concern and five requesting information (see Appendix “G” attached to Report PED21223). The comments received by the City are summarized on page 38.
Revised Concepts:	June 6, 2021.
Processing Time:	350 days, 184 days from receipt of amended Application.

## Background

On October 29, 2003, Council adopted Amendment No. 14 to the Hamilton-Wentworth Official Plan and Amendment No. 99 to the City of Stoney Creek Official Plan to expand the “Urban Area” boundary in lower Stoney Creek, better known as the Stoney Creek Urban Boundary Expansion (SCUBE). The amendments were approved, with modifications to Amendment No. 99, on April 30, 2007 by the OLT (known as the Ontario Municipal Board at the time). Amendment No. 99 incorporated “Special Policy

Area F” into the Stoney Creek Official Plan, requiring a general land use concept based on housing, population, schools, commercial, and employment lands for several areas including the subject lands and surrounding area. Amendment No. 99 also required the municipality to evaluate the appropriateness of commercial development in and around the subject lands.

On June 23, 2008, the Committee of the Whole considered a staff report on the Municipal Comprehensive Review and Conversion Analysis for Employment Lands Study, and adopted the following resolution with respect to the subject lands and surrounding area:

“(b) That in addition to the recommended conversions sites contained in Appendix “B” to Report PED08066(a), the following areas be identified as Council exceptions:

- (iv) The site at the southwest quadrant of QEW and Fifty Road from the City’s employment lands study and employment land bank, and that the site be deemed to permit a mix of land uses, including commercial uses;”

This resolution was confirmed by Council at its meeting of June 25, 2008.

On August 13, 2009, Council approved By-law No. 09-183 for Official Plan Amendment No. 36 to the Official Plan of the former Regional Municipality of Hamilton-Wentworth; and, Official Plan Amendment No. 150 to the Official Plan of the former City of Stoney Creek regarding the subject lands and surrounding area.

- Official Plan Amendment No. 36 (Hamilton-Wentworth Regional Official Plan, “HWROPA”) added the following:

“Notwithstanding Policy C.3.1.3.1, recognize the City of Stoney Creek’s plans to develop a portion of their business park (lands located from Winona Road to Fifty Road in-between the QEW and CN Railway) as a Mixed Use Centre, which could include a department store, grocery store, and inter-regional, multi modal transportation terminal utilizing special location aspects of exposure and access to the QEW. The Stoney Creek Official Plan will contain detailed policies to ensure development of the areas as a Mixed Use Centre.”

- Official Plan Amendment No. 150 (Stoney Creek Official Plan, “SCOPA”) added the following to “Special Policy Area F”:

“12.6.2 In addition to Policy 12.6.1, the lands located at the southwest corner of Queen Elizabeth Way and Fifty Road, east of Winona Road, identified as Parcel B1 on Schedule A - General Land Use Plan, shall be developed



as a mixed use centre including a range of retail uses and an inter-regional, multi modal transportation terminal.

#### 12.6.2.1 Permitted Uses

- c) No residential uses shall be permitted.”

Within Report PED09157 and supporting materials for lands located at 1310 South Service Road, references were made to ‘a mix of commercial and employment uses’ that implemented the above Council resolution by expanding the range of uses of the “SC2” Zone and retaining the employment intent of the existing designation. The above policy framework was carried forward into the Fruitland-Winona Secondary Plan (FWSP), as discussed in the FWSP Summary Report (2013); particularly through Area Specific Policy – Area E and Area Specific Policy – Area G.

#### Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
<b>Subject Lands:</b>	Vacant.	Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding and District Commercial (C6, 562, H64) Zone (under appeal as it relates to lands known as 1290 South Service Road).

#### Surrounding Land Uses:

North	QEW Highway and Block Townhouses.	Multiple Residential “RM3” Zone and Multiple Residential “RM3-62” Zone, Modified.
South	Vacant Land, Motor Vehicle Gas Bar, and Large Format Retail Warehouse.	District Commercial (C6, 301) Zone.
East	Vacant Land and Commercial Uses.	District Commercial (C6, 301, H112) Zone and District Commercial (C6, 301) Zone.

West	Industrial Building with office space, manufacturing, and warehousing, Warehousing, and Single Detached Dwellings.	Prestige Business Park (M3) Zone.
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## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

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). The following policies, amongst others, apply to the proposed development:

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- a) Promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
  - b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs; and,
  - e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- 1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted;

1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:

- a) Efficiently use land and resources;
- b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
- e) Support *active transportation*; and,
- f) Are *transit-supportive*, where transit is planned, exists or may be developed;

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for *transit-supportive* development, accommodating a significant supply and range of *housing options* through *intensification* and *redevelopment* where this can be accommodated taking into account existing building stock or areas, including *brownfield sites*, and the availability of suitable existing or planned *infrastructure* and *public service facilities* required to accommodate projected needs;

1.7.1 Long-term economic prosperity should be supported by:

- b) Encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of *housing options* for a diverse workforce; and,
- e) Encouraging a sense of place, by promoting well-designed built form...”

The proposed development is located within the settlement area and proposes residential intensification on underutilized lands. The subject lands are well serviced by a comprehensive street network being located along minor arterial and collector road corridors, where intensification is to be directed, and has municipal infrastructure and services available to support the proposed development with planned improvements to the area road network. The subject lands are appropriate for residential intensification to address housing needs, which would support active transportation, and is transit

supportive. The development of a mixed use commercial and residential community is an efficient use of land, an appropriate development for the site, which will complement the existing surrounding area.

The development of a higher order multi-modal transportation terminal conceptually identified on the BLAST network, as shown on Appendix “B” of Volume 1 of the UHOP, within the vicinity of the intersection of Fifty Road and South Service Road is pending the extension of Light Rail Transit (LRT) service and a combination LRT / Government of Ontario (GO) Transit rail station hub. Until formal planning for a local fixed transit route extension to the area is implemented, the area will be serviced by Trans Cab, linking the subject lands to the existing local transit route terminus at the Municipal Service Centre on Highway No. 8. The addition of 454 residential units supports existing and future transit in the area.

#### Noise

“1.2.6.1 *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.”

The lands front the QEW, a Provincial Highway, South Service Road, a minor arterial, and Winona Road, a collector road, as identified on Schedule C – Functional Road Classification in the UHOP. The proposed development is a sensitive land use (residential) in the vicinity of significant employment (industrial) areas and road network. Staff have reviewed the updated environmental noise impact study titled “*Environmental Noise and Vibration Assessment*”, prepared by SLR Consulting (Canada) Ltd. and dated June 2, 2021 for the proposed development. The aforementioned study has reviewed potential road and stationary noise impacts on the proposed development.

In accordance with Ministry of Environment, Conservation and Parks (MOECP) guidelines, sound level limits are specified for outdoor living areas (OLAs) which include balconies and rooftop amenity areas with a minimum depth of 4.0 metres. All proposed balconies and rooftop amenity areas are less than 4.0 metres in depth and therefore are not considered OLAs. To ensure conformance, this matter is addressed through the implementing Zoning By-law (attached as Appendix “C” to Report PED21223) and will be further reviewed in the future at the Site Plan Control stage.

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In addition, the proposed play area at grade is accessible to the general public and is not considered a dedicated OLA. Based on the results of the study, no noise barriers are required to support the development.

The revised study has also confirmed that a Vibration Study is not required due to the physical separation from the CN tracks to the south. However, the report does not indicate what the mitigated sound levels for noise-sensitive indoor living areas (i.e. living rooms and sleeping quarters) would be once the recommended building components have been incorporated into the development.

Staff are generally satisfied with the findings of the study, subject to the submission of a detailed noise study to identify the specific building materials, confirm grading information, address potential noise from the parkade ramp, and confirm the location of any unitary equipment on site. This issue will be further addressed at the future Site Plan Control stage when warning clauses are to be identified and implemented through acknowledgments and undertakings in all offers of purchase and sale or lease agreements. Further, should the proposed development be subject to a future Draft Plan of Condominium application, the necessary noise warning clauses will be included within the registerable portion of the Condominium Agreement.

**Archaeology**

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

As part of a previous Application (ZAC-14-040) related to the subject lands, a Stage 1 and 2 Archaeological Report (P064-288-2009) was submitted to the City of Hamilton and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Ministry of Heritage, Sport, Tourism and Culture Industries provided a clearance letter dated August 9, 2011 regarding the Stage 1 and 2 Archaeological Assessment. Staff reviewed the assessment and concur with the recommendations made in the Report, and the archaeology condition for the subject Application has been met to the satisfaction of staff.

Based on the foregoing, the proposal is consistent with the PPS (2020).

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any Planning decision. The proposal conforms to the Guiding

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Principles, Section 1.2.1 of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended). The following policies, amongst others, apply to this proposal.

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

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

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- c) Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes; and,
- e) Provide for a more *compact built form* and a vibrant *public realm*, including public open spaces.”

The subject lands are within the Urban Boundary and Built-up Area in a settlement area, with existing and planned municipal services. The proposed commercial / residential mixed use development, will complement existing surrounding development, ensuring

that new residential development with appropriate densities, a full range of housing options, and commercial uses support the achievement of complete communities.

Based on the foregoing, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan (UHOP) and Fruitland-Winona Secondary Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “District Commercial” on Schedule E-1 – Urban Land Use Designations. The lands are also designated “District Commercial” and located within “Area Specific Policy Area E” on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan. The following policies, amongst others, apply to the proposal:

Urban Structure and Commercial and Mixed Use and Neighbourhoods Designations  
“Volume 1:

- E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services;
- E.2.6.5 The Neighbourhoods element of the urban structure shall permit a range of commercial uses including retail stores and services. These commercial uses may be clustered into plaza forms or in main street configurations. Over time, some of these commercial areas may evolve into a mixed use form, where appropriate;
- E.2.6.7 Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes *compatible* with the existing character or function of the neighbourhood shall be permitted. Applications for *development* and *residential intensification* within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation;
- E.4.2.4 The majority of retail and service commercial uses shall be directed to the Mixed Use designations in the *Urban Nodes* and *Urban Corridors*. The

Mixed Use designations also apply to smaller mixed use areas outside the *Urban Nodes* and *Urban Corridors*. These smaller mixed use areas are intended to serve the needs of the surrounding neighbourhoods;

- E.4.2.5 A more limited range of retail uses shall be permitted in the District Commercial designation to serve the day-to-day and weekly shopping needs of residents in the surrounding neighbourhood but in a primarily non-mixed use environment;
- E.4.2.9 Notwithstanding Policies E.4.2.3 and E.4.2.6, four major commercial areas currently exist in the City of Hamilton that exceed 25,000 square metres of retail and commercial service space, but are not anticipated to evolve into mixed use areas during the life of this Plan. These four areas are not identified as *Urban Nodes* or *Urban Corridors*, are within the Neighbourhood element of the Urban Structure on Schedule E – Urban Structure, are designated District Commercial on Schedule E-1 – Urban Land Use Designations and have area or site specific requirements contained in Volume 2 or Volume 3. The amount or type of retail uses in these locations shall not be expanded without an amendment to the Urban Structure. The four major commercial areas are located:
- c) In the area, south of the QEW, west of Fifty Road, north of the CN Railway and east of Winona Road;
- E.4.7.2 The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:
- a) Commercial uses including retail stores, personal services, financial establishments, live work units, restaurants, including gas bars, car washes, and service stations;
- b) Medical clinics and offices provided they are located above the first storey; (OPA 64)
- c) Residential uses provided they are located above the first storey of a mixed use building; and,
- d) Accessory uses;



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- E.4.7.4 The specific permitted heights and densities shall depend on the area and may be further refined through detailed secondary plans or the Zoning By-law;
- E.4.7.5 The built form may include stand-alone stores, multiple unit commercial buildings or live-work buildings;
- E.4.7.9 Although residential development is permitted and encouraged, it is not the intent of the Plan for the District Commercial designated areas to lose the planned retail and service commercial function set out in this Plan;

Volume 2:

- B.7.4.5.4 District Commercial Designation Section E.4.7 – District Commercial Designation of Volume 1 shall apply to lands designated District Commercial on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan; and,
- B.7.4.18.5 For the lands located south of the South Service Road and on the east side of Winona Road, as shown as Area Specific Policy – Area E on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:
- a) In addition to Policy E.4.7.2 – District Commercial of Volume 1, the following uses shall be permitted:
    - i) Arts and cultural uses;
    - ii) Entertainment uses; and,
    - iii) Free standing offices;
  - b) Notwithstanding Policy E.4.7.2 (a) and (c), residential and live work units shall not be permitted.”

With reference to the above policies, particularly E.4.2.5, the intent of E.4.7.2 (c) along with Volume 2, and E.4.7.9 of the UHOP, an Official Plan Amendment is necessary to re-designate the subject lands to facilitate the proposed mixed use development. The subject lands are located within the Neighbourhoods element and not within an Urban Node or Urban Corridor. While Policy E.4.2.9 states that the subject lands are not anticipated to evolve into mixed use areas during the life of this Official Plan, the applicant has noted in their Planning Justification Report, prepared by IBI Group and dated December 18, 2020, that previous marketing strategies to develop the lands

under the current designation has not been successful, and confirming the conclusion reached in the Fruitland-Winona Secondary Plan Summary Report (2013) that there is a surplus of commercial lands within the secondary plan area.

The Official Plan Amendment application proposes to re-designate the subject lands to “Mixed Use - Medium Density” in both the UHOP and the Fruitland-Winona Secondary Plan (FWSP). The proposed Official Plan Amendment, attached as Appendix “B” to Report PED21223, was amended by staff to re-designate the subject lands to the “Neighbourhoods” designation within the UHOP and to the “Medium Density Residential 2” designation within the FWSP. The proposed “Medium Density Residential 2” designation is presently incorporated within the FWSP. Along with the site specific policies, the proposed “Medium Density Residential 2” designation is the most appropriate of the current FWSP designations for the proposed development.

The function of the Neighbourhoods and Medium Density Residential 2 Designations is as follows:

“Volume 1:

- 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.3.2.2 The Neighbourhoods designation applies to lands generally greater than 4 hectares in size designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations;
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
  - a) Residential dwellings, including second dwelling units and *housing with supports*.; ...and,
  - d) Local commercial uses;
- E.3.5.1 Medium density residential areas are characterized by *multiple dwelling* forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads;

- E.3.5.2 Uses permitted in medium density residential areas include *multiple dwellings* except street townhouses;
- E.3.5.4 Local commercial uses may be permitted on the ground floor of buildings containing *multiple dwellings*, provided the provisions of Section E.3.8 – Local Commercial are satisfied;
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned *community facilities*, public transit, schools, active or passive recreational facilities, and local or District Commercial uses;
- E.3.8.4 Local commercial uses may be permitted in the following built forms:
- a) small single-use buildings such as those occupied by a convenience store or a medical office;
  - b) a plaza form at varying scales containing multiple commercial uses;
  - c) a main street configuration with multiple commercial uses; or,
  - d) multiple storey buildings with the local commercial uses on the ground floor and residential units above;

Volume 2:

B.7.4.4.6 Medium Density Residential 2 Designation

In addition to Section E.3.5 - Medium Density Residential Policies of Volume 1, for lands designated Medium Density Residential 2 on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policies shall apply:

- b) Notwithstanding Policy E.3.5.7 of Volume 1, the net residential density shall be greater than 60 units per hectare and shall not exceed 75 units per hectare; and,
- c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum height shall be 3.5 storeys.”

As per the policies above, the Neighbourhoods element of Schedule E – Urban Structure primarily consists of residential uses, and a range of commercial uses including retail stores and services. These commercial uses may be clustered into plaza forms or in main street configurations, and may evolve into a mixed use form, where appropriate. In considering the proposed redesignations from “District Commercial” to “Neighbourhoods” and “Medium Density Residential 2”, it is noted that the UHOP policies support, encourage, and promote residential intensification throughout the built-up area, including lands within the Neighbourhoods element. The proposed development achieves the functions of the Neighbourhoods element and meets an objective of the Fruitland-Winona Secondary Plan to ensure new development maintains a balance of residential uses, commercial uses, open space, and community facilities/services that interface well with the existing communities.

The proposed development of multiple storey buildings with the local commercial uses on the ground floor and residential units above, and stacked townhouse dwellings (a form of multiple dwelling) are permitted uses and built forms within the proposed “Neighbourhoods” and “Medium Density Residential 2” Designations. In order to comply with the policies of the “Medium Density Residential 2” designation, the following Site Specific policies are proposed:

- To permit the Neighbourhoods designation to apply to the subject lands with a size of  $\pm 3.5$  hectares, whereas generally greater than four hectares in size is required;
- To permit a single use commercial building for retail and service commercial uses;
- To permit a maximum net residential density of 132 units per hectare, whereas a maximum density of 75 units per hectare is permitted; and,
- To permit a maximum building height of four storeys, whereas a maximum building height of 3.5 storeys is permitted.

When considering appropriate locations for mixed use forms, Policy E.3.5.5 states that medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities. The subject lands are separated from existing residential neighbourhoods by the QEW Highway and the hydro/railway corridors to the north and south. Lands to the east and west of the subject lands are developed with employment uses and District Commercial uses. However, there are a range of commercial, institutional, and recreational uses found both within the proposed development and within proximity to the subject lands to meet the long-term needs of future residents.

While some pedestrian connections to nearby residential neighbourhoods currently exist in the form of sidewalks and bicycle routes along Winona Road, the development of the subject lands for residential mixed use would provide an opportunity to connect the residential neighbourhoods to the north and south. As noted in the Planning Justification Report, prepared by IBI Group and dated December 18, 2020, the population growth associated with the proposed development would present opportunities for greater investment by the City to improve pedestrian and cycling connections along Winona Road and to expand transit service to this area.

The proposed residential uses will complement the surrounding and proposed commercial uses, which permit a range of entertainment, service, and retail uses to meet the needs of future residents. Growth in residential population is expected to support the need for future transit services to the area. It is staff's opinion that the subject lands are an appropriate location for residential intensification given the site's location adjacent to major transportation routes and proximity to employment and commercial lands.

#### Residential Intensification and Compatibility

"Volume 1:

"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 techniques;
- 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;
- 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; and,
- j) Infrastructure and transportation capacity and impacts;

Volume 2:

B.7.4.3 The Fruitland-Winona Secondary Plan has been developed to guide development within the Secondary Plan area. The following policies address land uses and other matters common to all parts of the Fruitland-Winona Secondary Plan area:

- d) When reviewing an application for development within the Fruitland Winona Secondary Plan area, the following matters shall be evaluated:

- i) Compatibility with adjacent land uses including matters such as shadowing, grading, overlook, noise, lighting, traffic and other nuisance effects;
- ii) Transition in height and density to adjacent and existing residential development;
- iii) The relationship of the proposed lot(s) with adjacent and existing lot pattern and configuration; and,
- iv) The policies in Section 7.4.14 – Block Servicing Strategy and all other applicable policies of this Secondary Plan.”

The proposed development increases the amount of housing options in the City to accommodate anticipated residential growth through residential intensification and contributes to a mix and range of dwelling types and tenures available in the Fruitland - Winona community. The proposed mixed use community has incorporated unique publicly accessible landscape features such as a woonerf inspired parkette with a covered seating area, community garden, children’s play structure, and a multipurpose spray pad / skating rink, interior courtyards with raised planter beds between dwellings, a commercial plaza along Vince Mazza Way, and a stroll garden along the north portion of the site. This mixture of uses and the unique landscaping features will provide opportunities for connections to other residential lands, open spaces and amenities within the surrounding neighbourhoods.

One of the objectives of the Fruitland-Winona Secondary Plan is to ensure that new development respects and enhances the character of existing neighbourhoods. Fifty Road is currently identified as an Urban Corridor, and is located approximately 850 metres from Fifty Road, and is located along an arterial road (South Service Road). The proposed development would be well integrated with the Secondary Corridor along Fifty Road and the lands to the east directly fronting these roadways. The development of a mixed use commercial and residential community would maintain, enhance, and build upon the desirable established patterns and built form to achieve a planned urban structure.

The proposed development represents residential intensification that will be developed with no privacy, overlook, sun shadow, or other negative impacts on adjacent land uses as a result of its location in that it is bounded by roads on all four sides and is surrounded by employment and commercial uses.

The area is well serviced by municipal infrastructure and no road improvements are required as sufficient transportation capacity exists within the road network.

Urban Design

“Volume 1:

- B.3.3.1.5 Ensure that new *development* is *compatible* with and enhances the character of the existing environment and locale;
- B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods;
- B.3.3.2.3 Urban design should foster a sense of community pride and identity by:
- a) Respecting existing character, development patterns, built form, and landscape;
  - b) Promoting quality design consistent with the locale and surrounding environment;
  - f) Demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
  - g) Contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;
  - h) Respecting prominent sites, views, and vistas in the City; and,
  - i) Incorporating public art installations as an integral part of urban design;
- B.3.3.2.4 Quality spaces physically and visually connect the public and private realms. Public and private *development* and *redevelopment* should create quality spaces by:
- e) Creating a continuous animated street edge in urban environments;
  - f) Including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs; and,



- g) Creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- B.3.3.2.10 Streets shall be designed not only as a transportation network but also as important public spaces and shall include, where appropriate:
  - a) Adequate and accessible space for pedestrians, bicycles as well as transit, other vehicles, and utilities;
  - b) Continuous sidewalks;
  - c) Landscaping such as street trees and landscaped boulevards;
  - f) Public art; and,
  - g) Amenities and spaces that encourage pedestrian activity and animate the streetscape such as public gathering places, patios and sidewalk cafés.”

As indicated previously, the proposal is compatible with the adjacent land uses in that the site is bounded on all four sides by streets and there are no shadow, overlook or privacy issues. The proposal also includes a private woonerf inspired parkette with a covered seating area, community garden, children’s play structure, and a multipurpose spray pad / skating rink, interior courtyards with raised planter beds between dwellings, and a stroll garden along the north portion of the site. These spaces will encourage pedestrian activity and create publicly accessible amenities. It is noted that a future art installation is proposed in the plaza located in the southwest corner of the development, in the public right-of-way along the bend of Vince Mazza Way. Further to Policy B.3.3.12.4, art installations would be subject to the City’s Art in Public Places Policy (2020).

The interface along the perimeter of the site, such as establishing setbacks in front of building entrances for pedestrian movement, bicycle parking on private property, and to accommodate decorative landscaping or other use-specific facilities, reserving adequate space in the public right-of-way for sidewalks, planted buffers and street trees to establish visual screening and transition from the adjacent roadways, are relevant at this rezoning stage. These matters have been addressed through in the proposed Zoning By-law Amendment attached as Appendix “C” to Report PED21223 and are discussed in greater detail in Appendix “D” attached to Report PED21223. These items will be addressed at the future Site Plan Control stage.

## Integrated Transportation Network

“Volume 1:

- C.4.2.3 All land use planning and design decisions shall be coordinated with, and consider, the integrated transportation network goals and policies of Section C.4.0 – Integrated Transportation Network;
- C.4.2.3.1 The timing of new *developments* shall be coordinated with the availability of adequate, matched transportation network capacity;
- C.4.4.8 The City shall evaluate the potential to establish *rapid transit* within the Primary and Secondary Corridors identified on Schedule E – Urban Structure, and the proposed corridors identified as Potential Rapid Transit Lines on Appendix B – Major Transportation Facilities and Routes; and,
- C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way widths:
  - a) Provincial highways, subject to the following general policies:
    - ii) New entrances or the upgrading of entrances within the Ministry of Transportation’s permit control area of a provincial highway shall be subject to the approval of the Ministry of Transportation; and,
    - iii) The City and the Ministry of Transportation shall work cooperatively with respect to the planning of land development and associated access connections within the Ministry of Transportation’s permit control area adjacent to all provincial highways and interchanges within the City, to protect the future capacity and operation of both the provincial highway network and the City’s transportation facilities;
  - d) Minor arterial roads, subject to the following policies:
    - iii) The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres...;”

The updated Traffic Impact Study (TIS), prepared by Crozier Consulting Engineers and dated September 2021, demonstrates the surrounding road network can accommodate

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the proposed development. The traffic generated by this development is consistent with uses that are permitted under the current commercial zoning.

The proposed development is anticipated to increase the volume of traffic which will result in queuing and delay to the surrounding road network (particularly Fifty Road at South Service Road and the QEW) however, the TIS has adequately demonstrated how these deficiencies can be mitigated through future roadway improvements, including:

- A traffic signal at the intersection of South Service Road at Vince Mazza Way to reduce delay and queuing under 2023 background traffic conditions. The installation of traffic signals is planned for 2023 and currently undergoing detailed design by City staff. Once the planned area road improvements are completed, which include a widening of Fifty Road (per the Barton Street and Fifty Road Improvements Municipal Class Environmental Assessment), the signalization of South Service Road at Vince Mazza Way, and improvements along Winona Road and Vince Mazza Way (as detailed in the Transportation Planning comments in the Relevant Consultation section below), the road network will operate at acceptable levels;
- Improvements to the surrounding pedestrian realm and cycling infrastructure will meet objectives of the Fruitland-Winona Secondary Plan, allowing residents to walk and bike safely to and from existing and proposed schools and parks; and,
- The QEW ramp terminals should be signalized to improve overall operations. Detailed comments from the Ministry of Transportation (MTO) are provided in the Relevant Consultation section below. The MTO has advised that there are no plans to signalize the ramp terminal intersections within the next five years. The TIS will be revised to address these concerns at the future Site Plan Control stage.

South Service Road is classified as a Minor Arterial on Schedule C – Urban Road Classification of the UHOP. The right-of-way alignment along the north side is not defined as it is contiguous with the QEW corridor. Accordingly, a tapered section of land up to approximately 3.5 metres in width is required to be dedicated to the right-of-way along the south side of South Service Road to provide a right-of-way width of 18.288 metres from the centreline. The Applicant has illustrated on the Concept Plan (attached as Appendix “F” to Report PED21223) the required right-of-way dedications. The applicant will be required to dedicate the lands at the Site Plan Control stage.

## Natural Heritage

- “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 and are satisfied with the submitted Tree Protection Plan, prepared by Adesso Design Inc. (Scott Henderson, landscape architect) and dated June 3, 2021. The Tree Protection Plan surveyed eight trees. To facilitate the proposed development, these trees will need to be removed. Many of the trees on site are Ash species impacted by the Emerald Ash Borer and it is recognized that there are limited opportunities to retain more trees on site. The City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from a private property, with said compensation to be identified on the Landscape Plan which will be required at the future Site Plan Control stage. Since one tree is dead, compensation would be required for seven trees.

## Infrastructure and Servicing

- “C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system; and,

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

The subject lands are serviced by water, storm and sanitary sewer. The Applicant will provide detailed design at the Site Plan Control stage to determine water demand and fire flow calculations.

The subject lands are located within the Stoney Creek Watercourse 9.1 subwatershed which drains to Lake Ontario, which is regulated by the Hamilton Conservation Authority. The site contributes flow to municipal roadside ditches and to a culvert traversing the QEW immediately north of the site. There are no municipal concerns with the subject applications from a stormwater quantity control perspective. To address stormwater quality controls.

Based on the foregoing, the proposal complies with the applicable policies of the UHOP and the FWSP subject to the proposed Official Plan Amendment.

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**Stoney Creek Zoning Bylaw No. 3692-92 and Hamilton Zoning By-law No. 05-200**

The lands located at 1290 South Service Road are currently zoned Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” attached to Report PED21223. Rezoning of this property to the District Commercial (C6, 562) Zone under Zoning By-law No. 05-200 was approved by Council on November 8, 2017 through the adoption of new Commercial and Mixed Use Zones. The Applicant has appealed the Council approved zone change to the OLT and, as of the writing of this report, the Applicant has confirmed their intent to withdraw their appeal upon the proposed Zoning By-law Amendment being passed by Council and becoming final and binding.

The lands located at 5 and 23 Vince Mazza Way are currently zoned District Commercial (C6, 562) Zone in Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED21223.

The Applicant is proposing to add 1290 South Service Road to Hamilton Zoning By-law No. 05-200 and rezone the subject lands to a modified Mixed Use Medium Density (C5) Zone. Site specific modifications to the C5 Zone are required to implement the subject proposal and are discussed in greater detail in Appendix “D” attached to Report PED21223.

**Relevant Consultation**

Departments and Agencies	
<ul style="list-style-type: none"><li>• Asset Management, Strategic Planning Division, Public Works Department;</li><li>• Construction, Strategic Planning Division, Public Works Department;</li><li>• Landscape Architectural Services, Strategic Planning Division, Public Works Department;</li><li>• Canada Post Corporation;</li><li>• Conseil Scolaire Viamonde; and,</li><li>• Ministry of Environment, Conservation and Parks.</li></ul>	No Comment.

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Budgets and Fiscal Policy Section, Financial Planning and Policy Division, Corporate Services Department.	<ul style="list-style-type: none"> <li>The owner must pay the outstanding sanitary sewer and connection charges under By-law No. 19-230 and storm sewer, watermain, and connection charges under By-law No. 19-231.</li> </ul>	<ul style="list-style-type: none"> <li>These matters will be addressed at the Site Plan Control stage.</li> </ul>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department.	<ul style="list-style-type: none"> <li>Existing municipal watermain, storm sewer, and sanitary sewer infrastructure is located along the frontages of the subject lands. The property is subject to cost recoveries for the road, sanitary sewer and connections, storm sewer, watermain, and connections;</li> <li>There is currently no sidewalk on Vince Mazza Way along the frontage of the subject lands;</li> <li>Confirmation of the maximum daily dewatering rate is required. Permanent dewatering is not permitted. Detailed design of the building foundation shall be provided and reviewed at the Site Plan Control stage; and,</li> <li>No further comments on stormwater management, sanitary servicing, minor storm servicing, and water servicing at the official plan and zoning by-law amendment stage. These matters will be reviewed at the Site Plan Control stage.</li> </ul>	<ul style="list-style-type: none"> <li>Matters including installation of sidewalk, curb, and street lighting, and detailed foundation, grading and servicing plans will be addressed at the future Site Plan Control stage.</li> </ul>

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<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department.	<ul style="list-style-type: none"> <li>• There are no impacts to municipal tree assets, and a Forestry permit is not required; and,</li> <li>• Approved the Landscape Plan, subject to receipt of applicable fees.</li> </ul>	<ul style="list-style-type: none"> <li>• Fees will be addressed at the future Site Plan Control stage.</li> </ul>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department.	<ul style="list-style-type: none"> <li>• Determine if the proposed development will be condominium tenure; and,</li> <li>• Municipal addresses based on Vince Mazza Way will be assigned to each building at the Site Plan Control stage. The address of 1290 South Service Road will eventually be retired.</li> </ul>	<ul style="list-style-type: none"> <li>• These matters will be addressed at the future Site Plan Control stage and the Draft Plan of Condominium, if condominium tenure is considered.</li> </ul>
Transit Planning and Infrastructure, Transit Operations Division, Public Works Department.	<ul style="list-style-type: none"> <li>• Although a higher order transit future extension to the Winona Gateway is shown on the BLAST network, the timing and routing for this transit enhancement has not been decided upon and is currently not included within the Ten Year Local Transit Strategy. In addition, formal planning for a local fixed route extension has not taken place; and,</li> <li>• TransCab service continues to be provided, linking the subject lands to the existing local transit route terminus at the Municipal Service Centre on Highway No. 8. TransCab ridership levels are monitored on an on-going basis.</li> </ul>	<ul style="list-style-type: none"> <li>• Noted.</li> </ul>

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Departments and Agencies		
	Comment	Staff Response
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department.	<ul style="list-style-type: none"> <li>The updated Traffic Impact Study (TIS), prepared by Crozier Consulting Engineers and dated September 2021, demonstrates the surrounding road network can accommodate the reduced scale of the proposed development from the original application (which included the proposed 28 storey multiple dwelling);</li> <li>Traffic generated by the proposed development is in line with uses that are permitted under the current approved commercial zoning; and,</li> <li>The intersection of South Service Road at Vince Mazza Way is recommended for traffic signals according to the TIS in order to reduce delay and queuing under 2023 background traffic conditions. The installation of traffic signals is planned for 2023 and currently undergoing detailed design by City staff.</li> </ul>	<ul style="list-style-type: none"> <li>Planned area road improvements to ensure the road network will operate acceptably are noted; and,</li> <li>The functional and detailed design for all intersection and roadway improvements, traffic calming measures, underground parking ramp design, right-of-way dedication, and site plan details (for large vehicle turning movements, layby design, bicycle parking, etc.) will be addressed at the future Site Plan Control stage.</li> </ul>



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Departments and Agencies		
	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department  <b>Continued.</b></p>	<ul style="list-style-type: none"> <li>Once the planned area road improvements are completed, which include a widening of Fifty Road (per the Barton Street and Fifty Road Improvements Municipal Class Environmental Assessment) and the signalization of South Service Road at Vince Mazza Way, as well as minor improvements along Vince Mazza Way to facilitate the site, the road network will operate acceptably;</li> <li>The Transportation Demand Management Report is approved; however, the development must meet the minimum short-term and long-term bicycle parking requirements of the Zoning By-law; and,</li> <li>To protect the existing and future pedestrian realm, cycling infrastructure and road network, the following are required to implement the recommendations of the TIS and other safety and operational matters at the future Site Plan Control stage: <ul style="list-style-type: none"> <li>The intersection of Winona Road and Vince Mazza Way converted to an all-way stop, at the Applicant's expense.</li> </ul> </li> </ul>	

**SUBJECT: Applications for Amendments to the Urban Hamilton Official Plan, Stoney Creek Zoning By-law No. 3692-92, and Hamilton Zoning By-law No. 05-200 for Lands Located at 1290 South Service Road and 5 and 23 Vince Mazza Way (Stoney Creek) (PED21223) (Ward 10) – Page 34 of 48**

Departments and Agencies		
	Comment	Staff Response
<p>Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department  <b>Continued.</b></p>	<ul style="list-style-type: none"> <li>○ A functional design and pavement marking and signing plan for the east/west section of Vince Mazza Way including a continuous centre left-turn lane and all-way stop control at Winona Road.</li> <li>○ This functional design will determine if a minor widening of Vince Mazza Way is required to implement a continuous center left-turn lane or whether the change can be implemented as a road repainting exercise;</li> <li>○ A letter of credit to cover the proportionate costs of future signalization, if deemed necessary based on future studies, for the bend in Vince Mazza Way and private driveways to adjacent developments;</li> <li>○ Funds for future traffic calming measures along Winona Road;</li> <li>○ If the underground parking ramp does not conform to City Standards, a letter signed by a qualified professional certifying the design of the ramp;</li> <li>○ Right-of-way dedication to South Service Road to achieve a width of 26.213 metres; and,</li> <li>○ Details regarding on site loading and garbage collection areas and vehicle maneuvering.</li> </ul>	

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Departments and Agencies		
	Comment	Staff Response
Waste Management Operations Section, Environmental Services Division, Public Works Department.	<ul style="list-style-type: none"> <li>As currently designed the development is not serviceable for municipal waste collection;</li> <li>The site plan indicates that the proposed development will have private waste management services; however, the intended waste collection method, waste storage locations, and waste collection staging area(s) should be illustrated; and,</li> <li>The developer/owner must disclose in writing to prospective buyers/tenants that the property is not serviceable for municipal waste collection in all agreements of purchase and sale and/or lease.</li> </ul>	<ul style="list-style-type: none"> <li>These matters will be addressed at the future Site Plan Control stage and the Draft Plan of Condominium stage, if condominium tenure is considered.</li> </ul>
Canadian National Railway (CN).	<ul style="list-style-type: none"> <li>The subject lands are located adjacent to CN's Main Line. CN has concerns with developing / densifying residential uses abutting their right-of-way. CN's guidelines reinforce the safety and well-being of any existing and future occupants of the area;</li> <li>Recommends a warning clause be included in all development agreements and agreements of purchase and sale and/or lease that the possibility of future expansion of railway operations may affect the living environment, despite any noise and vibration attenuating measures, and that CN will not be liable for the use and operation of their facilities.</li> </ul>	<ul style="list-style-type: none"> <li>The updated Environmental Noise and Vibration Assessment, prepared by SLR Consulting (Canada) Ltd. and dated June 2, 2021, confirmed that no significant sources of vibration have the potential to impact the development due to the physical separation from the CN tracks to the south; and,</li> <li>Warning clauses and easements will be addressed at the future Site Plan Control stage and the Draft Plan of Condominium stage, if condominium tenure is considered.</li> </ul>

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Departments and Agencies		
	Comment	Staff Response
Canadian National Railway (CN) <b>Continued.</b>	<ul style="list-style-type: none"> <li>Requires that future owners be required to grant CN an environmental easement for operational noise and vibration easements.</li> </ul>	
Enbridge Gas Inc.	<ul style="list-style-type: none"> <li>A gas main extension will likely be required to service this development. Gas load requirements will be required; and,</li> <li>Ensure the architect/builder considers the space requirements for gas meters when designing the site plan which must be outside of buildings and fully within private property.</li> </ul>	<ul style="list-style-type: none"> <li>Applicant to contact Enbridge Gas for gas facilities service requirements.</li> </ul>
Hamilton Conservation Authority (HCA).	<ul style="list-style-type: none"> <li>The subject lands are located within the Stoney Creek Watercourse 9.1 subwatershed which drains to Lake Ontario. The site contributes flow to municipal roadside ditches and to a culvert traversing the QEW immediately north of the site;</li> <li>Stormwater quantity control is not required in the regulated area downstream of the QEW. Quantity release from the subject lands and on external flows entering the ditches are reviewed by the City and MTO;</li> <li>Additional measures to provide Level 2 quality control requirements at both outlets from the site are required and remain outstanding; and,</li> <li>The subject lands are not regulated by HCA and are not affected by flooding or erosion hazards.</li> </ul>	<ul style="list-style-type: none"> <li>Matters related to the requirements of HCA will be address at the Site Plan Control stage.</li> </ul>

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Departments and Agencies		
	Comment	Staff Response
Ministry of Transportation (MTO)	<ul style="list-style-type: none"> <li>• Rooftop and unconventional underground storage are not permitted by MTO. Only manhole accessible underground storage is permitted for storage up to a 100-year storm event to confirm that the proposed development will not impact the MTO's drainage system;</li> <li>• Turning movement and traffic control signal justification counts need to be based on pre-COVID projections using an eight-hour count;</li> <li>• Unmitigated future total traffic queues at the Hamilton-bound offramp exceeds storage (139 metres), which is a safety issue. Future site traffic cannot be accommodated at the QEW ramp terminals without improvements; and,</li> <li>• Signalization of one or both off ramp terminals would improve overall operations, but the Fifty Road and South Service Road intersection also needs to be considered. MTO does not have plans to signalize the ramp terminal intersections within the next five years. In addition to signals, the split offramps will need combining. The TIS assumes signals are in place for the 2023 and 2028 horizons.</li> </ul>	<ul style="list-style-type: none"> <li>• MTO permits, drainage, lighting, and a revised TIS will be further reviewed at the future Site Plan Control stage, with particular focus on improvements to mitigate both future background and total traffic at the QEW interchanges; and,</li> <li>• Only landscaping is proposed within the 14.0 m setback. The proposed landscaping includes a stroll garden with pedestrian walkway, but these features would not be essential to maintain the ongoing function of the development.</li> </ul>

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Departments and Agencies		
	Comment	Staff Response
Ministry of Transportation (MTO) <b>Continued.</b>	<ul style="list-style-type: none"> <li>The TIS concludes that the proposed development traffic added to the background traffic doesn't change LOS (F to F), however delay increases eight-29% and v/c worsens. The inclusion of site traffic worsens an already degraded situation.</li> <li>The site is within the MTO Permit Control Area. Applicant is required to obtain MTO Building and Land Use permits prior to any grading / construction.</li> <li>Nothing except at grade surplus parking can be located within the 14.0 m setback from the highway.</li> <li>A detailed site plan, engineering plans, stormwater management plan, traffic impact study, landscape plans, and lighting plan will be required at the Site Plan Control stage.</li> </ul>	

Public Consultation		
	Comment	Staff Response
Proposed 28 Storey Multiple Dwelling	<ul style="list-style-type: none"> <li>Area residents expressed concern that the proposed 28 storey tower was not visually appealing and would impede views of the Niagara Escarpment; and,</li> <li>The proposal presented the tower as a landmark and gateway feature, something which the community hadn't previously requested.</li> </ul>	<ul style="list-style-type: none"> <li>The revised proposal has removed the proposed 28 storey multiple dwelling.</li> </ul>

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<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Proposed 28 Storey Multiple Dwelling <b>Continued.</b>	<ul style="list-style-type: none"> <li>Residents requested that the applicant adhere to existing maximum building height and noted that removal of the tower would improve overall visual, density, and traffic for the proposed development.</li> </ul>	
Appropriateness of Residential Uses	<ul style="list-style-type: none"> <li>A resident expressed interest that the 28 storey tower was removed alleging this was intentional as a tactic to misdirect attention from the inappropriateness of the development. The lands would be better suited for other commercial uses or convert back to Employment Lands. This is not an appropriate location for multiple dwellings and townhouses;</li> <li>There is concern that the proposal is an over-intensification and overdevelopment of the site, it does not suit the existing character of the Winona neighbourhood, with the resulting population and traffic generation oversaturating the neighbourhood; and,</li> <li>The community would benefit from more shops, not homes, and the loss of commercial lands deters from the shopping experience in other locations in Hamilton or Grimsby.</li> </ul>	<ul style="list-style-type: none"> <li>The proposed development maintains a commercial focus with the provision of 2,475 m<sup>2</sup> of ground floor commercial units fronting onto Vince Mazza Way, which can provide a variety of commercial uses to enhance the shopping experience within the surrounding commercial area; and,</li> <li>For the reasons discussed in greater detail above, the proposed mixed use development is compatible with the surrounding neighbourhood, and the traffic generated by this development is comparable with what would be generated by the uses currently permitted.</li> </ul>

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<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Existing Neighbourhood Character, Density and Built Form.	<ul style="list-style-type: none"> <li>The proposed development would negatively impact the character of the Winona neighbourhood, i.e. the quiet, pastoral small town feel and historical character; and,</li> <li>There is a general sentiment that there are already too many new developments in the area.</li> </ul>	<ul style="list-style-type: none"> <li>The Fruitland-Winona Secondary Plan was adopted by Council in 2014 to accommodate commercial and other higher density housing at appropriate locations, to ensure new development respects and enhances the character of existing neighbourhoods, and to provide a balance between a forward-looking community and a small town place to live.</li> </ul>
Traffic Volumes, Safety, and Associated Noise	<ul style="list-style-type: none"> <li>There are concerns about increased traffic along South Service Road, Vince Mazza Way, Winona Road, and the QEW;</li> <li>There is concern about how and when the Traffic Impact Study was prepared; and,</li> <li>There are also road safety issues along Winona Road, including a lack of street lights and sidewalks, and increasing traffic, which is noted as exceptionally unsafe for cyclists and children. The roadway provides a key link between the Lakeside and Escarpment side of the Winona Community, and there is a desire for improved sidewalk and trail connections. Questions regarding the possible need for grade separation of Winona Road and the CN Rail crossing were also posed.</li> </ul>	<ul style="list-style-type: none"> <li>The revised Traffic Impact Study (TIS) demonstrates the surrounding road network can accommodate the reduced scale of the proposed development; and,</li> <li>The TIS has been reviewed by Transportation Planning and Ministry of Transportation staff. All Traffic Impact Studies are to be prepared in accordance with the City's Traffic Impact Study Guidelines, July 2009. Turning movement counts were conducted between October and November 2020. Due to changing traffic patterns as a result of the COVID-19 pandemic, City staff compared this data to 2019 data and found the data acceptable.</li> </ul>



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<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Traffic Volumes, Safety, and Associated Noise <b>Continued.</b>	<ul style="list-style-type: none"> <li>Concerns regarding traffic noise in the proposed development were also expressed; and,</li> <li>A question was raised whether local or higher order transit service will be extended to the area.</li> </ul>	<ul style="list-style-type: none"> <li>To mitigate concerns with traffic infiltration along Winona Road, the intersection at Vince Mazza Way will be converted to an all-way stop and future traffic calming measures along Winona Road will be developed;</li> <li>Staff are satisfied with the findings of the updated Environmental Noise and Vibration Assessment, prepared by SLR Consulting (Canada) Ltd. and dated June 2, 2021, subject to the submission of a detailed noise study at the future Site Plan Control stage; and,</li> <li>TransCab service continues to be provided, linking the subject lands to the existing local transit route terminus at the Municipal Service Centre on Highway No. 8. Ridership levels are monitored on an on-going basis.</li> </ul>
Existing Lack of Sufficient Infrastructure	<ul style="list-style-type: none"> <li>There is concern that there is an overall lack of municipal infrastructure in the Winona area, including but not limited to appropriate roads, sidewalks, public transit, institutional, and recreational facilities; and,</li> <li>Residents are concerned that the schools in the area are filled to capacity and cannot support additional student population.</li> </ul>	<ul style="list-style-type: none"> <li>The proposal is for development and intensification of land use within a built-up area, which will support efficient and cost-effective improvements to infrastructure and services over the long term; and,</li> <li>The school boards were circulated the subject applications and no concerns were received.</li> </ul>

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<b>Public Consultation</b>		
	<b>Comment</b>	<b>Staff Response</b>
Revenue Generated from Development.	<ul style="list-style-type: none"> <li>Recurring sentiment that the City is driven by revenues generated by the proposed development.</li> </ul>	<ul style="list-style-type: none"> <li>All planning applications are considered on their own merits against all relevant provincial and local planning policies.</li> </ul>
Environmental Impacts.	<ul style="list-style-type: none"> <li>There is concern that more population and vehicles will generate more pollution and waste; and,</li> <li>The property is a known habitat for monarch butterflies, which is heading to the endangered species list.</li> </ul>	<ul style="list-style-type: none"> <li>Opportunities to support alternative modes of transportation through development is encouraged;</li> <li>The City actively encourages waste diversion programs including recycling collection and organic waste collection; and,</li> <li>No Core Areas or Linkages have been identified within or adjacent to the subject lands to support wildlife habitat. Further, as part of the Stoney Creek Urban Boundary Expansion (SCUBE) East Subwatershed Study, prepared by Aquafor Beech Limited and dated May 15, 2013, a Species at Risk (SAR) survey was prepared by Stantec in 2012. No SAR were identified on the subject property.</li> </ul>

## Design Review Panel

The proposed development was reviewed by the Design Review Panel (DRP) on November 12, 2020. The concept reviewed was the original proposal with a one-storey commercial building, seven, three-storey mixed use buildings with ground floor commercial space and 54 stacked townhouse units above, 12, four-storey stacked townhouse dwellings with 304 units, and a 28 storey multiple dwelling containing 266 units, for a total of 624 residential units and 2,630 m<sup>2</sup> of commercial space, with surface, at grade and underground parking, and landscaped amenity areas.

The panel advised that the proponent should carry out a planning exercise to establish a future node as the site is surrounded by commercial and an employment area that

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does not connect to other residential lands or amenities. The panel noted that the development treats Vince Mazza Way as a buffer cutting off the development from the surrounding uses. The panel suggested a centralized open space and a variety of built forms including mid-rise buildings. The panel also noted that the appropriateness of a 28 storey tower at this location should be considered.

Staff note that the revised proposal has removed the proposed 28 storey multiple dwelling and that the submitted development applications have provided the appropriate planning exercise to consider the merits of the proposed mixed use development.

DRP comments will be further addressed at the future Site Plan Control stage and will be presented to the DRP at that stage.

### **Public Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Applications and Preliminary Circulation was sent to 17 property owners within 120 m of the subject lands on February 5, 2021. Upon receipt of revised applications and as per Planning Committee's motion dated March 23, 2021, a Notice of Revised Applications was sent to 312 property owners within 120 m of the subject lands on June 18, 2021 based on an increased circulation area which extends north of the Queen Elizabeth Way Highway in the area of Baseline Road and Riviera Ridge.

A Public Notice Sign was posted on the property on February 3, 2021, updated with the revised project description on June 11, 2021, and updated on November 10, 2021, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on November 19, 2021. A total of 37 letters / emails, with 32 expressing concern and five requesting information, were received by the City at the time of writing this Report and discussed beginning on page 38 of this Report (see Appendix "G" attached to Report PED21223).

### **Public Consultation Strategy**

Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which included a public open house held on March 25, 2021 and hosted by the Applicant virtually using the Zoom platform. The Applicant presented the proposal and addressed questions and concerns associated with the Application. A notice advising of the public open house was sent from the Applicant in consultation with the Ward Councillor's office to all residents within 120 m of the subject lands and the increased circulation area north of the QEW described above on March 4,

2021. The Applicant and their agent, the Ward Councillor, City staff, and 54 members of the public attended the meeting. Meeting comments are included in Appendix “H” attached to Report PED21223.

The Applicant hosted a second virtual public open house on June 29, 2021 via Zoom. The Applicant presented the changes to the proposal and addressed any further questions and concerns. A notice advising of the public open house was sent using the circulation area described above on June 9, 2021. The Applicant and their agent, the Ward Councillor, City staff, and members of the public (with one voicing concerns) attended the meeting. The meeting comments are included in Appendix “H” attached to Report PED21223.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - ii) It complies with the general intent and purpose of the UHOP and FWSP, in particular the function, scale and design policies for the “Neighbourhoods” and “Medium Density Residential 2” Designations as they relate to residential intensification and providing a mix of land use and a range of housing; and,
  - iii) The proposed development complements the existing function of the neighbourhood by expanding the range of retail and commercial services and proposing residential to support the commercial uses. In addition, it provides for residential intensification in a strategic location, ensuring land, municipal services, and transportation systems are used and expanded efficiently.
2. Urban Hamilton Official Plan Amendment

The proposed UHOP Amendment is required to re-designate the subject lands from “District Commercial” to “Neighbourhoods” within the Urban Hamilton Official Plan; and, to re-designate the subject lands from “District Commercial” to “Medium Density Residential 2”, remove the subject lands from Area Specific Policy – Area E, and add a new Site Specific Policy within the Fruitland-Winona Secondary Plan, to permit a commercial / residential mixed use development comprised of residential uses in the form of stacked townhouse dwellings, ground floor

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commercial space with dwelling units above, and one single storey commercial building, for a total of 454 residential units and 2,475 m<sup>2</sup> of commercial space.

Site Specific policies have been incorporated into the proposed Official Plan Amendment as follows:

- The subject lands, at approximately 3.5 hectares in size, are less than the minimum area requirement for the “Neighbourhoods” designation of 4.0 hectares. Staff support this modification as the subject lands will be integrated with the commercial lands to the east and will have opportunities for improved connections to the adjacent Neighbourhoods designations to the north and south;
- The Local Commercial designation permits a range of commercial uses, including automotive related uses. Staff support this modification to restrict automotive related uses as the commercial units are oriented towards the pedestrian realm and built close to the street to encourage an active transit supportive pedestrian environment and such uses would not be appropriate on the subject lands;
- The “Medium Density Residential 2” designation does not require commercial uses with each development. Staff support a modification to require commercial uses be incorporated into the proposed mixed use development to maintain the intended function of the site with the surrounding commercial area;
- The current designations only permit local commercial uses on the ground floor of buildings containing multiple dwellings. Staff support a modification to permit one single storey commercial building at the southeast corner of the subject lands due to its prominent location at the intersection;
- The current designation permits a maximum density of 75 units per hectare. Staff support a modification to increase the density to a maximum of 132 units per hectare as the site is located on the periphery of the neighbourhood in proximity to potential future local transit service and fronts onto minor arterial and collector roads, as higher densities to support residential intensification make efficient use of land and infrastructure and support transit viability; and,

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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.

- The current designation permits a maximum building height of 3.5 storeys. Staff support a modification to permit a maximum height of four storeys as this is consistent and compatible with the scale and height of the existing District Commercial designation which remains on the surrounding commercial lands.

As per the UHOP and FWSP policies identified above, the proposed Official Plan Amendment can be supported given that the site is located on the periphery of the neighbourhood in proximity to potential future local transit service and fronts onto minor arterial and collector roads. Given the size and context of the subject lands and surrounding area, the respective redesignations from “District Commercial” to “Neighbourhoods” and “Medium Density Residential 2” along with the amendment to permit residential uses on the subject lands can be supported. The proposed development represents a form of residential intensification that is compatible with the surrounding area in terms of use, scale, form and character with no privacy, overlook, sun shadow, or other negative impacts. The proposed development will sustain and further contribute to providing a range of housing through intensification and retail and commercial services within the neighbourhood.

### 3. Zoning By-law Amendment

The proposed Zoning By-law Amendment is to change the zoning from the Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding (Stoney Creek Zoning By-law No. 3692-92) and the District Commercial (C6, 562) Zone to the Mixed Use Medium Density (C5, 562) Zone.

On November 8, 2017, Council approved a change in zoning for the site to a District Commercial (C6) Zone under Zoning By-law No. 05-200 through the adoption of new Commercial and Mixed Use zones. The Applicant has appealed this Council approved zone change as it relates to the lands known as 1290 South Service Road (zoned Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding) to the OLT and, as of the writing of this report, the Applicant has confirmed their intent to withdraw their appeal upon the proposed Zoning By-law Amendment being passed by Council and becomes final and binding.

The proposed Zoning By-law Amendment is to permit a mixed use development with a one-storey commercial building, five, three-storey mixed use buildings with ground floor commercial and 50 stacked townhouse units above, and 12, four-storey stacked townhouse dwellings with 404 units, for a total of 454 residential units and 2,475 m<sup>2</sup> of commercial space, with surface and underground parking and landscaped amenity areas.

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The proposed Zoning By-law Amendment can be supported given that the proposed development will accommodate an appropriate mix of commercial and residential uses. The proposal supports and enhances the character of the neighbourhood which through intensification, can establish an active and vibrant public realm and streetscape.

The implementing by-law proposes modifications to the Mixed Use Medium Density (C5) Zone as outlined in the table on page 7 and which are further discussed in Appendix “D” attached to PED21223.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could be developed in accordance with the Community Shopping Centre “SC2-8(H)” Zone, Modified, Holding and the District Commercial (C6, 562, H64) Zone (under appeal as it relates to lands known as 1290 South Service Road), which permits commercial uses including, but not limited to, a full range of retail stores, automotive gas bars, car washes, service stations, rental establishments, and parking facilities, free standing offices, personal services, financial establishments, restaurants, and arts, cultural, entertainment, and recreational uses.

## **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.*

### **Built Environment and Infrastructure**

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

### **Our People and Performance**

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

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## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED21223 – Location Map  
Appendix “B” to Report PED21223 – Draft Official Plan Amendment  
Appendix “C” to Report PED21223 – Draft Zoning By-law Amendment  
Appendix “D” to Report PED21223 – Zoning Modification Chart  
Appendix “E” to Report PED21223 – Preliminary Site Plan and Building Elevations  
Appendix “F” to Report PED21223 – Public Submissions  
Appendix “G” to Report PED21223 – Neighbourhood Open House Materials