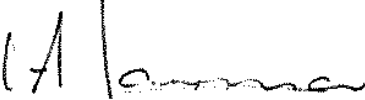




**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Growth Management Division**

<b>TO:</b>	Mayor and Members Planning Committee
<b>COMMITTEE DATE:</b>	December 3, 2024
<b>SUBJECT/REPORT NO:</b>	Fruitland-Winona Secondary Plan Block 1 Servicing Strategy (PED24209) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	Gavin Norman (905) 546-2424 Ext. 2155
<b>SUBMITTED BY:</b>	Ashraf Hanna Director and Chief Development Engineer Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That the Draft Block Servicing Strategy Fruitland – Winona Secondary Plan Block 1 Report for lands in Phase 1 West of Jones Road, prepared by Urbantech Consulting, dated October 2024, on behalf of the Block 1 land ownership group (Land Owner Group membership, as shown on Appendix “E” to Report PED24209, is Marz Homes, Melrose Group, Chiaravalle Homes, Benemar Homes, Mountainview Fruitland, Mountainview Serland, Serland and 212/218 Fruitland Road), attached as Appendix “A” to Report PED24209, be received;

Note: The Draft Block Servicing Strategy Fruitland - Winona Secondary Plan Block 1, prepared by Urbantech Consulting (October 2024) due to its size can be found online at: <https://www.hamilton.ca/environmental-assessments/block-servicing-strategies-stoney-creek-and-gordon-dean#reports>.

- (b) That Planning and Economic Development staff be directed and authorized to consult on the Draft Block Servicing Strategy Fruitland – Winona Secondary Plan Block 1 Report for lands in Phase 1 West of Jones Road, and that staff report back on the results of the consultation to Planning Committee in Q1 2025;
- (c) That Planning and Economic Development staff be directed to develop an Implementation Plan for the Draft Block Servicing Strategy Fruitland – Winona Secondary Plan Block 1 Report for lands in Phase 1 West of Jones Road, including

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any necessary adjustments to the Block Servicing Strategy and any Official Plan Amendments and report back to Planning Committee in Q1 2025;

- (d) That Planning and Economic Development Department staff report back to Planning Committee with the Final Block Servicing Strategy Fruitland – Winona Secondary Plan Block 1 Report – Phase 1 West of Jones Road in Q1 2025;
- (e) That the Final Block Servicing Strategy Fruitland – Winona Secondary Plan Block 1 Report – Phase 1 West of Jones Road, prepared by Urbantech Consulting, dated October 2024, be used by Planning and Economic Development staff in reviewing development applications within the Block 1 Servicing Strategy area in the Fruitland-Winona Secondary Plan area;
- (f) That Council direct Planning and Economic Development staff to prepare Phase 2 of the Block Servicing Strategy Fruitland – Winona Secondary Plan Block 1 Report for lands east of Jones Road upon resolution of outstanding Ontario Land Tribunal appeals, including consultation and development of an Implementation Strategy, with funding for the study to be referred to the Capital Budget process;
- (g) That the General Manager of Planning and Economic Development in consultation with the General Manager of Finance and Corporate Services be directed and authorized to negotiate the terms of an Agreement with the Block 1 Land Owner Group based on the principles outlined on page 14 of Report PED24209 for the purposes of permitting the installation of Core Infrastructure to support development of Block 1 in the Fruitland Winona Secondary Plan Area in advance of formal development approvals;
- (h) That Planning and Economic Development staff report back to Council with details of the Agreement, including requesting authority to execute the Agreement no later than Q3 2025.

**EXECUTIVE SUMMARY**

Development in Block 1 is subject to Council approval of a Block Servicing Strategy in accordance with the approved Fruitland Winona Secondary Plan.

The Block 1 Servicing Strategy was prepared by Urbantech Consulting on behalf of the Land Owner Group. The land holdings and ownership is shown on Appendix “E” to Report PED24209. Participation in the Land Owner Group is voluntary. All development or redevelopment within the Block 1 area is subject to the City of Hamilton’s Comprehensive Development Guidelines and Financial Policies.

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The Block 1 Servicing Strategy study area is bounded by Barton Street to the north, Highway 8 to the south, Fruitland Road to the west, and Watercourse 6.0 to the east, as shown on Appendix “B” to Report PED24209 attached. There are two sub-areas in Block 1 identified as Phase 1 and Phase 2. The limits of the lands are as follows:

Phase 1: bounded by Barton Street to the north, Highway 8 to the south, Fruitland Road to the west, and Jones Road to the east

Phase 2: bounded by Barton Street to the north, Highway 8 to the south, Jones Road to the west, and Watercourse 6.0 to the east

The Phase 2 lands are currently subject to an appeal of the Fruitland Winona Secondary Plan to the Ontario Land Tribunal. As such, the Block Servicing Strategy for these lands cannot be finalized until a resolution of the appeals has been reached.

The role of the Strategy is multi-faceted, but primarily it is intended to be used as a blueprint for the ultimate development of the area and includes preliminary grading, layout of local roads, sanitary sewers, watermains, storm sewers and stormwater management facilities, and parks. Further, the servicing component of the Strategy is meant to be defined together with the phasing of development to ensure future draft plans of subdivision can be implemented in an efficient and systematic manner (orderly development).

The Block 1 Servicing Strategy (Phase 1) has been undertaken by a Land Owner Group representing several large property owners in the development block, as identified in Appendix “E” of Report PED24209. The Terms of Reference for the Block 1 Servicing Strategy was approved by the City prior to initiation of the study in 2015. The Block Servicing Strategy Fruitland - Winona Secondary Plan Block 1, prepared by Urbantech Consulting (October 2024) due to its size can be found online at: <https://www.hamilton.ca/environmental-assessments/block-servicing-strategies-stoney-creek-and-gordon-dean#reports>. The proposed Concept Plan is attached as Appendix “D” to Report PED24209.

The Block 1 Servicing Strategy is required to adhere to the requirements of the Secondary Plan policies and staff intend to use the Strategy and its supporting documents to facilitate approval and implementation of future development projects within the block. Some aspects of the Strategy will need additional assessment and / or studies to address specific requirements to support the proposed Concept Plan.

To ensure the additional specific requirements are met, staff is recommending that the Block Strategy be finalized in phases. This phased approach is supported because the two areas are distinct from each other as it relates to servicing and the Phase 2 area is still subject to a Secondary Plan appeal. In addition, proceeding this way allows the

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City to advance discussions with the Land Owner Group about the provisions of core infrastructure needed for Block 1 to proceed.

Staff will report back to Council upon completion of additional work that would permit finalization of Phase 1 of the Strategy. This will indicate that the Block Servicing Strategy Phase 1 is final and that development applications can be submitted for processing. If development applications are submitted in advance of this milestone, they shall not be considered complete applications in accordance with section F.1.19 of the Urban Hamilton Official Plan and policy B.7.4.17.1 of the Fruitland-Winona Secondary Plan.

A key objective identified by both City staff and the Land Owner Group is ensuring that certain components of the core services, including but not limited to, Gordon Dean Avenue, Street B, and required stormwater ponds, are substantially completed prior to any development in Block 1 occurring. To facilitate the installation of core infrastructure and expedite block development, the Land Owner Group has proposed to enter into a Core Infrastructure Agreement with the City for the construction, financing, and phasing of core infrastructure in the Block 1 area.

The use of a core infrastructure agreement for the provision of infrastructure and associated cost sharing arrangements (both amongst the landowners and secondly with the City of Hamilton) would be new to Hamilton but has been used successfully in other jurisdictions in the Greater Golden Horseshoe. Advancing the implementation of core services in this area has merit in that it will allow for a more simplified approvals process for lands in the block, ready the area for growth, and ensure orderly development.

Historically, each separate applicant is required to enter into a development agreement with the City of Hamilton based on the infrastructure works required to support the proposed development which may require an individual developer to up-front the costs for infrastructure upgrades with the City coordinating repayment of the City's share of the cost through administration of the agreement.

The Land Owner Group has advised that they are contemplating proposing alternative arrangements in the form of a master agreement with the City to secure the core infrastructure. As the details of any alternative arrangements are unknown at this time, staff are seeking authorization from Council to enter into negotiations on the terms of an Agreement or acceptable alternative arrangement with the Land Owner Group based on the Core Infrastructure principles outlined on page 14 of this report. Staff recommend reporting back to Council with updates on this matter including approval of the Agreement.

To date, staff have advised property owners that while under the Planning Act property owners could apply for Formal Consultation or submit a development application, any

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development proposals, including Formal Consultation, would be considered by Planning and Economic Development staff to be premature. This is because the Block Servicing Strategy would provide detailed information that would inform development proposals

Staff have had discussions with the Land Owner Group on the review of a comprehensive Formal Consultation application for all lands under control of the group (Phase 1 lands). Following finalization of the Block Servicing Strategy, individual landowners may submit the required formal *Planning Act* applications. In the interim, property owners may proceed to request Formal Consultation on the understanding that the identified reports and studies to be submitted with a development application would be required to comply with the Final Council adopted Block Servicing Strategy. This will be noted in the Formal Consultation document provided to the property owner.

Development applications will need to comply with both the Block Servicing Strategy and the Secondary Plan. In reviewing future development applications, it will be critical to ensure that any approvals granted to Zoning By-law Amendment and Draft Plan of Subdivision applications include appropriate conditions to secure the construction of key core infrastructure and to define the appropriate phasing of development of the subject lands. Registration of the Core Infrastructure Agreement (or an acceptable alternative) on title by all parties would also be a condition of approval for a Draft Plan of Subdivision.

**Alternatives for Consideration – See Page 17**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: Approval of the Block Servicing Strategy – Phase 1 does not have any financial implications to the City; however, the Phase 2 study for lands east of Jones Road will require approximately \$150,000 to complete. Funding for the study, to be included in the Capital Budget process, is 100% Development Charge eligible. Execution of an agreement to advance core infrastructure prior to formal development approvals would subject the City to the cost of the growth-related share of municipal infrastructure in accordance with the 2024 Development Charges By-Law. The scope of core infrastructure has not been fully determined; however, initial review indicates the value of infrastructure to be in the order of \$30M, including approximately \$3M impact to the Levy. The payment of the City's share of the cost is subject to capital budget approval, the City's Financial Policies for Development, and terms of the agreement. Note, the City Share of growth-related costs would still be payable whether or not a Core Infrastructure Agreement is employed.

Staffing: N/A

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Legal: The use of an agreement to advance core infrastructure prior to formal development approvals has not been used in the City of Hamilton but has been used in other Greater Toronto Area jurisdictions. The preparation and negotiation of the Agreement in accordance with the principles outlined in PED24209 would be initiated by Growth Management staff in coordination with staff in Legal Services and input from Financial Planning Administration and Policy. The Agreement would be prepared for Council's consideration in a form acceptable to the City Solicitor.

## **HISTORICAL BACKGROUND**

Council approved the Fruitland - Winona Secondary Plan in 2014. As is permitted by the policies of the Secondary Plan, the Block 1 Servicing Strategy (Phase 1) has been undertaken by a Land Owner Group representing several large property owners in the development block. It should be noted that the Land Owner Group, as the development proponent, paid the full cost to complete the strategy.

The Phase 1 Land Owner Group's landholdings and membership, as shown on Appendix "E" to Report PED24209, include:

- Marz
- Melrose
- Chiaravalle
- Benemar
- Mountainview Fruitland
- Mountainview Serland
- Serland
- 212/218 Fruitland Road

A Terms of Reference for the Block 1 Servicing Strategy was approved by the City prior to initiation of the study in 2015. The scope included the completion of a Municipal Class Environmental Assessment for the future mid-block north-south arterial road Gordon Dean Avenue (between Barton Street and Highway 8) which was approved by Council in 2021. Its recommended alignment is attached as Appendix "C" to Report PED 24209.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Fruitland - Winona Secondary Plan contains the policy framework for the preparation of, and implementation, of Block Servicing Strategies to guide the development process.

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Section B. 7.4.14 of the Secondary Plan states: “A Block Servicing Strategy shall be required for the areas identified on Map B.7.4-4 – Fruitland - Winona Secondary Plan – Block Servicing Strategy.” Further, section 7.4.14.1c) states: “All development within the lands identified as the “Servicing Strategy Area” shall conform to the Block Servicing Strategy.” The Block 1 Servicing Strategy adheres to the Fruitland – Winona Secondary Plan policies, except for those outstanding matters outlined in the Analysis on page 11 of Report PED24209, and generally reflects the land use plan and designations as identified on Map B.7.4-1 of the Secondary Plan. Policy 7.4.14.1 o) of the Secondary Plan notes that:

“the boundaries of the land use designations on Map B.7.4-1 – Fruitland – Winona Secondary Plan – Land Use Plan, and the alignment of proposed collector roads identified on Map B.7.4-3 – Fruitland Winona Secondary Plan – Transportation Classification Plan, are intended to be flexible and may be modified within the Block Servicing Strategy to achieve a desirable urban pattern without amendment to this Plan, provided the proposed change does not result in a decrease in the residential density for the Block area or alter the intention and functionality of the collector road system;”

Adjustments to the land use configurations must be further reviewed at the time of a detailed development application and would require an Official Plan amendment to confirm any changes.

Based on the Land Owner Group’s preliminary Formal Consultation request, the Land Owner Group is proposing to increase the density of the Block 1 Lands beyond what the Secondary Plan currently permits. An Official Plan Amendment would be required as well as an update to the Block Servicing Strategy. Increases in population may also require an increase in the size of the Neighbourhood Park to meet the City’s policies as well as an updated Air Drainage Study. For example, an update to the Strategy’s 2021 Air Drainage Study may be required to assess the implications of increased building height on the air drainage patterns and adjacent tender fruit lands.

Based on the land use designations and policies in the Fruitland Winona Secondary Plan, the 2021 Air Drainage study concluded that:

- The proposed development is not expected to block the south-westerly to north-easterly direction air flow as it may assist in mixing the boundary air layer by creating eddies (turbulences), thus aid in streaming any cold air descending from the Niagara Escarpment, i.e. prevent air stagnation.
- The proposed development is not expected to significantly impede the natural air movement in the area due to the alignment of the current and proposed roads and watercourses.

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- Fruitland Road, Gordon Dean Avenue, and Jones Road, in conjunction with Street B and Street C are considered the main channels to facilitate the air flow within the development.

The approved Terms of Reference for the Block 1 Servicing Strategy required that a comprehensive public consultation program be incorporated into the study.

The Block 1 Servicing Strategy fulfils the requirements for public consultation for Phases 3 and 4 of the Municipal Class Environmental Assessment process (2001, amended last in 2023) for the future Gordon Dean Avenue (2022).

Implementation of a Core Infrastructure Agreement would be new for the City of Hamilton. Provincial legislation through the *Planning Act* enables municipalities to use this type of agreement to secure the provision of services and other matters. Further, the Urban Hamilton Official Plan Policy F.1.8.2(iv) identifies that a Holding Provision in the Zoning By-law can be used to secure funding agreements on necessary infrastructure and services. While a Core Infrastructure Agreement has not been previously used in the City of Hamilton, it is anticipated that this type of Agreement could be used in future development situations involving multiple land owners in the future.

## **RELEVANT CONSULTATION**

Public Engagement:

The completion of the Block Servicing Strategy (Phase 1) has included a comprehensive consultation and public engagement process. The public consultation program undertaken by the Land Owner Group, in accordance with the approved Terms of Reference and in conjunction with City staff, included the following components:

- Stakeholder List – Area landowners were informed on February 23, 2016, about the project initiation with few responses. Another letter was sent to area property owners inviting them to be part of the study on December 6, 2016;
- Area Property Owner's Meeting - Notice of March 2, 2017 was sent to all area property owners within the Block on February 17, 2017. Approximately fifty (50) attendees were present for the presentation and open house meeting, followed by numerous subsequent smaller meetings with property owners and residents in the Block 1 Servicing Strategy area to discuss implications of the broader Strategy for individual properties;
- A mailing list was created and maintained throughout the study by the Land Owner Group. The list included local community groups, Indigenous communities, agencies, as well as members of the public who requested to be added to the study list via telephone, email or comment sheets submitted during



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the study process. It is noted that the study findings were still circulated to property owners outside of this mailing list and they were also given the opportunity for comment at key points of the study process;

- Newspaper Notices – Notices were placed in the Stoney Creek News one and two weeks prior to each public meeting. The notices provided a description of the study, invited the public to attend the consultation events, provided opportunities for input and identified ways to obtain more information;
- Direct Mail – Direct mail was used for notification of all those included on the stakeholder lists;
- Project Website – A City project web page ([Hamilton.ca/blockservicingstrategies](http://Hamilton.ca/blockservicingstrategies)) was used to serve as a portal for all project information, updates, and consultation materials throughout the study; and,
- Social Media – The City of Hamilton Twitter/"X" and later Instagram accounts were used to also disseminate notification of Public Meetings.

Since study initiation in 2015, the Land Owner Group held four Public Information Centres fulfilling the public engagement needs of both Gordon Dean Avenue Municipal Class Environmental Assessment, and the Block 1 Servicing Strategy as a whole, at the Stoney Creek Municipal Centre 777 Highway 8, Stoney Creek on the following dates:

- April 4 and June 8, 2017;
- October 17, 2019; and,
- September 21, 2023

The City's role in the Block 1 Servicing Strategy was to facilitate technical discussions between the Land Owner Group, the Technical Advisory Committee comprised of City staff, and the Hamilton Conservation Authority. To advance approval of the Strategy, staff in Growth Management Division managed staff and agency review of the materials submitted. Staff also retained an outside consultant as a third-party reviewer due to the technical complexities of the plan and to assist with consultation on technical matters.

Public engagement was also enabled by including this study's reports and public information centres' contents on the City's web pages for the Stoney Creek Block Servicing Strategies and the Gordon Dean Avenue Class Environmental Assessment.

Staff are recommending that the Draft Block Servicing Strategy applicable to the Phase 1 lands be posted on the City's website and all property owners be invited to provide feedback and comment on the Final Draft. Staff will review the feedback provided and report back to Planning Committee with any changes required based on submissions received.

Staff / Agency Consultation:

The following City staff and outside agencies were consulted on the Block 1 Servicing Strategy:

- Planning Division;
- Transportation Planning Division;
- Landscape Architectural Services;
- Legal Services;
- Financial Planning, Administration and Policy; and,
- Hamilton Conservation Authority.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

### **A. Block Servicing Strategy**

As noted in the Fruitland Winona Secondary Plan, the benefit of having a Servicing Strategy is that it provides a comprehensive view of an entire development block, so that when development applications are received, they can be examined within a larger context and implemented in a co-ordinated and comprehensive manner. A servicing strategy should meet the expectation of providing clear direction and greater certainty with respect to servicing requirements and provide context within which to co-ordinate the review of development applications. More specifically, a servicing strategy provides a mechanism to facilitate the comprehensive co-ordination of new municipal roads and other municipal infrastructure, such as watermains, sewers, parks, and stormwater management facilities to support new development in conjunction with existing adjacent land uses, the natural heritage system, and each other.

The Draft Block 1 Servicing Strategy generally adheres to the Fruitland – Winona Secondary Plan policies and land use plan. Staff are in support of the general direction of the Block Servicing Strategy, provided that remaining outstanding issues are adequately addressed. Staff intends to use the strategy and its supporting documents to facilitate approval and implementation of future development projects within the block. Some aspects of the strategy will need additional assessment and / or studies to address specific requirements to support the recommended Concept Plan.

Key items achieved by the Draft Block 1 Servicing Strategy are as follows:

- An adjustment to the Neighbourhood Park location has been reviewed and has merit. The collector roads in the proposed Concept Plan have been configured and preliminary design completed in accordance with Fruitland Winona Secondary Plan. The Block 1 Servicing Strategy has been overlaid onto the approved Secondary Plan and is attached as Appendix “D” of Report PED24209;

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- A preliminary grading plan has been prepared to match the existing road and boundary grades around the perimeter of the block and final locations of the stormwater management facilities (ponds) west (1), north (2) and east (3) have been established; and,
- A Natural Heritage Characterization Assessment Block 1 Lands – City of Hamilton (February 2019) was prepared from which a functional plan has been prepared for the proposed relocation and channelization of the main branch of Watercourse 5.0 extending through the block in accordance with the Stoney Creek Urban Boundary Expansion Subwatershed Study.

Notwithstanding the technical work completed to date, some of the technical work requires further study. Staff support some of these issues being either:

- addressed prior to finalizing the Strategy and before development applications are accepted;
- be completed as part of the recommended Phase 2 study; or,
- be addressed as part of a Complete Application for either a Rezoning Application and/or Draft Plan of Subdivision approvals process.

In respect of study phases, while not contemplated in the Secondary Plan, staff support finalizing the Strategy in two phases. Phase 1 would include those lands in Block 1 west of Jones Road and Phase 2 would include lands east of Jones Road (as shown on Appendix “B” to Report PED24209).

Staff support finalizing in phases because each area is considered to be independent of each other in terms of servicing requirements, the lands in Phase 2 are still subject to a Secondary Plan appeal and there is no imminent plans for development in that area. Conversely, in the Phase 1 area, plans for development are actively being advanced including discussions between the City and the Land Owner Group to advance core infrastructure needed to support development of the block (discussed in the next section).

The following provides key outstanding issues which still need to be resolved and indicates the timing in which each should be addressed for the Phase 1 lands (i.e. the lands west of Jones Road):

Issues to be Resolved prior to Finalizing Phase 1 (Lands West of Jones Road):

- The local road network may not demonstrate appropriate connectivity and developability across the study area. More detail is required.
- The Strategy does not include a Phasing Plan with sufficient detail which is a requirement of the Terms of Reference.

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- Proposed stormwater pond elevations in relation to Watercourse 5.0 do not meet Provincial regulations and City standards. To resolve this issue, changes may be required to the overall grading plan, larger ponds, and / or a wider channel.
- If the Land Owner Group decides to proceed with a proposal to increase the density of the Block 1 Lands beyond what the Secondary Plan currently permits, as illustrated in their preliminary Formal Consultation submission, an Official Plan Amendment would be needed to ensure that resulting impacts can be addressed in the Strategy. Increases in population may also require an increase in the size of the Neighbourhood Park to meet the City's policies. Air drainage would also need to be further assessed.

As part of a complete application for a Zoning By-law Amendment and/or Draft Plan of Subdivision, for lands within the Phase 1 area the applicant(s) will be required to submit updated stormwater management and functional servicing reports dealing with, amongst other matters, the design of Watercourse 5.0 design. Based on the information provided to date, City of Hamilton staff and Hamilton Conservation Authority staff have identified concerns about the implementation of the proposed watercourse realignment vis a vis: required land assembly, floodplain impacts, riparian rights, and other technical details. Additional design work is still required to demonstrate that the implementability of the proposed watercourse realignment is feasible given that a comprehensive and coordinated approach to its implementation is required. A plan for the restoration of the corridor (i.e. locations and types of habitats to be provided) would also be needed as part of this comprehensive approach. Appendix "F" attached to Report PED24209 shows the extents of the existing floodplain. Further work is required at the draft plan stage before this project and development in the block can proceed.

- A Functional Design for upgraded Fruitland Road is to be completed.

For the Phase 2 lands (Lands East of Jones Road) the following additional information will be required to be submitted as part of a Complete Application:

- Demonstration of appropriate connectivity and developability of the Phase 2 lands.
- A Phasing Plan for development and infrastructure.
- The Functional Design for an upgraded Jones Road.

Staff will report back to Council upon completion of additional work that would permit finalization of Phase 1 of the Strategy. This will indicate that the Block Servicing Strategy Phase 1 is final and that development applications can be submitted for processing. If development applications are submitted in advance of this milestone, they shall not be considered complete applications in accordance with section F.1.19 of

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the Urban Hamilton Official Plan and policy B.7.4.17.1 of the Fruitland-Winona Secondary Plan.

The Phase 2 lands are currently subject to an appeal of the Fruitland Winona Secondary Plan to the Ontario Land Tribunal. As such, the Block Servicing Strategy for these lands cannot be finalized until a resolution of the appeals has been reached.

**B. Core Infrastructure**

The development of lands within Block 1 will rely on new and/or upgrades to municipal infrastructure both external to the block (e.g., Barton Street) and internal to the block (e.g., internal streets, parks etc.). For Block 1, the installation of certain services is a requirement for any of development to proceed (e.g., every developer needs the benefit of one of the planned stormwater management ponds). These services can be referred to as core infrastructure and there is a benefit to every development proponent to have these services installed in a timely and orderly way such that full build-out of the block can be expedited. Infrastructure considered as Core Infrastructure in Block 1 includes the following:

- Construction of proposed Gordon Dean Avenue and Street B;
- Installation of stormwater management ponds and associated outlet works;
- The channelization of Watercourse 5.0;
- Reconstruction and widening of Barton Street west of Jones Road;
- Fruitland Road upgrades;
- Jones Road upgrades;
- A new Neighbourhood Park in the south-west quadrant; and,
- A new Community Park in the north-east quadrant

A key objective identified by both City staff and the Land Owner Group is ensuring that certain components of core infrastructure, including but not limited to, Gordon Dean Avenue, Street B, and the stormwater management ponds, are substantially completed prior to any development in Block 1 occurring. To facilitate the installation of core infrastructure and expedite block development, the Land Owner Group had initially proposed to enter into a Core Infrastructure Agreement with the City for the construction, financing, and phasing of core infrastructure in the Block 1 area. This approach to land development would be new to Hamilton but has been used successfully in other jurisdictions in the greater Toronto area (e.g. Humber Bay Shores in Etobicoke).

Advancing core infrastructure prior to development approvals requires a multi-party agreement amongst the City, the development proponent (Land Owner Group), and the proponent's trustee (the Land Owner Group representative). Such an agreement would need approval from Council.

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Advancing the implementation of core infrastructure in this area has merit in that it will allow for a more simplified approvals process for lands in the block, ready the area for growth, and ensure orderly development. Moreover, it is anticipated that this approach could be used in future development situations involving multiple land owners.

Staff intends to investigate the merit of further embedding requirements for a Core Infrastructure Agreement into the policies of the Fruitland Winona Secondary Plan through a future Official Plan Amendment. If required, the Official Plan Amendment would add a policy to Secondary Plan which requires the formation of a land owner's group and the registration of an infrastructure agreement prior to development occurring, which would provide authority for these requirements should there be any challenges at a later date.

The Land Owner Group has advised that they are contemplating proposing alternative arrangement with the City to secure the core infrastructure. As this type of agreement has not been part of the City's past practice, and the details of any alternative arrangements are unknown at this time, staff recommends authorization from Council to enter into negotiations on the terms of an Agreement or acceptable arrangement with the Land Owner Group, based on the principles outlined this report (PED24209). Staff recommend reporting back to Council with updates on this matter including approval of the Agreement.

The Core Infrastructure Agreement is to be developed from a set of basic principles and would act as the mechanism to ensure the orderly implementation and final build out of the Block such that the approval and buildout of the housing development is in-sync with the delivery of key block-wide infrastructure. Staff recommends negotiation of the terms of an Agreement or acceptable arrangement based on the following principles:

- legally secure the timing and phasing of road and park dedication, environmental review, construction of on- and off-site road improvements;
- ensure that timing of delivery of the various block-wide core infrastructure components is coordinated with planning approvals and servicing construction for individual plans of subdivision.
- ensure that core infrastructure is designed and constructed in accordance with City standards, policies, and requirements;
- provide a mechanism for land conveyance for core municipal infrastructure;
- outline and secure appropriate conditions to allow for incremental design and construction of the overall road network, servicing, grading, watercourse realignment, assumption, etc. due to differing construction schedules of abutting parcels and uncertainty of individual owners proceeding;
- be used for administration of City's share of the cost of core infrastructure; and,

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- identify the appropriate financial securities and guarantees to be placed with City to ensure the timely completion of the necessary works and to protect the City from any financial liabilities.

C. Planning Approvals

As noted, staff intend to use the Final Block 1 Servicing Strategy for Fruitland - Winona Secondary Plan Lands Report, October 2024, as a basis for reviewing and approving all development applications within the Block 1 Servicing Strategy area.

As a result of Bill 185, *Cutting Red Tape to Build More Homes Act, 2024*, coming into force and effect, the City's Formal Consultation process is no longer a mandatory process for planning applications. As a result, Council adopted Official Plan Amendment No. 221 to the Urban Hamilton Official Plan on October 23, 2024 to establish minimum submission requirements (e.g., technical plans and studies) that must be submitted with Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Site Plan applications if an applicant chooses to not engage in pre-consultation (Formal Consultation).

Staff have already commenced discussions with the Land Owner Group on the review of a comprehensive Formal Consultation application for all lands under control of the group (Phase 1). Individual owners outside of the Land Owner Group may opt to engage in Formal Consultation prior to submitting formal *Planning Act* applications.

Following completion of the Formal Consultation process and the receipt of the Formal Consultation document outlining the required applications and submission requirements for each development, Individual owners may submit the required formal *Planning Act* applications once the Block Servicing Strategy has been finalized. For most development parcels, the required applications will be applications for a Zoning By-law Amendment and Draft Plan of Subdivision approval. It is important to note that an Official Plan Amendment application would also be required if a proposed development does not comply with the policies of the Secondary Plan and / or the Urban Hamilton Official Plan.

The formal consultation application which has been submitted to the City by the Land Owner Group would require an Official Plan Amendment as it proposes changes to the configuration of various residential land use designations, and increased densities. To avoid the need for future amendments to the Block Servicing Strategy, changes to the Secondary Plan should be addressed through an Official Plan Amendment prior to the finalizing of Phase 1 of the Block 1 Servicing Strategy.

In reviewing development applications, it will be critical to ensure, as noted above, that any approvals granted to the Zoning and Draft Plan applications include appropriate

conditions to secure the construction of key core infrastructure and to define the appropriate phasing of development of the subject lands. If it is determined that a Core Infrastructure Agreement is required, the registration of that Agreement on title by all parties would also be a condition of approval.

As a development concept advances from Formal Consultation to Development Application (i.e. Rezoning and Subdivision and then Site Plan Plan) and finally to Building Permit, the building design and layout is refined and updates to reports and studies are required to demonstrate conformity with the original assumptions and characterization. It is anticipated that fine tuning and updates to background reports and studies will be required as noted in the implication section of the Block Servicing Strategy.

In terms of the required Zoning By-law Amendment for each development parcel, the approval of the Zoning Amendment will include the requirement for a Holding provision. The Holding provision will require, at a minimum, the approval of a comprehensive plan for the removal of the existing floodplain on the lands owned by the Land Owner Group along Watercourse 5.0, with an approved design and implementation plan for re-alignment of the watercourse as previously contemplated in the Secondary Plan, including ensuring no negative impacts on lands that are not proceeding with redevelopment. A permit from the Hamilton Conservation Authority would form part of this approval. An additional condition of a Holding provision would be the registration of the Core Infrastructure Agreement on title (or an acceptable alternative agreement / arrangement).

As part of the approval of the Draft Plan of Subdivision required for each development, a number of draft plan conditions will be required that would be common and applicable to all lands within the Land Owner Group. The following conditions have been identified as being commonly required for all Draft Plans of Subdivision for all lands within the group, prior to registration of each Draft Plan (i.e., prior to development proceeding):

- Registration of the Core Infrastructure Agreement, or an approved alternative agreement / arrangement;
- Substantial completion of core infrastructure;
- Submission of a comprehensive composite grading plan;
- Approval of a staging and phasing plan;
- Acknowledgement and agreement that no development will be permitted within the existing floodplain along Watercourse 5.0 until a design for the watercourse realignment has been approved including an implementation plan acceptable to the City and the Conservation Authority. If built in stages, the channel design must respect the riparian rights of property owners and be able to demonstrate no negative impacts on the lands upstream and downstream of the constructed channel; and,



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- Submission of an updated Block 1 Servicing Strategy, or addenda to such, that address the identified outstanding issues as they are resolved.

Additional conditions of approval will be applicable to each individual application and will be reviewed as part of the normal development application process. Further, all developments within the area will be subject to the City's normal requirements under the City's Standard Subdivision Agreement.

**ALTERNATIVES FOR CONSIDERATION**

1. Council could choose to not receive the Draft Block 1 Servicing Strategy and instead require that all additional work is completed to address the outstanding issues noted above prior to receiving the study. This is not recommended as some of the additional requirements can be adequately addressed as part of a Phase 2 study or be addressed through the development process or through reporting back with a Final Block 1 Servicing Strategy.
2. Council could choose to not authorize staff to enter into negotiations with the Block 1 Servicing Strategy Land Owner Group regarding an Agreement to secure core infrastructure required for Block 1 development. This is not recommended as this could potentially result in housing development being advanced ahead of key block-wide core infrastructure improvements required to support orderly development.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED24209 – Draft Block Servicing Strategy Fruitland – Winona Secondary Plan Block 1 Report can be found via the following link due to its size:

<https://www.hamilton.ca/environmental-assessments/block-servicing-strategies-stoney-creek-and-gordon-dean#reports>

Appendix "B" to Report PED24209 - Block 1 Servicing Strategy Study Area

Appendix "C" to Report PED24209 - Gordon Dean Avenue Recommended Alignment

Appendix "D" to Report PED24209 - Block 1 Servicing Strategy Concept Plan with Land Use

Appendix "E" to Report PED24209 - Block 1 Land Owner Group Map and List

Appendix "F" to Report PED24209 - Block 1 Servicing Strategy Existing Floodplain Map

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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.