



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 4, 2025
<b>SUBJECT/REPORT NO:</b>	Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10)
<b>WARD(S) AFFECTED:</b>	Ward 10
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Official Plan Amendment Application UHOPA-24-009, by MHBC Planning Ltd. (c/o Dave Aston) on behalf of Losani Homes (Winona) Ltd. (c/o Daniel Borrelli), Owner**, to redesignate the lands from “Low Density Residential 2”, “Low Density Residential 3”, and “Neighbourhood Park” to “Low Density Residential 3” and “Neighbourhood Park”, and to create a new Site Specific Policy Area within the Fruitland-Winona Secondary Plan to permit maisonette or back-to-back townhouses containing five or more dwelling units, for lands located at 228 McNeilly Road and 1069 Highway No. 8, as shown in Appendix “A” attached to Report PED25035, be **DENIED** on the following basis:
- (i) That the proposal is not consistent with the Provincial Planning Statement (2024) and does not comply with the general intent of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan as:
- (1) It does not comply with the Urban Hamilton Official Plan parkland policies;
  - (2) It does not comply with the City’s Block 3 Servicing Strategy;

---

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

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

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

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 2 of 16**

---

- (3) It does not meet the intent of the City’s urban design policies;
  - (4) It does not meet the intent of the “Neighbourhood Park” designation of the Fruitland-Winona Secondary Plan;
  - (5) It has not demonstrated that trees have been sufficiently protected; and,
  - (6) It is premature until the applicant has secured the necessary storm, sanitary and watermain outlets through abutting lands or until servicing has been extended to the subject lands.
- (b) That **Zoning By-law Amendment Application ZAC-24-030, by MHBC Planning Ltd. (c/o David Aston) on behalf of Losani Homes (Winona) Ltd. (c/o Daniel Borrelli), Owner**, for a change in zoning from the Agricultural Specialty “AS” Zone, Agricultural Specialty “AS-9” Zone, Modified, and Rural Residential “RR-14” Zone, Modified, to a site specific Multiple Residential “RM3” Zone in Zoning By-law No. 3692-92 and a site specific Low Density Residential (R1) Zone and Neighbourhood Park (P1) Zone in Zoning By-law No. 05-200, to permit 190 townhouse dwellings, a park and future development block, for lands located at 228 McNeilly Road and 1069 Highway No. 8, as shown in Appendix “A” attached to Report PED25035, be **DENIED** on the following basis:
- (i) That the proposal is not consistent with the Provincial Planning Statement (2024) and the general intent of the Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan as:
    - (1) It does not comply with the Urban Hamilton Official Plan parkland policies;
    - (2) It does not comply with the City’s Block 3 Servicing Strategy;
    - (3) It does not meet the intent of the City’s urban design policies;
    - (4) It does not meet the intent of the “Neighbourhood Park” designation of the Fruitland-Winona Secondary Plan;
    - (5) It has not demonstrated that trees have been sufficiently protected;
    - (6) It is premature until the applicant has secured the necessary storm, sanitary and watermain outlets through abutting lands or until servicing has been extended to the subject lands; and,
    - (7) It is not considered to be good planning as the cumulative impact of reduced setbacks, reduced landscape open space requirements, increased yard encroachments, reduced lot size, increased height, and density results in overdevelopment of the site.
- (c) That **Draft Plan of Subdivision Application 25T-202407, by MHBC Planning Ltd. (c/o David Aston) on behalf of Losani Homes (Winona) Ltd. (c/o Daniel**

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 3 of 16**

---

**Borrelli), Owner**, on lands located at 228 McNeilly Road and 1069 Highway No. 8, as shown in Appendix “A” attached to Report PED25035, be **DENIED**, in accordance with By-law No. 07-323 being the delegation of the City of Hamilton’s Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:

- (i) That the Draft Plan of Subdivision is not consistent with the Provincial Planning Statement (2024);
- (ii) That the Draft Plan of Subdivision does not appropriately address the criteria set out in Sub-Section 51(24) of the *Planning Act*; and,
- (iii) That the Draft Plan of Subdivision does not comply with the general intent of the Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan as:
  - (1) It does not comply with the City’s Urban Hamilton Official Plan parkland policies;
  - (2) It is not in the public interest nor an orderly development of land;
  - (3) It does not comply with the City’s Block 3 Servicing Strategy;
  - (4) It does not meet the intent of the “Neighbourhood Park” designation of the Fruitland-Winona Secondary Plan; and,
  - (5) It is premature until the applicant has secured the necessary storm, sanitary and watermain outlets through abutting lands or until servicing has been extended to the subject lands.

**EXECUTIVE SUMMARY**

The subject property is municipally known as 228 McNeilly Road and 1069 Highway No. 8 and is located on the east side of McNeilly Road and the north side of Highway No. 8. The applicant has applied for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision.

The purpose of the Official Plan Amendment application is to redesignate the lands from “Low Density Residential 2”, “Low Density Residential 3”, and “Neighbourhood Park” to “Low Density Residential 3” and “Neighbourhood Park” and to create a new Site Specific Policy Area within the Fruitland-Winona Secondary Plan to permit maisonette or back-to-back townhouses containing five or more dwelling units.

The purpose of the Zoning By-law Amendment application is for a change in zoning from the Agricultural Specialty “AS” Zone, Agricultural Specialty “AS-9” Zone, Modified,

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 4 of 16**

---

and Rural Residential “RR-14” Zone, Modified, to a site specific Multiple Residential “RM3” Zone in Zoning By-law No. 3692-92 and a site specific Low Density Residential (R1) Zone and Neighbourhood Park (P1) Zone in Zoning By-law No. 05-200, to permit the development of 190 townhouse dwellings, a park and future development block. The Draft Plan of Subdivision application consists of two street townhouse blocks (Blocks 1 and 2), one townhouse condominium block (Block 3), one park block (Block 4), one future development block (Block 5), one road widening block (Block 6), and one public right-of-way (Street ‘A’), as shown on the Draft Plan of Subdivision in Appendix “B” attached to Report PED25035.

The subject property is located within the City’s Block 3 Servicing Strategy area as shown on the Block 3 Servicing Strategy Concept Plan in Appendix “G” attached to Report PED25035. In addition to land uses, the Block 3 Servicing Strategy sets out the road network, servicing design and parkland for the lands. The proposed development deviates from the concept plan’s road network design and parkland design. These changes will have impacts beyond the subject property and does not represent orderly development.

The proposed Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision do not have merit and therefore cannot be supported for the following reasons:

- The proposal is not consistent with the Provincial Planning Statement (2024) and does not provide for a park of sufficient area to provide for the needs of future and existing residents of the Fruitland-Winona Secondary Plan area;
- The proposal does not appropriately address the criteria set out in Sub-Section 51(24) of the *Planning Act*;
- The proposal is not in the public interest nor an orderly development of land;
- The proposal does not comply with the City’s Block 3 Servicing Strategy;
- The proposal does not meet the intent of the “Neighbourhood Park” designation of the Fruitland-Winona Secondary Plan;
- The proposal is premature until the storm, sanitary and watermain outlets can be obtained through abutting lands; and,
- The proposal is not considered to be good planning as the cumulative impact of reduced setbacks, reduced landscaped open space requirements, increased yard encroachments, reduced lot size, increased height, and density results in overdevelopment of the site.

**Alternatives for Consideration – See Page 15**

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 5 of 16**

---

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment. Bill 23 amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	Losani Homes (Winona) Ltd. (c/o Daniel Borrelli)
Applicant:	MHBC Planning Ltd. (c/o Dave Aston)
File Number:	UHOPA-24-009, ZAC-24-030, and 25T-202407.
Type of Applications:	Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision.
Proposal:	<p>The purpose of the Official Plan Amendment is to redesignate the lands from “Low Density Residential 2”, “Low Density Residential 3”, and “Neighbourhood Park” to “Low Density Residential 3” and “Neighbourhood Park” and to create a new Site Specific Policy Area within the Fruitland-Winona Secondary Plan to permit maisonette or back-to-back townhouses containing five or more dwelling units.</p> <p>The purpose of the Zoning By-law Amendment application is for a change in zoning from the Agricultural Specialty “AS” Zone, Agricultural Specialty “AS-9” Zone, Modified, and Rural Residential “RR-14” Zone, Modified, to a site specific Multiple Residential “RM3” Zone in Zoning By-law No. 3692-92 and a site specific Low Density Residential (R1) Zone and Neighbourhood Park (P1) Zone in Zoning By-law No. 05-200,</p>

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 6 of 16**

	to permit the development of 190 townhouse dwellings, a park and future development block.
Proposal: <b>(continued)</b>	The Draft Plan of Subdivision application consists of two street townhouse blocks (Blocks 1 and 2), one townhouse condominium block (Block 3), one park block (Block 4), one future development block (Block 5), one road widening block (Block 6), and one public right-of-way (Street 'A'), as shown on the Draft Plan of Subdivision in Appendix "B" attached to Report PED25035. The effect of these applications is to facilitate the development of a total of 190 townhouse dwelling units, a park, pedestrian walkways, a public road, and condominium road/driveway, as shown in Appendix "C" attached to Report PED25035.
<b>Property Details</b>	
Municipal Address:	228 McNeilly Road and 1069 Highway No. 8
Lot Area:	4.15 ha.
Servicing:	Existing full municipal services.
Existing Use:	Two single detached dwellings, six detached accessory structures.
<b>Documents</b>	
Provincial Planning Statement:	The proposal is not consistent with the Provincial Planning Statement (2024).
Official Plan Existing:	"Neighbourhoods" on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	"Low Density Residential 2", "Low Density Residential 3", "Neighbourhood Park", and Proposed Roads" on Fruitland-Winona Secondary Plan Map B.7.4-1 – Land Use Plan Map.
Secondary Plan Proposed:	"Low Density Residential 3" and "Neighbourhood Park" and to create a new Site Specific Policy Area on Fruitland-Winona Secondary Plan Map B.7.4-1 – Land Use Plan Map to permit maisonette or back-to-back townhouses containing five or more dwelling units.

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 7 of 16**

Zoning Existing:	Agricultural Specialty “AS” Zone, Agricultural Specialty “AS-9” Zone, Modified, and Rural Residential “RR-14” Zone, Modified.
Zoning Proposed:	<ul style="list-style-type: none"> <li>• Site Specific Multiple Residential “RM3” Zone;</li> <li>• Site Specific Low Density Residential (R1) Zone; and,</li> <li>• Neighbourhood Park (P1) Zone.</li> </ul>
Modifications Proposed:	<p>The following modifications to the Low Density Residential (R1) Zone in Hamilton Zoning By-law No. 05-200 are being requested for “Block 1” and “Block 2” as shown in Appendix “B” attached to Report PED25035:</p> <ul style="list-style-type: none"> <li>• To decrease the minimum landscaped area in the front yard from 50% to 40%;</li> <li>• To decrease the minimum finished floor level of the attached garage from 0.3 metres to 0.15 metres above grade;</li> <li>• To decrease the minimum lot area for each dwelling unit from 180 square metres to 160 square metres; and,</li> <li>• To increase the maximum height from 10.5 metres to 12.5 metres.</li> </ul> <p>The following modifications to the Multiple Residential “RM3” Zone in Stoney Creek Zoning By-law No. 3692-92 are being requested for “Block 3” as shown in Appendix “B” attached to Report PED25035:</p> <ul style="list-style-type: none"> <li>• To deem the lot line abutting McNeilly Road as the front lot line;</li> <li>• To deem the zoning boundary of the Site Specific Multiple Residential “RM3” Zone as the lot lines and not from individual properties or boundaries created by registration of a condominium plan or created by Part Lot Control;</li> <li>• To reduce the minimum lot frontage from 50 metres to 42 metres;</li> <li>• To reduce the minimum front yard from 7.5 metres to 3 metres;</li> <li>• To reduce the minimum side yard for a townhouse or maisonette from 6 metres and 7.5 metres for a flankage yard to 2 metres and 3 metres for a flankage yard;</li> <li>• To reduce the minimum rear yard from 7.5 metres to 4.5 metres;</li> </ul>

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 8 of 16**

<p>Modifications Proposed: <b>(continued)</b></p>	<ul style="list-style-type: none"> <li>• To reduce the minimum distance between end walls between buildings on the same lot from 3 metres to 2.4 metres;</li> <li>• To increase the maximum density from 40 units per hectare to 60 units per hectare;</li> <li>• To increase the maximum building height from 11 metres to 12.5 metres;</li> <li>• To not require a minimum privacy area for maisonette dwellings;</li> <li>• To reduce the minimum landscape open space from 50% to 35%;</li> <li>• To increase the maximum encroachment for stairs from 0 metres to 3 metres;</li> <li>• To increase the maximum encroachment of a balcony, canopy, unenclosed porch, and deck, into any yard from 1.5 metres to 2 metres;</li> <li>• To reduce the minimum number of parking spaces from 2 parking spaces and 0.5 visitor parking spaces for each maisonette and townhouse dwelling unit to 2 parking spaces and 0.35 visitor parking spaces for each maisonette and townhouse dwelling unit;</li> <li>• To reduce the parking space setback from a lot line from 3 metres to 2.5 metres where the number of parking spaces is four or more; and,</li> <li>• To increase the parking setback from a dwelling from 3 metres to 3.85 metres when there is a grouping of three or more parking spaces.</li> </ul>
<p><b>Processing Details</b></p>	
<p>Received:</p>	<p>November 5, 2024.</p>
<p>Deemed Complete:</p>	<p>November 18, 2024.</p>
<p>Notice of Complete Application:</p>	<p>Sent to 59 property owners within 120 metres of the subject property on November 29, 2024, and published in the Hamilton Spectator on November 27, 2024.</p>
<p>Public Notice Sign:</p>	<p>Posted November 27, 2024.</p>
<p>Notice of Public Meeting:</p>	<p>Sent to 59 property owners within 120 metres of the subject property on January 24, 2025.</p>



**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 9 of 16**

Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “E” attached to Report PED25035.
Public Consultation:	<p>A Public Consultation meeting was held on January 25, 2024, at Winona Elementary School at 301 Lewis Road. Invitations were sent to 88 addresses. A circulation radius of 240 metres was utilized, which is greater than the standard 120 metre radius.</p> <p>Based on the summary provided by the applicant, approximately 24 individuals attended the meeting. Individuals expressed concern about height and design, density, park land, loss of agricultural land, traffic, and servicing.</p> <p>A summary of this public consultation is included in the public comment summary provided in Appendix “F” attached to Report PED25035.</p>
Public Comments:	At the time of writing of this report, no comments were received from the public.
Processing Time:	91 days.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Two single detached dwellings and six accessory structures.	Agricultural Specialty “AS” Zone, Agricultural Specialty “AS-9” Zone, Modified, and Rural Residential “RR-14” Zone, Modified.
<b>Surrounding Lands:</b>		
North	Agricultural land.	Low Density Residential (R1, 882) Zone, Neighbourhood Park (P1) Zone and Agricultural Specialty “AS” Zone.

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 10 of 16**

---

South	Agricultural land, agricultural building and single detached dwellings, and a restaurant and a motor vehicle repair garage.	Agricultural Specialty “AS” Zone, Agricultural Specialty “AS-8” Zone, Modified, Highway Commercial “HC” Zone, Rural Residential “RR” Zone, Rural Residential “RR-15” Zone, Modified, and Existing Rural Commercial “E1-199” Zone, Modified.
East	Agricultural land and single detached dwelling.	Agricultural Specialty “AS” Zone, Rural Residential “RR” Zone and Low Density Residential (R1, 882) Zone and Neighbourhood Park (P1) Zone.
West	Single detached dwellings.	Rural Residential “RR” Zone, Agricultural Specialty “AS” Zone, and Agriculture (A1) Zone.

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Planning Statement (2024)**

A full policy review has been provided for the Provincial Planning Statement (2024) in Appendix “D” attached to Report PED25035.

The proposed development has not demonstrated that there is sufficient parkland to meet the long term needs for existing and future residents in the area. Through the secondary planning process, the size of the neighbourhood park within the Fruitland-Winona Secondary Plan was established. Consideration was given to providing access to green space, and the size of the park also complements intended programming. The new proposed park size does not meet the intent of the neighbourhood park as designated in the Fruitland-Winona Secondary Plan.

Information has not been provided demonstrating whether the proposal protects specialty crop areas. The lands south of Highway No. 8 are designated “Specialty Crop” in the Rural Hamilton Official Plan. Air drainage patterns exist between these lands and Lake Ontario over the subject lands. Modifications to the street layout and building

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 11 of 16**

---

height have the potential to disrupt these drainage patterns. An Air Drainage Analysis was not submitted in the review of these applications.

Based on the foregoing, the proposal is not consistent with the Provincial Planning Statement (2024).

### **Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan**

The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations and further designated “Low Density Residential 2”, “Low Density Residential 3”, “Neighbourhood Park”, and Proposed Roads” on Fruitland-Winona Secondary Plan Map B.7.4-1 – Land Use Plan Map. A full policy analysis of the applicable Urban Hamilton Official Plan and Fruitland-Winona Secondary Plan policies are in Appendix “D” attached to Report PED25035.

The lands designated “Neighbourhood Park” are intended to cater to the recreational needs and interests of the residents living within its general vicinity. The park need, size and location were determined through the Secondary Plan process in accordance with the parkland policies in Chapter B of the Urban Hamilton Official Plan. The proposal does not comply with the Fruitland-Winona Secondary Plan as it reduces the parkland that was established through the Secondary Planning process and that is further reinforced through a Block Servicing Strategy for the area.

The proposed development alters the Secondary Plan by reducing the size of the lands designated “Neighbourhood Park.” The amount of land proposed for a neighbourhood park in the Secondary Plan on the applicant’s lands is 2.01 hectares, while the proposal provides for only a 0.318 hectare park block. The proposal replaces lands designated “Neighbourhood Park” with lands designated “Low Density Residential 3”. Removing a portion of the park designation would result in a neighbourhood parkland deficiency. The “Neighbourhood Park” lands and the Block 3 Servicing Strategy area will be broken up by this proposal and will result in multiple disjointed park fragments of insufficient sizes.

Section 42 of the *Planning Act* allows municipalities to require conveyance of land for park or other public recreational purposes as a condition of development/redevelopment or subdivision. Typically, 5% of the land may be dedicated, or the equivalent dedication payment of 5% of the land value (also known as cash-in-lieu of parkland) may be provided. Although the proposal addresses the *Planning Act* requirement, there is concern that the park’s size is not sufficient in the context of providing a park for a complete community. The proposed 0.318 hectare parkland dedication would be very limited for programable, usable park space and would not meet the needs of the

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 12 of 16**

---

community. In addition to the unusable park space, the City would have to look at other areas within the Fruitland Winona Secondary Plan to meet the parkland demand which could in turn impact the ability to achieve planned build out and impact housing goals.

The subject property is located within the City's Block 3 Servicing Strategy area as shown on the Block 3 Servicing Strategy Concept Plan in Appendix "G" attached to Report PED25035. The Block Servicing Strategy was prepared by Urbantech West, A Division of Leighton-Zec West Ltd. dated March 2020. The Block 3 Servicing Strategy sets out the road network and servicing design for the lands. The proposed development deviates from the Block 3 Servicing Strategy Concept Plan and servicing design. In particular, the park block has been reduced and the proposed road network has been altered by removing a local road. Access for the subject site is to be provided by the planned road network, namely Streets 'D' and 'P' as shown on Block 3 Servicing Strategy, Figure 1. Since these roads have not yet been constructed up to the subject lands, the application is premature. Further, a portion of Street 'P' of the Block 3 Servicing Strategy is removed and replaced by the proposal's private condominium road, parking and three storey townhouses. If approved this would preclude development of other lands relying on the proposed road layout of Street 'P.' According to Policies B.7.4.14.1 c) and B.7.4.17.2 of the Fruitland-Winona Secondary Plan, all development applications within an area with an approved block plan shall demonstrate that they comply with the Block Servicing Strategy. The proposed development does not comply with the Block 3 Servicing Strategy.

These changes will have impacts beyond the subject property which need to be evaluated. Therefore, changes to the Block 3 Servicing Strategy Concept Plan by individual landowners does not represent orderly development. In addition to the deviations from the Block 3 Servicing Strategy, the proposed increase of maximum building height to 12.5 metres and removal of parkland, has the potential to adversely impact air drainage on the adjacent lands designated "Specialty Crop" located south of the subject property.

The proposed development does not meet the intent of the City's urban design policies. The modifications proposed within the site specific Multiple Residential "RM3" Zones and site specific Low Density Residential (R1) Zone, including reduced setbacks, increased yard encroachments, reduced lot size, and increased height, will result in an overdevelopment of the lands. Based on the standards for private amenity space in City of Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 and based on the concept plan, there is a lack of private amenity space for the units. The development proposes a parks network that is disconnected with no pedestrian connections to the park with street crossings and does not consider policies discouraging backlotting onto parks.

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 13 of 16**

---

The City's Block 3 Servicing Strategy sets out the sanitary and storm design for the Block 3 Area, however, the proposed development deviates from this design. The application is premature until the applicant has secured the necessary storm, sanitary and watermain outlets through abutting lands or until servicing has been extended to the subject lands.

A Tree Protection Plan, prepared by Kuntz Forestry Consulting Inc. dated May 13, 2024, was submitted in support of the development. A total of 105 trees have been inventoried and 38 trees have been proposed to be removed and there is concern with the rationale for removal provided in the Tree Protection Plan. The Tree Protection Plan has not been approved. There are many trees proposed to be removed that are identified as being in fair to good condition. Opportunities to retain more trees are to be explored. In addition, 10 trees have been identified as boundary trees and it has not been demonstrated that permission has been granted for their removal from neighbouring landowners.

Based on the foregoing, the proposal does not comply with the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan.

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

The proposed Zoning By-law Amendment application is for a change in zoning from the Agricultural Specialty "AS" Zone, Agricultural Specialty "AS-9" Zone, Modified, and Rural Residential "RR-14" Zone, Modified, to a site specific Multiple Residential "RM3" Zone, Modified, in Zoning By-law No. 3692-92 and to a site specific Low Density Residential (R1) Zone and Neighbourhood Park (P1) Zone in Zoning By-law No. 05-200. The applicant has requested a number of site specific modifications to the Multiple Residential "RM3" Zone and Low the Density Residential (R1) Zone which are summarized in the Report Fact Sheet on pages 7 to 9 of this Report.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal does not have merit and cannot be supported for the following reasons:
  - (i) It is not consistent with the Provincial Planning Statement (2024) as it does not address that there is sufficient parkland to meet the long term needs for existing and future residents in the area;

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 14 of 16**

---

- (ii) That the Draft Plan of Subdivision does not appropriately address the criteria set out in Sub-Section 51(24) of the *Planning Act*;
- (iii) It is not in the public interest nor an orderly development of land as the lands to be dedicated are unusable in terms of meeting neighbourhood parkland needs and would force the City to relocate parkland onto other lands and this could impact the City's ability to achieve planned build out of the Fruitland Winona Secondary Plan and meet housing goals.
- (iv) It does not comply with the City's Block 3 Servicing Strategy as required by the Urban Hamilton Official Plan nor are the changes acceptable;
- (v) It does not meet the general intent of the Urban Hamilton Official Plan policies including the "Neighbourhood Park" designation of the Fruitland-Winona Secondary Plan; and,
- (viii) It is not considered to be good planning as the cumulative impact of reduced setbacks, reduced landscape requirements, increased yard encroachments, reduced lot size, increased height, and density results in overdevelopment of the site.

2. Official Plan Amendment

The purpose of the Official Plan Amendment is to redesignate the lands from "Low Density Residential 2", "Low Density Residential 3", and "Neighbourhood Park" to "Low Density Residential 3" and "Neighbourhood Park", and to create a new Site Specific Policy Area within the Fruitland-Winona Secondary Plan to permit maisonette or back-to-back townhouses containing five or more dwelling units. A detailed evaluation of the policies of the Urban Hamilton Official Plan is provided in Appendix "D" attached to Report PED25035.

Prior to the submission of the applications a Formal Consultation Meeting occurred in June of 2023. Staff were not in support of the proposal and recommended that revisions were to be made prior to the submission of an Official Plan Amendment and Zoning By-law Amendment applications. In particular, the main concern was the location and size of the park.

As noted in the report, the proposal does not comply with the general intent of the Urban Hamilton Official Plan, the Fruitland-Winona Secondary Plan, and the approved Block 3 Servicing Strategy.

Therefore, staff does not support the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The subject lands are zoned Agricultural Specialty “AS” Zone, Agricultural Specialty “AS-9” Zone, Modified, and Rural Residential “RR-14” Zone, Modified in Zoning By-law No. 3692-92. The Zoning By-law Amendment proposes to change the zoning to a site specific Multiple Residential “RM3” Zone in Stoney Creek Zoning By-law No. 3692-92 and to a site specific Low Density Residential (R1) Zone and Neighbourhood Park (P1) Zone in Hamilton Zoning Bylaw No. 05-200.

The applicant has requested a number of site specific modifications to the Multiple Residential “RM3” Zone and the Low Density Residential (R1) Zone which are summarized in the Report Fact Sheet on pages 7 to 9 of this Report. Among the modifications is an increase of building height to 12.5 metres and various reductions to setback requirements, reduction to landscape open space requirements, and yard encroachment allowances.

As noted in the report, the proposal does not comply with the Urban Hamilton Official Plan, the Fruitland-Winona Secondary Plan, and the Block 3 Servicing Strategy. The cumulative effect of reducing the setback requirements, reduction to landscape open space, and increasing the yard encroachment results in an overdevelopment of the site which exceeds the maximum densities set out in the Fruitland-Winona Secondary Plan.

Therefore, staff does not support the proposed Zoning By-law Amendment.

4. Draft Plan of Subdivision

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

- (a) It is not consistent with the Provincial Planning Statement (2024);
- (b) It is premature and not in the public interest;
- (c) It does not comply with the applicable policies of the Urban Hamilton Official Plan and the Fruitland-Winona Secondary Plan;
- (d) It is not suitable for the purposes for which it is to be divided;
- (e) The number and location of proposed roads are not adequate;

**SUBJECT: Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 228 McNeilly Road and 1069 Highway No. 8, Stoney Creek (PED25035) (Ward 10) - Page 16 of 16**

---

- (f) The dimensions and shapes of the lots, the park block in particular, are not appropriate;
- (g) It will not be adequately serviced; and,
- (h) The lands to be dedicated for public purposes are not adequate.

Therefore, staff does not support the proposed Draft Plan of Subdivision.

**ALTERNATIVES FOR CONSIDERATION**

1. Should the applications be approved, staff are directed to prepare the Official Plan Amendment, Zoning By-law Amendments, and Draft Plan of Subdivision Special Conditions consistent with the submitted Draft Plan of Subdivision provided in Appendix “B” attached to Report PED25035 and Concept Plan provided in Appendix “C” attached to Report PED25035 with the inclusion of Holding ‘H’ Provision(s) to address matters including, but not limited to, the submission or resubmission of a revised Functional Servicing Report, Stormwater Management Report, Watermain Hydraulic Analysis, Cultural Heritage Impact Assessment, Tree Protection Plan, Transportation Impact Study, Air Drainage Analysis, Noise Study, redesign of the Neighbourhood Park, and any other necessary items to implement Council’s direction. However, staff are not recommending this alternative because the Neighbourhood Park is required to be of a size, shape and location that will meet the existing and future needs of the community, the Air Drainage Assessment has not been provided, and other urban design considerations, which will require a complete re-design of the proposal to comply with the policies of the Fruitland-Winona Secondary Plan and the Block 3 Servicing Strategy.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A” to Report PED25035 – Location Map
- Appendix “B” to Report PED25035 – Proposed Draft Plan of Subdivision
- Appendix “C” to Report PED25035 – Concept Plan
- Appendix “D” to Report PED25035 – Policy Review
- Appendix “E” to Report PED25035 – Staff and Agency Comments
- Appendix “F” to Report PED25035 – Public Consultation Report
- Appendix “G” to Report PED25035 – Block 3 Servicing Strategy Concept Plan

JVR/mb