



**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 11
<b>COMMITTEE DATE:</b> January 31, 2012	
<b>SUBJECT/REPORT NO:</b> Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek) (PED10194(a)) (Ward 11)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Alvin Chan (905) 546-2424, Ext. 1334
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

- (a) That approval be given to **Amended Stoney Creek Official Plan Amendment Application OPA-09-004, by 2149589 Ontario Limited, c/o Paul Aneja, (Applicant)**, for Official Plan Amendment No. [REDACTED], to amend the land use designation on Schedule A4 - Urban Lakeshore Area Secondary Plan, from the “Low Density Residential” designation to the “Local Commercial” designation, in order to permit a 2-storey, mixed-use building, on the lands known as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED10194(a), on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10194(a), be adopted by Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Places To Grow and the Hamilton-Wentworth Official Plan.

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- (b) That approval be given to **Amended Zoning By-law Amendment Application ZAC-09-022, by 2149589 Ontario Limited, c/o Paul Aneja, (Applicant/Owner)**, for a change in zoning from the Rural Residential "RR" Zone to the Mixed-Use Commercial (Holding) "MUC-6(H)" Zone, with a Special Exception, to permit a 2-storey, mixed-use building, on the lands known municipally as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix "A" to Report PED10194(a), on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED10194(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the amending By-law be added to Map 4 of Schedule "A" of Zoning By-law No. 3692-92.
  - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No. [REDACTED].
- (c) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] for a change in designation to the Urban Lakeshore Area Secondary Plan - Map 7.3-1, from the "Low Density Residential 2b" to the "Local Commercial" designation, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix "D" to Report PED10194(a).
- (d) That upon finalization of the implementing By-law, the subject lands be identified as Local Commercial (LC) on the Fifty Point Neighbourhood Plan.

### **EXECUTIVE SUMMARY**

The purpose of the applications is for a change in designation and zoning in order to permit a 2-storey, mixed-use building comprised of 1,188 square metres of ground floor commercial and equivalent floor area for 13 residential dwelling units above.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and conforms to the Hamilton-Wentworth Official Plan. The proposal is compatible with the existing and proposed land uses in the surrounding area, includes a residential component which provides for additional housing types, and the proposed commercial uses are limited to a local nature to serve the Fifty Point neighbourhood.

*Alternatives for Consideration - See Page 32.*

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**FINANCIAL / STAFFING / LEGAL IMPLICATIONS** (for Recommendation(s) only)

**Financial:** Not applicable.

**Staffing:** Not applicable.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in zoning and Official Plan Amendment.

**HISTORICAL BACKGROUND** (Chronology of events)

**Planning Committee Report - PED10194:**

An application for an Official Plan Amendment and Zoning By-law Amendment was received on June 12, 2009, in order to permit a 4-storey hotel on the lands located at 1365 Baseline Road. The applications were circulated, and public notice provided in accordance with the Planning Act for a Public Meeting, which was held on September 7, 2010. The Committee decision was to table the subject application in order to meet with local residents, the applicant, and staff in order to review alternative development forms.

A neighbourhood meeting was held at the Stoney Creek Municipal offices on September 20, 2010, and October 28, 2010, which resulted in an alternative proposal for a mixed-use development. Adjacent lands were recently acquired by the applicant and, accordingly, a revised application was requested by staff to reflect the revised proposal.

**Proposal**

During the period between the Public Information Meeting and the submission of the revised applications on April 14, 2011, the applicant/owner has secured the adjacent land holdings, 1367 Baseline Road, and has revised the Zoning By-law Amendment application to include these lands, thereby facilitating comprehensive development of this area.

In light of the revised list of uses requested, additional information for the Traffic Impact Study was required and subsequently provided by the applicant on August 31, 2011.

The applications have been revised and now propose a 2-storey, mixed-use building with 1,188 square metres of ground floor commercial and 13 residential dwelling units above (see Appendix "E"). To facilitate this proposal, the applicant has applied to amend the City of Stoney Creek Official Plan to redesignate the lands as "Local

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Commercial” on Schedule A4 - Urban Lakeshore Area Secondary Plan, in order to permit the proposed mixed-use form of development.

The applicant has also applied to change the zoning from the Rural Residential “RR” Zone to a Mixed-Use Commercial (Holding) “MUC-6(H)” Zone, with a Special Exception, for 1365 and 1367 Baseline Road, subject to the following modifications:

- To add the following permitted uses and to restrict all commercial components to the Ground Floor: Medical Clinic; Animal Hospital, only if wholly enclosed within a building; Restaurant - Convenience; Restaurant - Fast Food; Restaurant - Outdoor Patio; and Physical Fitness Centre.
- To prohibit a Drive-Thru Facility, even as an accessory use;
- Reduction in front yard setback from 9m to 4m;
- Reduction in exterior side yard setback from 12.0m to 1.3m;
- Reduction in building height from 20m to 11.5m;
- Reduction in minimum landscape strip adjacent to any street from 5.0m to 1.3m with an average width of 3.0m along North Service Road, and to reduce it from 5.0m to 4.0m along Baseline Road;
- Reduction in minimum landscape strip abutting any zone other than commercial or industrial from 9m to 2m, with the inclusion of a board-on-board fence;
- To permit both residential and commercial parking to be accessed with the same points of ingress and egress;
- Reduction in parking space dimensions to 2.7m x 5.5m for a standard parking space, and 4.4m x 5.5m for a barrier free parking space; and,
- Reduction in required loading spaces from 2 spaces to 1 space.

Additionally, it is proposed to place the subject lands in a Holding ‘H’ Zone. The ‘H’ symbol shall prohibit development of the subject lands until such time:

- That the owner/applicant has made provisions/agreed to the required roadway and servicing works (i.e. sanitary sewer, curbing, boulevard sodding, grading, etc.) on Baseline Road and, if necessary, North Service Road, to the satisfaction of the Senior Director of Growth Management; and,

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- That the owner/applicant has investigated the noise levels on the site and determined and implemented the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An Acoustical Report, prepared by a qualified Professional Engineer, containing the recommended control measures shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning; and,
- That the owner/applicant has undertaken an Urban Design Brief, to the satisfaction of the Manager of Community Planning and Design.
- That the owner/applicant has conducted an Archaeological Assessment of 1367 Baseline Road and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

**Chronology:**

- October 29, 2008: Pre-consultation meeting identifying the submission requirements for an Official Plan Amendment, Zoning By-law Amendment, and future Site Plan Control application.
- March 16, 2009: Formal consultation was waived subject to the submission of a Traffic Impact Study and Archaeological Assessment for the required Official Plan Amendment, Zoning By-law Amendment, and Site Plan Control application.
- June 12, 2009: Official Plan and Zoning By-law Amendment (OPA-09-004 and ZAC-09-022) applications were received.
- June 15, 2009: Applications OPA-09-004 and ZAC-09-022 were deemed complete.
- June 26, 2009: Circulation of Notice of Complete Application to all residents within 120 metres of the subject lands.
- July 2, 2009: Public Notice Sign was erected on the subject lands.
- August 20, 2010: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

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- September 7, 2010: Economic Development and Planning Committee Meeting whereby Report PED10194 was tabled to allow time for the Ward Councillor to organize and meet with the residents, the applicants, and staff to discuss issues identified.
- September 20, 2010: A neighbourhood meeting was held at the Stoney Creek Municipal offices and the proposed hotel development was withdrawn and replaced with a mixed-use form of development. Additional time was provided for an alternative concept and uses before returning to the Neighbourhood.
- October 28, 2010: A revised conceptual site plan and a corresponding list of uses were provided and reviewed by the local residents and, accordingly, the proponent was advised to revise the applications and resubmit for review and processing.
- April 14, 2011: Revised applications (OPA-09-004 and ZAC-09-022) were received.
- May 12, 2011: Circulation of Notice of Complete REVISED Application to all residents within 120 metres of the subject lands.
- May 18, 2011: Revised Public Notice Sign was erected on the subject lands.
- January 13, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

**Details of Submitted Application:**

- Location:** 1365 and 1367 Baseline Road (Stoney Creek)  
(See Appendix "A")
- Applicant/Owner:** 2149589 Ontario Limited (c/o Paul Aneja)
- Agent:** A.J. Clarke and Associates Ltd. (c/o Stephen Fraser)

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<b><u>Property Description:</u></b>	<u>Frontage:</u>	±63.1m
	<u>Depth:</u>	±126.8m
	<u>Total Land Area:</u>	±3,700m <sup>2</sup> (1365 Baseline Road) ±2,752m <sup>2</sup> (1367 Baseline Road) ±6,452m <sup>2</sup> (Total Holdings of Applicant)

**EXISTING LAND USE AND ZONING FOR 1365 and 1367 BASELINE ROAD:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Single Detached Dwelling	Rural Residential “RR” Zone
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Single Detached Dwellings	Multiple Residential “RM1-4” Zone, Neighbourhood Development “ND” Zone, and Residential “R4-18” Zone
<b>South</b>	Vacant Ministry of Transportation (MTO) Lands	Major Institutional (Holding) “I(H)” Zone
<b>West</b>	Single Detached Dwellings	Multiple Residential “RM1-4” Zone, Residential “R3” Zone, and Neighbourhood Development “ND” Zone
<b>East</b>	Vacant MTO Lands - Fifty Road Overpass	Neighbourhood Development “ND” Zone

<b>POLICY IMPLICATIONS</b>
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**Provincial Policy Statement**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The applications are consistent with the policies that focus growth in Settlement Areas 1.1.3.1, and provide for sustainable tourism development, as per Policy 1.7.1(f).

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However, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted.

An Archaeological Assessment, conducted by Archaeological Assessments Ltd., dated April, 2009, was submitted for 1365 Baseline Road and has been cleared by the Ministry of Culture. However, the additional lands acquired have yet to be assessed and are, therefore, subject to an “H” Holding Provision conditional upon an Archaeological Assessment of 1367 Baseline Road.

Furthermore, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as transportation corridors) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to the Queen Elizabeth Expressway, staff requests a noise assessment be conducted to address this concern.

Accordingly, an ‘H’ Holding provision has been included within the amending By-law, prohibiting development of the subject lands until the completion of a detailed Noise Study for the proposed residential component, to the satisfaction of the Director of Planning.

Additionally, Policy 1.1.1(g) requires that healthy, liveable, and safe communities be sustained by ensuring that necessary infrastructure and public service facilities are, or will be, available to meet current and projected needs. Furthermore, Policy 1.6.1 states that:

*“Infrastructure and public service facilities shall be provided in a coordinated, efficient, and cost-effective manner to accommodate projected needs. Planning for infrastructure and public service facilities shall be integrated with planning for growth so that these are available to meet current and projected needs.”*

Moreover, Policy 1.6.5.1 requires that:

*“Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.”*



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In order to ensure adequate services, the recommended 'H' Holding provision will also be conditional upon the owner/applicant agreeing to the completion of the required roadway and servicing works (i.e. sanitary sewer, curbing, boulevard sodding, grading, etc.) on Baseline Road and, if necessary, North Service Road, to the satisfaction of the Senior Director of Growth Management. Additional servicing information is provided in the Relevant Consultation section below.

Therefore, as the nature of the application is to allow for a 2-storey, mixed-use building within a Settlement Area, and the PPS provisions regarding servicing and noise are subject to the 'H' Holding provision, the proposal is consistent with the policies of the Provincial Policy Statement.

**Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

The proposed 2-storey, mixed-use building is consistent with the Guiding Principles, Section 1.2.2 of Places to Grow, whereby the proposed development provides for a compact, vibrant, and complete community which protects, conserves, enhances, and wisely uses the valuable natural resources of land, air, and water for current and future generations; optimizes the use of existing and new infrastructure to support growth in a compact, efficient form; and is a planned and managed form of growth that supports a strong and competitive economy.

Furthermore, Policy 3.2.4.3 requires that:

*"The planning and design of highway corridors, and the land use designations along these corridors, will support the policies of this Plan, in particular, that development is directed to Settlement Areas, in accordance with Policy 2.2.2.1(i)."*

In review of Policy 2.2.2.1(i), it is noted that:

*"Population and employment growth will be accommodated by directing development to Settlement Areas, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in Settlement Areas."*

Lastly, Policy 3.2.4.5 states that:

*"Municipalities will plan for land uses in Settlement Areas adjacent to, or in the vicinity of, transportation facilities such as...major highway interchanges that are compatible with, and supportive of, the primary goods movement function of these facilities."*

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In order to ensure a design which is supportive of the primary movement of goods and sympathetic to the existing neighbourhood, the recommended 'H' Holding provision shall prohibit development of the subject lands until the completion of an Urban Design Brief, to the satisfaction of the Manager of Community Planning and Design.

As the subject lands are in a Settlement Area, and the proposed land use is an appropriate use for this location, and as it will provide for local and convenience commercial uses along with additional dwelling types above, in a location in close proximity to a major highway interchange, the proposal conforms with the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

**Hamilton-Wentworth Official Plan**

The subject lands are designated "Urban Area" in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

As noted above, appropriate levels of municipal services will be provided by the applicant, and an 'H' Holding provision has been included in the implementing By-law to ensure the services are provided (see Appendix "C"). The provision of services will, therefore, be available in the near future, and conform with the intent and purpose of the above noted policy. Additional servicing information is provided in the Relevant Consultation section below.

Additionally, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection.

As mentioned above, the newly acquired lands known as 1367 Baseline Road have yet to be assessed and are, therefore, subject to an "H" Holding Provision conditional upon the completion of an Archaeological Assessment.

Based on the foregoing, as the nature of the application is to allow for a 2-storey, mixed-use development within the Urban Area, where full municipal services are or will be available, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

**City of Stoney Creek Official Plan**

The subject property is designated “Residential” on Schedule “A” - General Land Use Plan and “Low Density Residential” on Schedule “A-4” - Secondary Plan, Urban Lakeshore Area, in the City of Stoney Creek Official Plan.

Policy Section A.3.3.5 provides specific policies as it relates to the “Local Commercial” designation. Policy A.3.3.5.1 permits mixed-use forms of development. However, Policy A.3.3.5.2 requires that such lands be designated “Local Commercial” in the respective Secondary Plan. Accordingly, the applicant has requested an amendment to the Urban Lakeshore Secondary Plan, redesignating the subject lands as “Local Commercial”.

Additionally, Policy A.1 provides the policy direction with regard to “Residential” land uses. In particular, Policy A.1.2.2 states that: “...*Uses that are deemed necessary to serve adequately the needs of local residents, and which are compatible with surrounding development, may also be permitted provided that they comply with the Secondary Plan provisions of this Plan. Such uses include, but are not limited to:*

- (a) *Limited individual or groups of local commercial uses (excluding Automobile Service Stations), in accordance with the Local Commercial policies and General Provisions set out in Subsection A.3 of this Plan;...*”

Furthermore, Policy A.1.2.16 states that “*Sites designated in Secondary Plans for low density residential uses may be developed for non-residential uses permitted under the Residential designation provided the proposal is in compliance with the conditions outlined in Policy A.1.2.15 (a) to (d), inclusive, of this Sub-section.*”

Policy A.1.2.15 states that “*Sites designated on Secondary Plans for medium, medium-high, and high density residential uses may be considered for lower densities, or for any other use permitted under the Residential designation, upon the request of the land owner, without an amendment to this Plan provided:*

- (a) *The proposed use would comply with Policies A.1.2.6 and A.1.2.21, and with any other relevant policies of this Plan;*
- (b) *The proposed use is compatible with existing and proposed surrounding development;*
- (c) *The proposed use would not create a detrimental effect upon existing development within the area, especially from the aspect of traffic; and,*
- (d) *The implementing Zoning By-law is amended to permit the proposed use.”*

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The proposed development provides for an alternative form of housing and tenure for the Fifty Point Neighbourhood, thereby satisfying Policy A.1.2.6. The subject development has been reviewed by the Traffic Engineering Section, and will not pose a detrimental effect on the area from a traffic perspective.

As referenced above, an implementing By-law for the proposed use has been submitted concurrently with the subject Official Plan Amendment, and will include an 'H' Holding provision to prevent development until provisions have been agreed to for completion of all necessary roadway and servicing improvements, to the satisfaction of the Senior Director of Growth Management, and until such time as an Urban Design Brief has been undertaken, to the satisfaction of the Manager of Community Planning and Design.

Lastly, with regard to Section A.1.2.21, *“the introduction of compatible permitted non-residential uses in the Residential area shall:*

- (a) Be required to provide adequate yards, off-street parking and loading, landscaping, screening, buffering, or such other site planning measures as determined by Council;*
- (b) Not be of a nature so as to have a detrimental effect on the adjacent residential uses; and,*
- (c) In the instance of public utilities and similar uses, these facilities shall be so treated as much as practical to be in keeping with the general character of surrounding buildings, structures, and landscape features.*

*In addition to the above, where compatible non-residential uses are proposed, the policies of Sub-section A.13, F.3 and other relevant policies of this Plan shall apply.”*

In order to provide for the pedestrian oriented design and streetscape with proposed screening and buffering from the existing residential area, the amending By-law should include an 'H' Holding provision prohibiting the development of the subject lands until such time as an Urban Design Brief has been undertaken, to the satisfaction of the Manager of Community Planning and Design, and a detailed Noise Study and mitigation being implemented, to the satisfaction of the Director of Planning. It should also be noted that Policy Sections A.13 and F.3 are discussed in the section below, Lakeshore Area - Secondary Plan.

The proposed development shall be subject to a future Site Plan Control application whereby appropriate design, landscaping, and screening shall be incorporated. Furthermore, adequate yards, buffering, landscaping, screening, and a limitation to localized commercial uses are included within the amending By-law.

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In review of Section A.3, the proposed development includes the appropriate parking and loading requirements, as per General Commercial Policies A.3.2.1 to A.3.2.7. In particular, Policy A.3.2.8 provides criteria for mixed-use forms of development.

*“Any structures containing both residential and commercial uses (other than a building permitted under Policy A.1.2.3 and Policy A.1.2.25) shall, in addition to other policies of this Plan, be subject to the following policies:*

- (a) Amenity areas will be provided exclusively for the Residential component and will be functionally separated from public areas associated with the Commercial component;*
- (b) Council shall be satisfied that any effect from the Commercial component which will detract from the amenity of the associated Residential uses will be minimized;*
- (c) Customer parking areas associated with the Commercial component will preferably be physically separated from Residential uses, and in no case will the customer parking areas interfere with the safe and efficient use of Residential parking areas; and,*
- (d) Council shall be satisfied that engineering services, school, park, and similar community facilities are adequate to serve the needs of the residents.”*

The layout of the proposed development and associated site functionality, screening, parking, and amenity spaces will be determined through the future required Site Plan Control process. Based on the concept plan, attached as Appendix “E”, appropriate amenity space has been provided and is physically separate from the commercial public areas, and includes appropriate buffering and screening so as not to detract from the residential amenity space.

Additionally, the proposed Mixed-Use Commercial “MUC” Zone already requires that the parking for the residential component be physically separate from the commercial parking area. However, a modification to allow the parking areas to be accessed through the same points of ingress and egress has been included within the amending By-law. As there is limited traffic from the east, and with the appropriate Traffic Impact Study having been completed and approved, the use of a single access for both the residential and commercial parking areas is supportable.

Lastly, it is noted that satisfactory engineering services are ensured through the requested ‘H’ Holding provision, and no comments and/or concerns were received either from the School Boards, or from parks or community services departments.

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Policy A.3.2.10 requires that any commercial development be subject to Site Plan Control. It is noted that the applicant/owner has been advised of the future Site Plan Control requirement.

In review of Policies A.3.3.5.3 and A.3.3.5.4, the proposed development maintains the maximum permissible commercial gross floor area; includes adequate buffering and screening from adjacent residential uses; and provides for a grouping of the neighbourhood commercial uses within proximity to a major roadway.

Lastly, Policy A.3.3.5.5 states that:

*“In considering the specific location of a Local Commercial area, Council shall have regard to the following:*

- (a) The compatibility of the proposed use and its effect on the surrounding area;*
- (b) The physical suitability of the site for the proposed use; and,*
- (c) The location in respect to:*
  - (i) The adequacy of the established and proposed street system, utilities, and municipal services;*
  - (ii) The convenience and accessibility of the site for both vehicular and pedestrian traffic;*
  - (iii) The location of other existing and proposed commercial facilities; and,*
  - (iv) Local Commercial areas shall be developed so as to minimize their effects on adjoining residential uses and to blend in with the character of the residential area.”*

The proposed development form, the respective uses, and general location were subject to Public Information Meetings in September and October of 2010. The proposed commercial uses are to be limited to a local nature through the implementing By-law and include an ‘H’ Holding provision to ensure adequate municipal services, appropriate noise mitigation, an urban design brief, and an Archaeological Assessment of 1367 Baseline Road in order to ensure compatibility with the existing neighbourhood and uses.

The development has been conceptually shown in a location minimizing conflict with adjacent residential land uses with both vehicular and pedestrian access in a form and location providing a gateway element that will not detract from existing or proposed commercial facilities in the area.

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Accordingly, the subject lands are suitable for “Local Commercial” uses, subject to the future Site Plan Control application and ‘H’ Holding provision conditions. Based on the foregoing, the proposed amendment to redesignate the subject lands as “Local Commercial” maintains the intent and purpose of the Stoney Creek Official Plan and is, therefore, supportable.

**Urban Lakeshore Area Secondary Plan - Fifty Point Neighbourhood**

Section F.3.2 states that: *“the primary uses permitted in the PLANNING DISTRICTS are shown on Schedule "A". The detailed planning for the distribution and location of various land uses in each Urban-Residential Planning District will be established through the preparation of SECONDARY PLANS.*

*In particular, Secondary Plans will be prepared for the Western Development Area, Urban Lakeshore, Winona Urban Community, West Mountain Area, and the Olde Town Planning Districts, including the Central Area. These Secondary Plans are to be incorporated under Sub-section A.13 of this Plan.”*

The subject lands are designated “Low Density Residential” in the Urban Lakeshore Area Secondary Plan - Fifty Point Neighbourhood. The policies for the area, A.13.4, prescribe requirements for residential development, in particular, noise study requirements and shoreline protection regarding flooding, water quality, and erosion concerns for development fronting onto or in close proximity to the Lakeshore Area, among others.

As discussed above, the subject lands are suitable for a change in designation to “Local Commercial”, in accordance with Section A.3.3.5. It is noted that site-specific regulations are proposed, as per Recommendation (b), to ensure appropriate location, compatibility, and design with the existing neighbourhood and surrounding uses.

As the proposed mixed-use development is situated in a location which is significantly setback from the Lake Ontario shoreline and the respective drainage patterns/areas, and subject to a future Site Plan Control application to address downstream flooding, water quality, and erosion concerns, along with the inclusion of an ‘H’ Holding provision requiring detailed investigation and implementation of any required noise mitigation measures and detailed Urban Design Brief, the proposed amendment is supportable.

**Fifty Point Neighbourhood Plan**

Policy F.7.1 of the Official Plan states that Neighbourhood Plans are intended to be a general guide plan for development and redevelopment of the Urban Residential Neighbourhoods, and are not intended to form part of this Official Plan.

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Staff has reviewed the proposed land use changes in light of the envisioned development pattern, as provided through the Fifty Point Neighbourhood Plan. The Fifty Point Neighbourhood Plan was prepared in 1992, and envisions a cul-de-sac for low density residential to the east of the subject lands.

The applicant has proposed a mixed-use form of development, thereby maintaining the residential intent of the Neighbourhood Plan, while providing for a complete community through a compact, efficient form, and provides for a planned and managed form of growth that supports a strong and competitive economy.

The proposed amendment to the Official Plan to permit the development of a 2-storey, mixed-use building maintains compatibility with the existing neighbourhood plan and development pattern as the proposal provides for residential dwelling units and allows for limited local commercial uses at the entrance of the Fifty Point Neighbourhood located on a major roadway and highway interchange.

Policy F.7.4 states that:

*“Neighbourhood Plans may be revised from time-to-time by resolution of Council. Such revisions must be in conformity with the relevant policies of this Official Plan. No formal amendment to this Official Plan will be required for such revisions unless the proposed revisions do not conform to the general intent and purpose of this Official Plan.”*

Accordingly, upon finalization of the implementing By-law, the Fifty Point Neighbourhood Plan should be amended to redesignate the subject lands as Local Commercial (LC), as per Recommendation (d).

### **New Urban Hamilton Official Plan**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified.

The final decision on the Urban Hamilton Official Plan has been appealed. As such, Council-approved Official Plan Amendments made prior to the final decision will be held in abeyance until their incorporation into the Plan can be requested of the Ontario Municipal Board (OMB), or through a future housekeeping amendment.

It is prudent and part of natural justice to identify any changes to the Urban Hamilton Official Plan as part of the public notice in the staff Report and notice of adoption.

The subject lands are designated “Neighbourhoods” on Schedule “E” - Urban Structure and Schedule “E-1” - Urban Land Use Designations. The lands are also designated “Low Density Residential 2b” on Map B.7.3-1 - Urban Lakeshore Area Secondary Plan.



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The proposed amendment is for a change in designation to the Urban Lakeshore Area Secondary Plan from “Low Density Residential 2b” to the “Local Commercial” designation.

Policy E.4.2.2 states that: *“lands used for commercial and mixed-use purposes less than 4 hectares shall be permitted within the Neighbourhoods designation, subject to Section E.3.0 - Neighbourhoods Designation.”*

As per Section E.3.0, the designation “Neighbourhoods” recognizes that our neighbourhoods are made up of more than just homes, but include a variety of land uses. The mix of uses is important in a neighbourhood. Also important, are the relationships between these uses, the locations of the uses, how they function together, how they are designed, and how they are accessed by local residents.

It is noted that residential dwellings and local commercial uses are permitted within the “Neighbourhoods” designation, as per Policy E.3.2.3 (b) and (d). Furthermore, Policy E.3.8 provides for additional direction, as it relates to “Local Commercial” uses. The proposed development satisfies these policies, with further detailed design to occur during the future Site Plan Control process, and subject to the ‘H’ Holding provision prohibiting development until such time as an Urban Design Brief has been undertaken, to the satisfaction of the Manager of Community Planning and Design.

Policy B.2.4.2 provides direction for residential intensification within the “Neighbourhoods” designation. *“When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:*

- *The matters listed in Policy B.2.4.1.4;*
- *Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;*
- *The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;*
- *The consideration of transitions in height and density to adjacent residential buildings;*
- *The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;*
- *The provision of amenity space and the relationship to existing patterns of private and public amenity space;*

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- *The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks, and building separations;*
- *The ability to complement the existing functions of the neighbourhood;*
- *The conservation of cultural heritage resources; and,*
- *Infrastructure and transportation capacity and impacts.”*

The amending By-law includes a reduction in height in order to ensure shadowing, overlook, massing and scale are appropriate for the existing neighbourhood. The proposed development is the only development along this portion of Baseline Road as the remaining lands are in the control of the Ministry of Transportation and, accordingly, will establish the streetscape and relationship along this portion of Baseline Road. Furthermore, an Archaeological Assessment has been completed and approved, thereby satisfying the requirement for the conservation of heritage resources.

With regard to Policy Section B.2.4.1.4, the proposal satisfies the policies as it is compatible with the existing neighbourhood, will provide for additional dwelling types in the neighbourhood, and provides for adequate sightlines while providing for a pedestrian streetscape.

Lastly, with regard to the infrastructure and transportation capacity and traffic concerns of Policies B.2.4.2 and B.2.4.1.4, an ‘H’ Holding provision has been included prohibiting development of the subject lands until such time as the owner/applicant has made provisions for the completion of the required road upgrades and servicing works (i.e. sanitary sewer, road reconstruction, grading, etc.) on Baseline Road and, if necessary, North Service Road, to the satisfaction of the Senior Director of Growth Management.

As per Policy F.1.2, Secondary Plans are used to provide detailed and community specific guidance to growth and change in smaller geographic areas of the City. Secondary Plans identify more detailed land uses, densities, design requirements, and infrastructure requirements and other implementing actions appropriate for the community. These Plans are not intended to repeat the policies in Volume 1, but to supplement Volume 1 policy directions and land use designations.

Once Secondary Plans are completed, they are adopted as amendments to this Plan. Volume 2 contains the Secondary Plans. A review of the Urban Lakeshore Secondary Plan is provided below. Based on the foregoing, the proposed amendment conforms to the “Neighbourhood” policies of the new Urban Hamilton Official Plan, and if approved, shall be held in abeyance until their incorporation into the Plan can be requested of the OMB, or through a future housekeeping amendment.

### **Urban Lakeshore Secondary Plan**

The subject lands are designated as “Low Density Residential 2b” on Map B.7.3-1. In review of the “Low Density Residential 2b” policies, the proposed mixed-use development would not be permitted. Accordingly, a Secondary Plan Amendment to the “Local Commercial” designation of the Urban Lakeshore Secondary Plan has been included as Recommendation (c) above.

The proposed development satisfies the requirements of B.7.3.2 Volume 2, Local Commercial Designation, of the Urban Lakeshore Secondary Plan. As the subject lands are located in proximity to Fifty Road and the Queen Elizabeth Way (QEW) interchange, provide for local commercial uses with residential units above, provide for a variety of housing forms and tenure, and is subject to a future Site Plan Control application and Urban Design Brief to ensure compatibility with the neighbourhood, staff supports the proposed amendment.

### **RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections to the applications:

- Infrastructure and Source Water Planning Section, Public Works Department.
- Bell Canada.

### **Forestry and Horticulture Section (Public Works Department):**

There are no significant Municipal Tree Assets located on the road allowance of this proposed development and, therefore, Tree Management will not be required. However, it is noted that trees are shown in the Landscape Strips and Grass areas with no identification of plant materials.

As such, a landscape/street tree planting plan prepared and signed by a landscape architect will be required. This plan must be submitted for review and comments by the Forestry and Horticulture Section. In addition, Forestry and Horticulture must be circulated with any Disconnection of Services Application for review and sign-off.

Staff notes that the required landscape/street tree planting plan is to be reviewed and vetted through the future Site Plan Control application.

**Traffic Engineering Section (Public Works Department):**

The traffic impact study (TIS), prepared by Paradigm Transportation Solutions Ltd., has been received and accepted by the Traffic Engineering Section, Public Works Department.

At the development stage of this project, the Applicant will dedicate to the City sufficient lands for road allowance purposes to provide improved driver sightlines from Baseline Road to North Service Road, to the satisfaction of the Manager of Traffic Engineering. The required road allowance dedication is measured along the North Service Road curvature at the west side of the property at No. 1365, and is illustrated on a plan prepared for staff review by A.J. Clarke and Associates.

Additionally, it will be recommended at the Site Plan stage that the Applicant constructs municipal sidewalks along the Baseline Road property limits, with the potential to have sidewalks also constructed on North Service Road.

We are awaiting information from other City staff regarding the potential construction of municipal sidewalks on North Service Road. Additional sidewalk construction comments will be provided at the Site Plan stage. Staff has included an 'H' Holding provision conditional upon roadway improvements along both Baseline Road and the North Service Road.

In addition, Traffic Services have provided technical comments for the future required Site Plan Control application, in particular:

- If the landscaped island were removed it appears that the additional asphalt area would enable delivery, garbage, and emergency vehicles to turn around on the site easier. It is not desirable to require an emergency vehicle pulling in front of the building to reverse the 80m distance illustrated on the submitted plan because that vehicle is not able to turn around the north end of the parking lot.
- It is noted that garbage trucks (smaller size, not full size vehicles) will have to complete a 2 or 3 point manoeuvre to turn around the north end of the parking lot. As noted, it may be necessary to provide a flag person to assist.

Moreover, 5m x 5m vision triangles between the access limits and the road allowance limit, in which the maximum height of any objects or mature vegetation cannot exceed a height of 0.70m above the corresponding perpendicular centreline elevation of Baseline Road, shall be required. Additional detail will be provided at the Site Plan stage, and at that time, we will ensure that any decorative features or landscaping does not interfere with required sightlines.

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Lastly, the owner/applicant is advised that any new or change in access to Baseline Road requires the applicant/owner to apply for and receive an Access Permit from the Public Works Department. Prior to commencing any work within the road allowance, we recommend that the applicant/owner contact all the respective Utilities.

Additional information regarding the Permit can be obtained from Johanna Black at (905) 546-2424, Extension 4577. The permit fee is \$100.00, and prior to commencing any works, a Site Plan approved by the City, must be submitted by the applicant to the Public Works Department.

All works within the municipal roadway road allowance must be completed by a contractor bonded by the City of Hamilton. A minimum setback of 1.2m is required between an access and any signs, poles, trees, etc.

**Support Services Section (Public Works Department):**

Operations Support staff has reviewed the application and has no comments and/or concerns as the subject lands are eligible for collection subject to the City's Solid Waste Management By-law 09-067. In addition, operation support staff advises the applicant/owner of the following design criteria for multi-residential municipal garbage collection:

- Collection of waste will be by automated front-load bin service for garbage, curbside semi-automated cart service for recycling and organics, and curbside manual leaf and yard waste collection.
- The developer or owner is responsible to build the required collection area on private property with access to the municipal road that does not require the collection vehicle to back onto a municipal roadway or back into a private property from a municipal roadway.
- A minimum 18.0 metre straight head-on approach to the collection area is recommended. Should the preferred 18.0 metre head-on approach not be achievable, the collection area should be designed in such a way as to allow a collection vehicle to enter the site, collect the garbage, and exit without the need to backup onto a public road. A turnaround area allowing for a three-point turn of not more than one truck length or a drive through access route are acceptable options for accommodating this requirement.
- The required collection area, access to them, and adequate manoeuvring space for the collection vehicle shall be provided exclusive of any on-site parking spaces.

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The commercial portion of the development will receive curbside garbage and unlimited blue box collection service. Where collection is provided, each commercial unit may also receive green cart service. It is noted that detailed design and manoeuvring will be reviewed and vetted through the future Site Plan Control application.

**Environment and Sustainable Infrastructure Section (Public Works Department):**

Environment and Sustainable Infrastructure staff has identified through comments provided May 27, 2011, that pedestrian connections be included and that the development provide for connectivity and crossing to the adjacent residential neighbourhoods. In addition, transit supportive elements such as bike racks and lockers be included on site. The above requirements will be addressed through the future Site Plan Control application.

The Source Water Protection Group has requested that a Stormwater Management Report be provided in support of the proposed development. It is noted that Stormwater Management will also be addressed through the future Site Plan Control application.

**Hamilton Conservation Authority:**

Hamilton Conservation Authority staff has no comments and/or concerns with the proposed amendments, but advises the applicant/owner that detailed stormwater management and erosion and sediment control will be required through the future Site Plan Control application.

**Ministry of Transportation (MTO):**

Comments provided through electronic mail on September 22, 2011, advise that it is not the Ministry's standard practice to review a Traffic Impact Study during a Zoning By-law Amendment, and a detailed review will be conducted at the Site Plan Control stage through the standard circulation.

Generally, the owner is advised that Ministry building/land-use permits will be required for all buildings and structures within 46 metres from the QEW property limit and 396 metres from the intersection of QEW and Fifty Road. In addition, no pre-servicing, grading, and installation of signs on the subject land is permitted without the issuance of Ministry permits.

Furthermore, all proposed permanent buildings and structures, both above and below ground, utilities, frontage roads, fire routes, essential parking, and stormwater management ponds, must be set back 14.0 metres from the QEW property line. All grading of any kind will not be permitted on QEW property.

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The owner/applicant is further advised that upon submission of the full scale site plans, a site servicing, grading plan and detailed stormwater management plan and reports indicating run-off caused by the development and intended treatment of this calculated runoff as it impacts the QEW Right-of-way will be required through Site Plan Control, with detailed comments to be provided at this time.

Separate building/land-use permits will be required for each stormwater management pond serving this development. Sign permits will be required as well. All applicable MTO permits may be obtained from our office, located on the 7<sup>th</sup> Floor, Atrium Tower, 1201 Wilson Avenue, Downsview, as well as on our website at [www.mto.gov.on.ca/english/engineering/managment/corridor/index.html](http://www.mto.gov.on.ca/english/engineering/managment/corridor/index.html).

Staff notes that through the future submission of the Site Plan Control application and MTO permitting process, the Ministry of Transportation (MTO) requirements will be reviewed once detailed grading and servicing plans are prepared and submitted to the City and MTO for approval.

**Horizon Utilities:**

On May 26, 2011, Horizon Utilities provided the following information and advisements:

- For Residential/Commercial electrical service requirements, please contact our Customer Connections Department at (905) 317-4746, or visit our website.
- If required, relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.
- Should the Developer choose to employ Horizon Utilities to prepare, design, and produce the materials required to service this site, a minimum of 5 months notification is required. It would be advantageous for the developer if Horizon Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.
- Do not excavate within two metres of hydro poles and anchors.
- Excavation within one metre of underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.

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- Horizon Utilities must be contacted if the removal, isolation, or relocation of existing plant is required, and all cost associated with this work will be at the owner's expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contracting Ontario One Call at 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in accordance with:
  - Ontario Building Code (1997) Section 3.1 (3.1.18.1).
  - Electrical Safety Code Rule 75-312.
  - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards).
  - CAN/CSA-C22.3 No. 1-01, Overhead System.
  - C22.3 No. 7-94 Underground Systems.

### **Public Consultation**

In accordance with the new provisions of the Planning Act and the Council adopted Public Participation Policy, 91 Preliminary Circulation for Revised Applications were sent to property owners within 120 metres of the subject property on May 6, 2011, requesting comments on the application.

To date, one letter has been received from the public concerning the use of a living wall for screening purposes (see Appendix "F"). The respective concern has been addressed in the Analysis/Rationale for Recommendation section below. Additionally, a Public Notice Sign was posted on the property on May 18, 2011.

Notice of the Public Meeting was given on January 13, 2012, in accordance with the requirements of the Planning Act.

### **ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the policies of the Provincial Policy Statement and conforms to the general intent and purpose of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
  - (ii) It conforms with the "Urban Area" designation of the Hamilton-Wentworth Official Plan.



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- (iii) It conforms with the intent of the “Local Commercial” designation of the City of Stoney Creek Official Plan.
  - (iv) It is compatible with the adjacent residential uses, and has direct exposure to the QEW for mixed-use purposes providing for a complete community through a compact, efficient form; and provides for a planned and managed form of growth that supports a strong and competitive economy.
  - (v) The proposal is consistent with the “Neighbourhoods” designation of the new Urban Hamilton Official Plan.
2. The purpose of the proposed Amendment to the City of Stoney Creek Official Plan is for a change in designation in the Urban Lakeshore Secondary Plan from the “Low Density Residential” to the “Local Commercial” designation, for the subject lands known municipally as 1365 and 1367 Baseline Road.

The proposal is for a mixed-use development and, accordingly, a concurrent Zoning By-law Amendment application has been submitted limiting the uses to a local nature and establishing appropriate design criteria to be further reviewed and implemented through the future Site Plan Control application.

3. The purpose and effect of the proposed Amendment to the new Urban Hamilton Official Plan is to amend the Urban Lakeshore Area Secondary Plan, Map B.7.3-1, from the “Low Density Residential 2b” to the “Local Commercial” designation in order to permit the proposed 2-storey, mixed-use building.

The development will provide for a complete community through a compact, efficient form, and provides for a planned and managed form of growth that supports a strong and competitive economy. The 2-storey, mixed-use building maintains compatibility with the existing neighbourhood and development pattern, and is located at the entrance of the Fifty Point Neighbourhood adjacent to a major roadway and highway interchange.

Based on the foregoing, the subject lands are suitable for local commercial development, and the proposed amendment to the Urban Lakeshore Area Secondary Plan is supportable as the proposal satisfies and maintains the intent and purpose of the “Local Commercial” policies.

4. The change in zoning is from the Rural Residential “RR” Zone to a Mixed-use Commercial (Holding) “MUC-6(H)” Zone, with a Special Exemption, to permit a 2-storey, mixed-use building. The requested amendment includes the following modifications:

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Permitted Uses:

Notwithstanding the Permitted Uses of Section 8.8.2, the following additional uses shall be permitted within the Mixed-use Commercial "MUC" Zone and restricted to the Ground Floor:

- Medical Clinic.
- Animal Hospital, only if wholly enclosed within a building.
- Restaurant - Convenience.
- Restaurant - Fast food.
- Restaurant - Outdoor Patio.
- Physical Fitness Centre.

Upon discussion with the public through the Neighbourhood Information Meetings held in September and October of 2010, the above-noted uses were requested to be added to the list of permitted uses under the Mixed-use Commercial "MUC" Zone.

In review of the proposed uses, staff is in agreement that the proposed additional uses are deemed to be local in nature serving the neighbourhood. However, due to traffic concerns in the area, it was requested that a Drive-Thru Facility be prohibited, even as an accessory use.

Based on the foregoing, the proposed modification is supportable as it will provide for local commercial uses and restrict uses that would primarily be large scale and/or automobile borne commercial uses.

Front Yard:

The applicant has requested a reduction in front yard setback from the required 9.0m to 4.0m. It is noted that the building location was requested by staff to provide more of a gateway feature at the corner of Baseline Road and North Service Road. In order to provide for future transportation supportive elements and gateway landscaping, a minimum 4.0 metre front yard setback has been proposed and is supportable.

Flankage Side Yard:

The applicant requested a reduction in the flankage side yard from 12.0m to 1.3m. As noted above, the building location was requested to be brought up to the intersection necessitating the subject modification.

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In addition, it is noted that the Traffic Engineering Section has requested that a visibility triangle along the curve of the North Service Road be dedicated to the City. This area is to remain in its current state to allow for safe vehicle travel and sight-lines, and will be incorporated into the existing 7 metre boulevard. Accordingly, the proposed reduction is supportable as an actual setback of 10 metres will be provided from the North Service Road when the visibility triangle to be dedicated to the City of Hamilton is included.

Building Height:

In response to public concerns, and as revised by the applicant/owner, the proposed development shall be limited to 2-storeys or 11.5 metres in height. Accordingly, a reduction from the permitted height of 20 metres to 11.5 metres has been included in the amending By-law.

The proposed development is well set back from any adjacent residential properties, and the decrease in height will avoid negative impacts on any surrounding properties.

The proposed massing along with additional Urban Design criteria will be incorporated through the future Site Plan Control application and Urban Design Brief addressing the gateway feature/element at the intersection of Baseline Road and North Service Road, while establishing an appropriate scale with a pedestrian orientation along Baseline Road.

Landscape Strip:

Due to the requested building location by staff and the required visibility triangle to be dedicated to the City of Hamilton, a reduction to the landscape strip adjacent to a roadway is required. In particular, a reduction of the landscape strip from 5.0m to 1.3m, with a minimum average of 3.0m, shall be provided along North Service Road, and a minimum 4.0m wide landscape strip shall be provided and maintained along Baseline Road.

As mentioned above, with the inclusion of the existing boulevard, a significant landscape area will be provided along North Service Road and future required screening and buffering will be implemented through the future Site Plan Control process. The reduction along Baseline Road is minimal and will not have a detrimental effect as this development will be the only development along this portion of Baseline Road and will, therefore, establish the streetscape and character of this area. Therefore, the proposed reduction is supportable.

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Furthermore, a reduction in landscape strip adjacent to any zone other than a commercial or industrial zone is required. The east side of the property is adjacent to a Neighbourhood Development “ND” Zone, which necessitates a reduction in landscape strip from 9.0m to 2.0m, with the inclusion of a board-on-board fence where the property abuts a non-commercial zone. This amendment will provide a landscape strip capable of supporting trees and shrubbery, and staff has included a visual barrier requirement to further buffer and protect any future non-commercial development of the adjacent lands.

As the adjacent lands are under the ownership of the Ministry of Transportation for future highway improvements and, therefore, unlikely to be developed and, as appropriate screening and buffering has been included within the amending By-law to be implemented through the future Site Plan Control application, staff supports the proposed landscape reductions.

It is further noted that the redevelopment of the adjacent lands would necessitate a Zoning By-law Amendment application, and appropriate compatibility with the subject development will be reviewed and implemented upon submission of the requisite development applications for the Ministry of Transportation lands.

Minimum Parking Requirements:

The requested reduction in parking space dimensions is based on the design standards of the new City of Hamilton By-law No. 05-200, being 2.6m x 5.5m for a standard parking space, and 4.4m x 5.5m for barrier-free parking spaces. Accordingly, staff supports the reduction in parking space dimensions.

Lastly, the applicant has also requested that the residential and commercial parking areas be accessed through the same points of ingress and egress. As the commercial uses are to be of a local nature, and as there are no traffic concerns with this proposed modification, the use of a common ingress and egress for the proposed development is supportable.

Minimum Loading Requirements:

The applicant has requested that a single loading space be provided for the proposed development. As the proposal is for a mixed-use building, the request to utilize a single loading space accessible by both the commercial and residential tenants would be supportable as it provides for improved manoeuvrability and will be appropriately screened through the future Site Plan Control application.

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Holding Provision:

In light of the Official Plan policies and Provincial Policy documents, the lands will be subject to an 'H' Holding provision, conditional upon provisions agreeing to complete necessary servicing; a detailed Noise Study and mitigation measures for the residential component; an Urban Design Brief; and an Archaeological Assessment to be reviewed and implemented through the future Site Plan Control application.

It is further noted, and the applicant is advised that any required noise mitigation measures shall be incorporated through the future Site Plan Control application. Any peer review costs are to be borne by the applicant/owner (if applicable).

5. The proposed development will be subject to a future Site Plan Control application, at which time matters such as access, manoeuvring, grading, landscaping, buffering, and stormwater management will be addressed. The applicant/owner is hereby advised of the following:

Sanitary Sewers:

There are no sanitary sewers located along the frontage of the subject lands on Baseline Road or North Service Road.

A 200mm sanitary sewer is proposed to be installed across the North Service Road and connection to the existing sanitary sewer located on Montreal Circle (Mattamy Subdivision).

It is recommended that the existing 200mm sanitary sewer on Baseline Road be extended easterly across the North Service Road to service the subject lands to the east (1369 Baseline Road) and the vacant land immediately south of the subject lands on Baseline Road, as the approved sanitary drainage external mapping for Marina Point on Baseline included the southerly portion of the subject lands and the vacant lands noted above. Therefore, the proposed 200mm connection to Montreal Circle is not recommended.

However, given that the Water and Wastewater Division has reviewed the Preliminary Engineering Servicing Report, dated November 23, 2009, by A. J. Clarke and Associates Ltd., whereby an assessment of the Baseline Road - Creanona Boulevard has determined that the existing 250mm sanitary sewer, using an average density of >250ppHa, would be adequate for the surrounding Baseline - North Service Road - Fifty Road lands, staff has no further concerns with the subject development applications at this time.

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Storm Sewers:

A 300mm storm sewer at 1% grade is proposed across the North Service Road to drain into the existing 1095 x 1730 elliptical concrete storm sewer located on the west side of the North Service Road adjacent to the Mattamy subdivision lands, and is satisfactory for the proposed storm sewer connection.

However, the submitted servicing report does not indicate the location of this proposed storm connection. Therefore, easements may be required over lands on the west side of the North Service Road. Additionally, the owner may be required to enter into a Special Service Agreement to allow the storm sewer connection as the subject lands do not have direct frontage to a municipal storm sewer.

Lastly, staff is in agreement with the findings that stormwater quantity control will not be required for this development.

Minor overland peak flows are to be controlled for 5 year storm events (Montreal Circle) and major overland flows are to be controlled for 100 year storm events (Fifty Road). Staff is satisfied that stormwater quality control will be achieved through the use of a stormceptor.

Water Services:

The Water and Wastewater Division has confirmed that the 300mm watermain at the intersection of Baseline Road and the North Service Road is adequate for the proposed mixed-use development.

Lastly, the proposed mixed-use building can be serviced for water from the existing 150mm watermain located on Baseline Road with a static pressure at the street line on the average range of 70-90psi. However, the proponent shall tabularize the number of units/persons associated with the existing zoning and the increase associated with this application.

In addition, a table of expected occupancy, fixture units, water demand generation, and fire flow calculation for this development shall be provided.

General Servicing Conclusions:

The proposed sewer and watermain are to be designed and constructed to City standards, with detailed sizing and location of the connection to be determined at the Site Plan stage.

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The City also has grading concerns related to the existing residential lands to the east. The owner shall ensure that the proposed commercial development does not negatively impact these properties.

Stormwater drainage is to be independent, and must be contained within the property limits in accordance with City's Engineering Guidelines.

Lastly, as a condition of future Site Plan approval, the applicants will be required to enter into an External Works Agreement with the City of Hamilton in order to extend the existing 250mm sanitary sewer easterly along Baseline Road and to construct the proposed storm sewer connection.

Baseline Road and North Service Road are considered substandard at this location, and the owner will be required to upgrade both roadways to full municipal standards, including street lighting, if necessary, or to provide a financial contribution towards the future reconstruction (to be confirmed).

Best Efforts Obligations will be incorporated as a schedule into the External Works Agreement. The City will require benefiting owners to pay their proportionate share of the improvement costs for the improvements from which their lands derive a benefit as a condition of an application to the City to subdivide or develop their benefiting land or, upon request, to connect to the Improvement.

6. To date, 1 letter has been received from the public in response to the preliminary circulation of the revised Official Plan and Zoning By-law Amendment applications (see Appendix "F"). The Public comment received pertains to the use of a living wall and a particular plant species for the purpose of screening the development from adjacent land uses.

Staff notes that a landscape strip requirement has been included along the curve of the North Service Road. The definition of a landscape strip is an area devoted solely to the growing of grass, ornamental shrubs or trees, and may include fences and berms. The particular species to be utilized will be further determined through the future Site Plan Control application to ensure appropriate screening. Based on the foregoing, staff is of the opinion that the particular concern identified has been addressed and, therefore, has no further concerns.

**SUBJECT: Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek) (PED10194(a)) (Ward 11) - Page 32 of 32**

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**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the application is denied, then the applicant has the option of developing the subject lands under the current Rural Residential “RR” Zone. Both lots will permit a single detached dwelling, home occupation, and uses, buildings, and structures accessory to a permitted use under the existing Rural Residential “RR” Zone.

**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Financial Sustainability**

- ◆ Effective and sustainable Growth Management.
- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.
- ◆ Generate assessment growth/non-tax revenues.

**Growing Our Economy**

- ◆ Newly created or revitalized employment sites.
- ◆ Competitive business environment.

**Healthy Community**

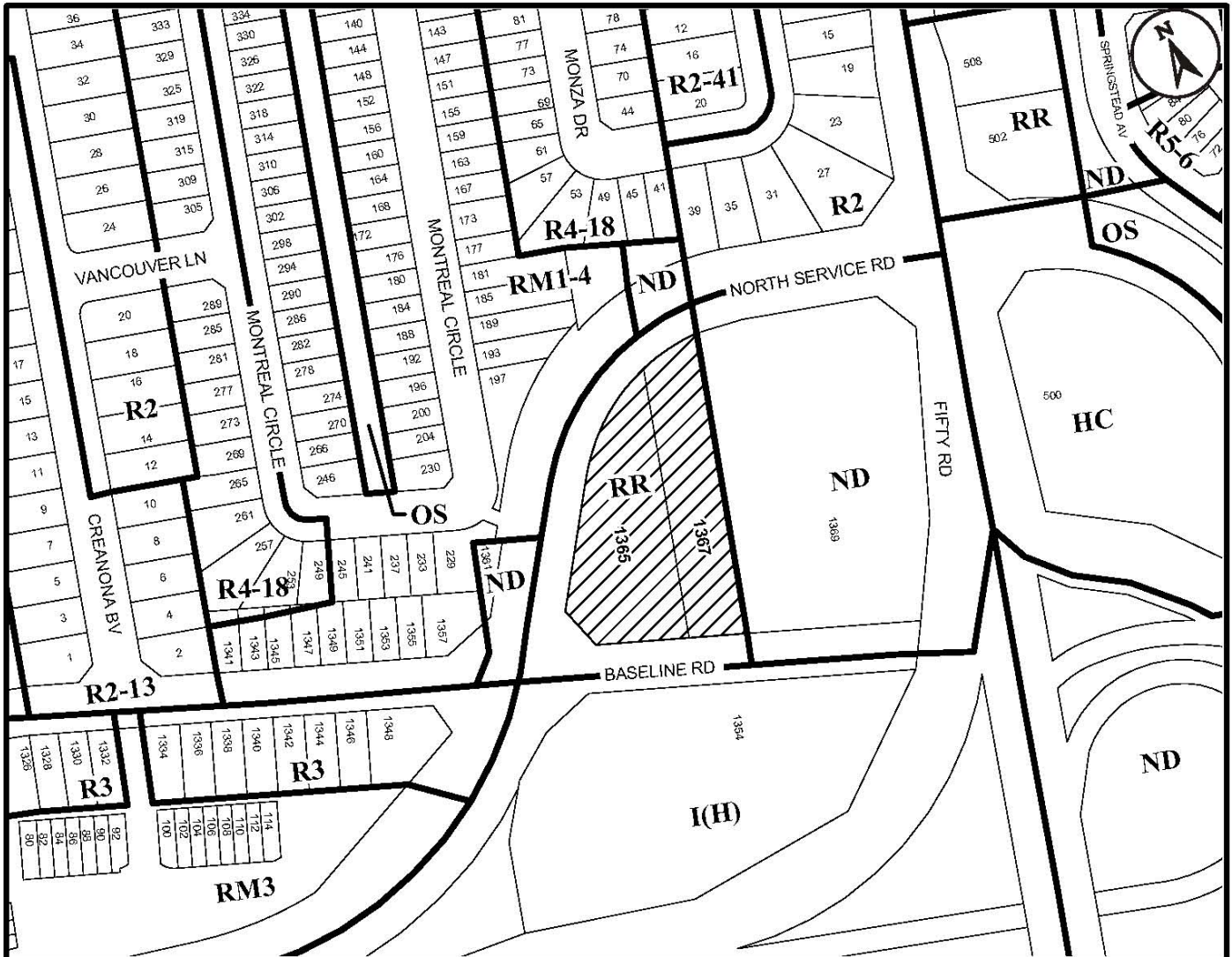
- ◆ Plan and manage the built environment.

**APPENDICES / SCHEDULES**

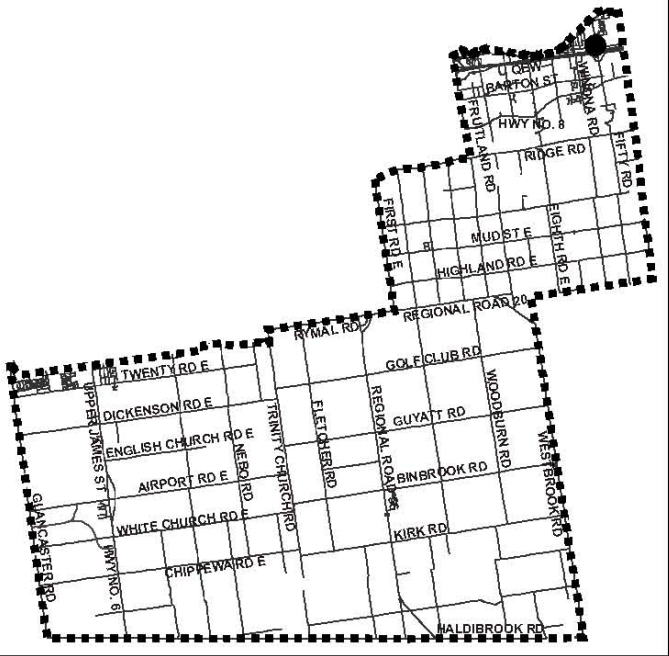
- Appendix “A”: Location Map
- Appendix “B”: Amendment to City of Stoney Creek Official Plan
- Appendix “C”: Amendment to City of Stoney Creek Zoning By-law No. 3692-92
- Appendix “D”: Amendment to the New Urban Hamilton Official Plan
- Appendix “E”: Concept Plan of Proposed 2 –Storey, Mixed-Use Building
- Appendix “F”: Public Submissions

:AC - Attachs. (6)





● Site of the Application



Ward 11 Key Map

N.T.S.

# Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-09-022

Date:  
October 24, 2011

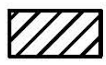
Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
AC/KA

## Subject Lands

1365 and 1367 Baseline Road



Change in Zoning from Rural Residential "RR" Zone to the Mixed Use Commercial Holding "MUC-6(H)" Zone.

**Schedule "1"**

**Amendment No. [REDACTED]**

**to the**

**Official Plan for the Former City of Stoney Creek**

The following text, together with Schedule "A", Schedule "A" - General Land Use Plan, and Schedule "B", Schedule "A4" - Secondary Plan - Urban Lakeshore Area, of the Official Plan of the former City of Stoney Creek, attached hereto, constitutes Official Plan Amendment No. [REDACTED].

**Purpose:**

The purpose of this Amendment is to identify the subject lands as subject to Official Plan Amendment No. [REDACTED] on Schedule "A" - General Land Use Plan, and to redesignate the subject lands from "Low Density Residential" to "Local Commercial" on Schedule "A4" - Secondary Plan - Urban Lakeshore Area, to permit a 2-storey, mixed-use development.

**Location:**

The lands affected by this Amendment are located at 1365 and 1367 Baseline Road, west of Fifty Road, in the former City of Stoney Creek.

**Basis:**

- The Amendment is consistent with the Provincial Policy Statement.
- The Amendment conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
- The Amendment conforms to the "Urban Area" designation of the Hamilton-Wentworth Official Plan.
- The Amendment will permit a form of commercial development that will provide for a complete community through a compact, efficient form, and provides for a planned and managed form of growth that supports a strong and competitive economy.

**Actual Changes:**

1. Schedule "A", General Land Use Plan, be revised by identifying the subject lands as subject to OPA No. [REDACTED], as shown on the attached Schedule "A" to this Amendment.
2. Schedule "A4" - Secondary Plan - Urban Lakeshore Area, be revised by redesignating the subject lands from "Low Density Residential" to "Local Commercial", as shown on the attached Schedule "B" to this Amendment.

**Implementation:**

An implementing Zoning By-law Amendment and Site Plan Control application will give effect to this Amendment.

This is Schedule "1" to By-law No. [REDACTED], passed on the [REDACTED] day of [REDACTED], 2012.

**The  
City of Hamilton**

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R. Bratina  
Mayor

---

Rose Caterini  
Clerk

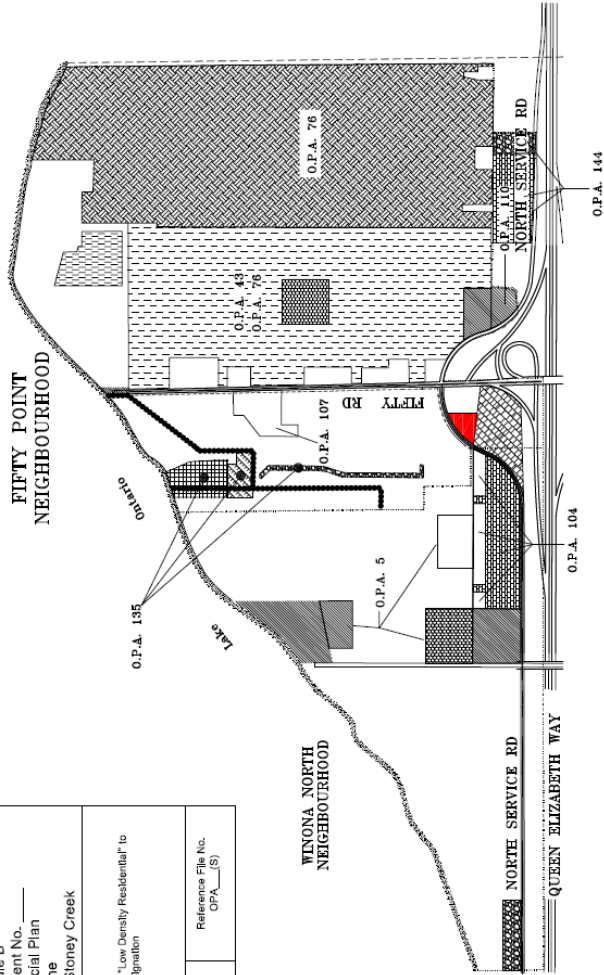
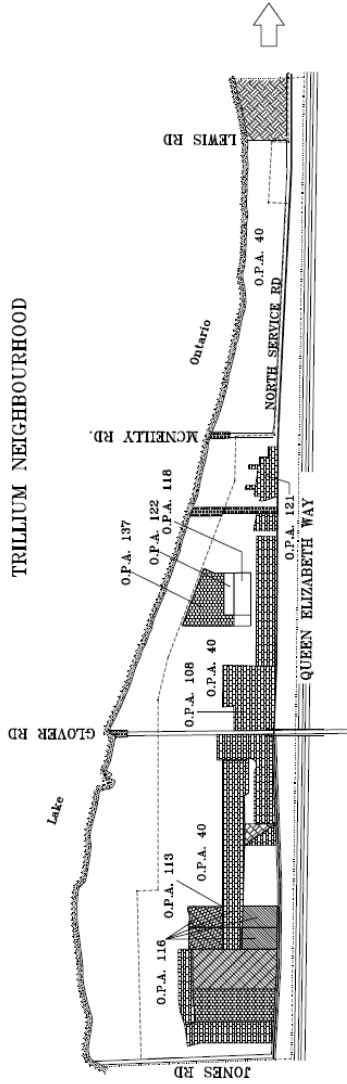


**CITY OF STONEY CREEK  
OFFICIAL PLAN  
Schedule "A4"  
Secondary Plan  
Urban Lakeshore Area**

**Legend**

**Land Use Designations**

	Low Density Residential		Open Space - Special Park
	Medium Density Residential		Neighbourhood Park
	Medium-High Density Residential		Parkette
	Institutional		Natural Open Space
	Elementary School		General Open Space
	Off Street Alleyway / Railway		Local Commercial
	On Street Alleyway		General Commercial
	Municipal Boundary		Highway Commercial
	District Boundary		Special Policy Area "B"
	Collector Road		Stormwater Management Facility



Schedule B  
DRAFT Amendment No. \_\_\_\_\_  
To the Official Plan  
for the  
former City of Stoney Creek

LEGEND  
 Change in designation from "Low Density Residential" to the "Local Commercial" Designation

Date: May 4, 2011  
Reviewed by: A.C./N.E.  
Reference File No. OPA\_(S)

**Authority:** Item [REDACTED]  
Planning Committee  
Report: 12-[REDACTED] (PED10194 (a))  
CM: [REDACTED]

**Bill No.** [REDACTED]

## CITY OF HAMILTON

**BY-LAW NO.** [REDACTED]

### **To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 1365 and 1367 Baseline Road, Stoney Creek**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1<sup>st</sup>, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8<sup>th</sup> day of December, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1994;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 3692-92 (Stoney Creek) be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek) upon the approval of Official Plan Amendment No. [REDACTED];

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 4 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Rural Residential "RR" Zone to the Mixed-Use Commercial (Holding) "MUC-6(H)" Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Sub-section 8.8.4, "Special Exemptions", of Section 8.8 Mixed-Use Commercial "MUC" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new Special Exemption, "MUC-6(H)", as follows:

**"MUC-6(H)" - 1365 and 1367 Baseline Road, Schedule "A", Map No. 4**

Notwithstanding the provisions of Section 8.8.2 "Permitted Uses for Each Lot" of Zoning By-law No. 3692-92, on those lands zoned "MUC-6(H)" by this By-law, the permitted commercial uses and the following additional permitted uses shall be restricted to the ground floor only:

- Medical Clinic;
- Animal Hospital, only if wholly enclosed within a building;
- Restaurant - Convenience;
- Restaurant - Fast Food;
- Restaurant - Outdoor Patio; and,
- Physical Fitness Centre.

Notwithstanding the provisions of Section 8.8.2 "Permitted Uses for Each Lot" of Zoning By-law No. 3692-92, on those lands zoned "MUC-6(H)" by this By-law, the following use shall be prohibited, even as an accessory use:

- Drive-Thru Facility.

Notwithstanding the provisions of Paragraphs (e), (f), (i), (l)(1), (l)(2), (n), and (o) of Section 8.8.3 "Zone Regulations"; Section 4.9.2 "Schedule of Required Loading Spaces"; Paragraph (a) of Section 4.10.3 "Dimensions of Parking Spaces"; and, Paragraph (a) of Section 4.10.4 "Requirement for Parking Designated for Vehicles of Physically Challenged" of Zoning By-law No. 3692-92, on those lands zoned "MUC-6(H)" by this By-law, the following shall apply:

- |     |                            |   |             |
|-----|----------------------------|---|-------------|
| (e) | Minimum Front Yard         | - | 4 metres    |
| (f) | Minimum Flankage Side Yard | - | 1.3 metres  |
| (i) | Maximum Building Height    | - | 11.5 metres |

(l) Minimum Landscape Open Space:

The landscape area shall not be less than 30 percent of the lot area.

1. A landscaped strip having a minimum width of 1.3 metres and an average width of 3.0 metres shall be provided and maintained along the North Service Road, and a landscape strip having a minimum width of 4.0 metres shall be provide and maintained on Baseline Road, except for points of ingress and egress.
2. A landscape strip having a minimum width of 2.0 metres with a minimum 1.8 metre high board-on-board fence shall be provided and maintained adjacent to every portion of any lot line that abuts any zone other than a Commercial or Industrial zone.

(n) Minimum Parking Requirements:

1. Parking spaces shall have minimum dimensions of 2.6 metres x 5.5 metres, and a minimum of 2 of the required spaces shall be barrier free spaces, with minimum dimensions of 4.4 metres x 5.5 metres.
2. Commercial and residential parking may be accessed with the same points of ingress and egress.

(o) Minimum Loading Requirements:

A minimum of one loading space shall be provided and maintained.

In addition to the provisions of Section 8.8.3 on those lands zoned "MUC-6(H)" by this By-law, the following shall apply:

- (p) No commercial uses are permitted, except on the ground floor where contained jointly with apartment dwelling unit(s) in the same building, provided that the gross floor area of the building used for commercial purposes does not exceed the floor area being used for residential purposes, including residential common areas.

The "H" symbol may be removed at such time as the following have been satisfied:

- i. That the owner/applicant has made provisions for the completion of the required road upgrades and servicing works (i.e. sanitary sewer, road reconstruction, grading, etc.) on Baseline Road and, if necessary, North Service Road, to the satisfaction of the Senior Director of Growth Management.



- ii. That the owner/applicant shall undertake an Urban Design Brief, to the satisfaction of the Manager of Community Planning and Design.
- iii. That the owner/applicant shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An Acoustical Report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning.
- iv. That the owner/applicant shall conduct an Archaeological Assessment of 1367 Baseline Road and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements.

All other provisions of the Mixed-Use Commercial "MUC" Zone shall apply.

3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Mixed-Use Commercial "MUC" Zone provisions, subject to the special requirements referred to in Section 2.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

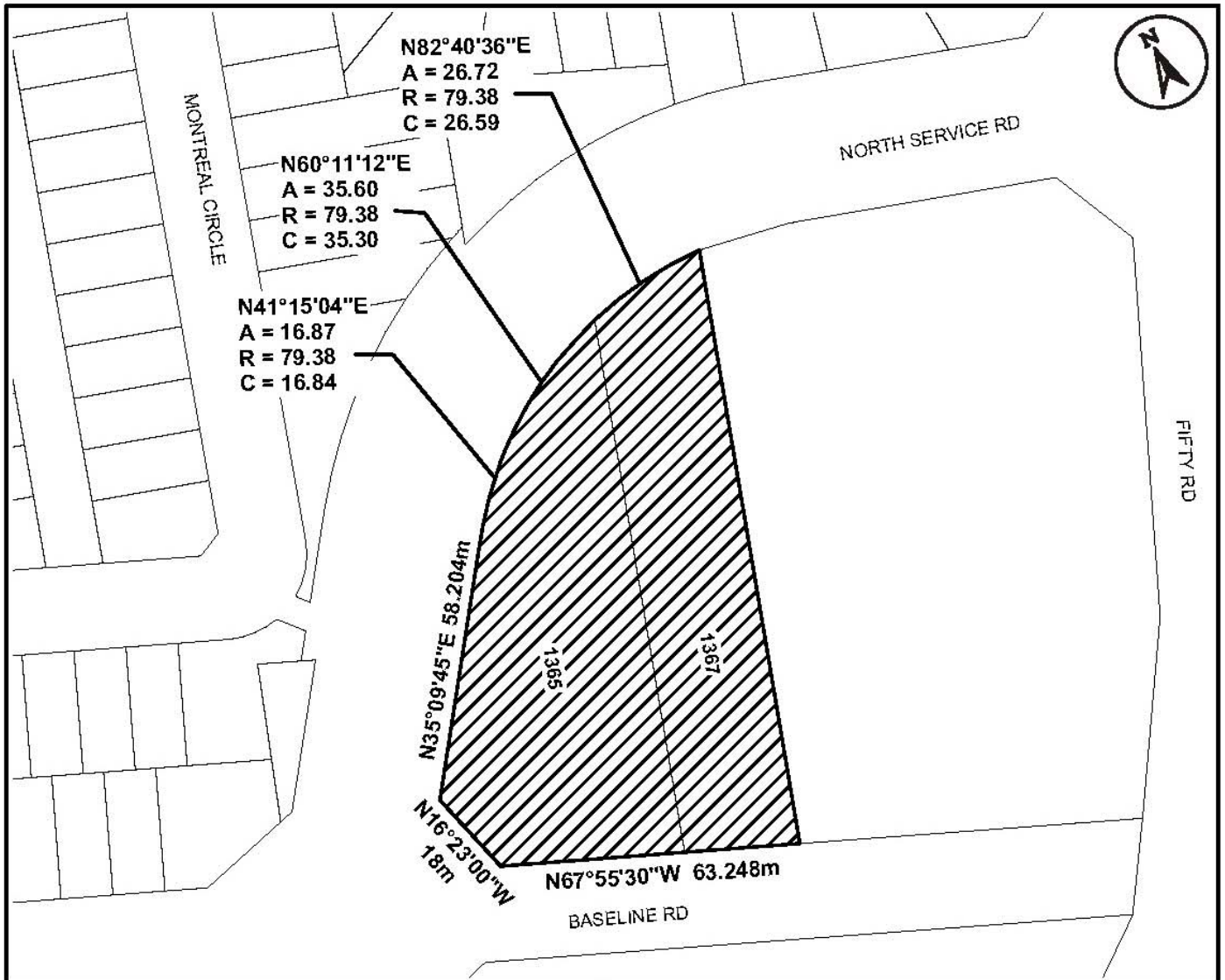
**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2012.

---

R. BRATINA  
MAYOR

---

ROSE CATERINI  
CLERK




This is Schedule "A" to By-Law No. 12-  
 Passed the ..... day of ....., 2012

-----  
 Clerk  
 -----  
 Mayor

**Schedule "A"**  
 Map Forming Part of  
 By-Law No. 12-\_\_\_\_\_  
 to Amend By-law No. 3692-92

**Subject Lands**  
 1365 and 1367 Baseline Road

 Change in Zoning from Rural Residential "RR" Zone to the Mixed Use Commercial Holding "MUC-6(H)" Zone.

<b>Scale:</b> N.T.S.	<b>File Name/Number:</b> ZAC-09-022
<b>Date:</b> Oct 24, 2011	<b>Planner/Technician:</b> AC/KA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



**DRAFT Amendment No. [REDACTED]  
to the  
Urban Hamilton Official Plan**

The following text, together with Schedule "A" attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

**1.0 Purpose:**

The purpose of this Amendment is to redesignate the subject lands in the Urban Lakeshore Secondary Plan Area for local commercial uses in order to permit a 2-storey, mixed-use development on the subject lands known municipally as 1365 and 1367 Baseline Road.

**2.0 Location:**

The lands affected by this Amendment are located at 1365 and 1367 Baseline Road, west of Fifty Road, in the former City of Stoney Creek.

**3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The Amendment is consistent with the Provincial Policy Statement.
- The Amendment conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
- The Amendment will permit a form of commercial development that will provide for a complete community through a compact, efficient form; and provides for a planned and managed form of growth that supports a strong and competitive economy.

**4.0 Changes:**

**4.1 Map Changes**

4.1.1 Urban Hamilton Official Plan, Volume 2, Map B.7.3-1 - Urban Lakeshore Area Secondary Plan Land Use Plan is amended by redesignating the subject lands from "Low Density Residential 2b" to "Local Commercial," as shown on the attached Schedule "A" to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-law Amendment will give effect to this Amendment.

This is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2012.

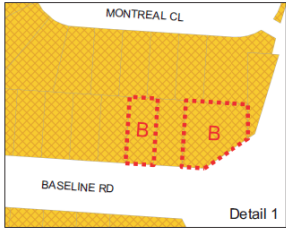
**The  
City of Hamilton**

---

R. Bratina  
MAYOR

---

Rose Caterini  
CLERK



Schedule A  
DRAFT Amendment \_\_\_\_\_  
to the Urban Hamilton Official Plan

Lands to be redesignated from "Low Density Residential 2b" to "Local Commercial"

Date: June 02, 2011	Revised By: CN/NB	Reference File No.: OPA-U-____(SC)
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**Legend**

**Residential Designations**

- Low Density Residential 2b
- Low Density Residential 2c
- Low Density Residential 3c
- Medium Density Residential 3

**Parks and Open Space Designations**

- Parkette
- Neighbourhood Park
- City Wide Park
- General Open Space
- Natural Open Space

**Other Designations**

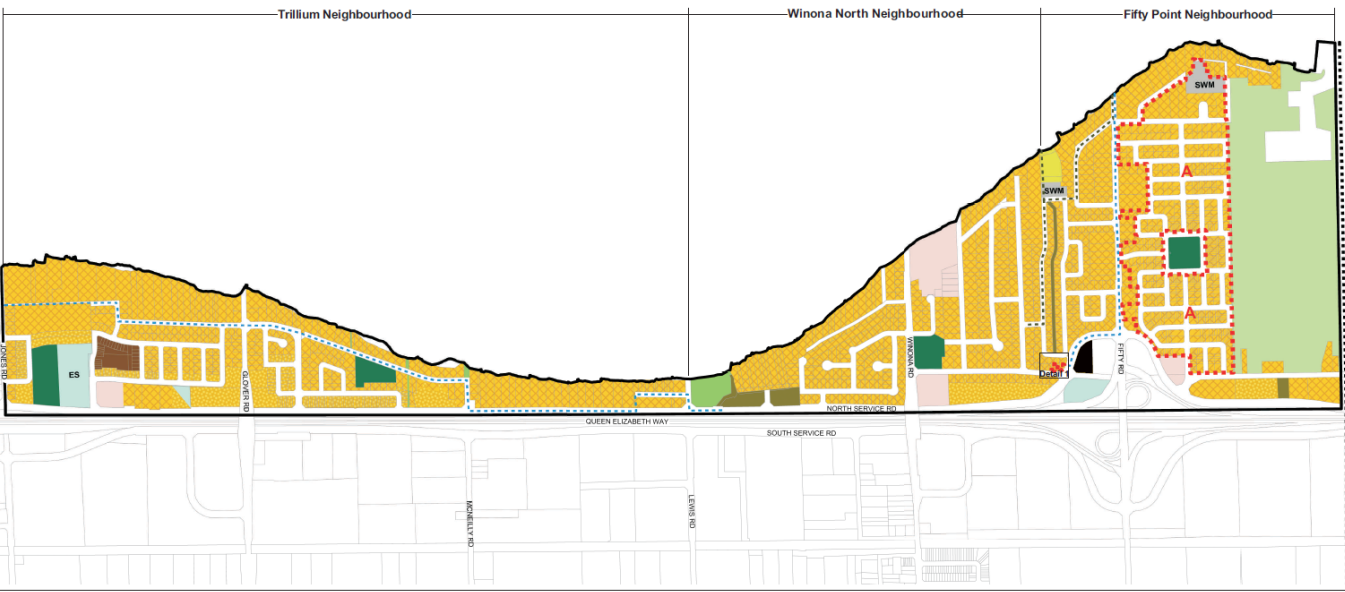
- Local Commercial
- Institutional
- ES** Elementary School
- Utility
- SWM** Storm Water Management

**Other Features**

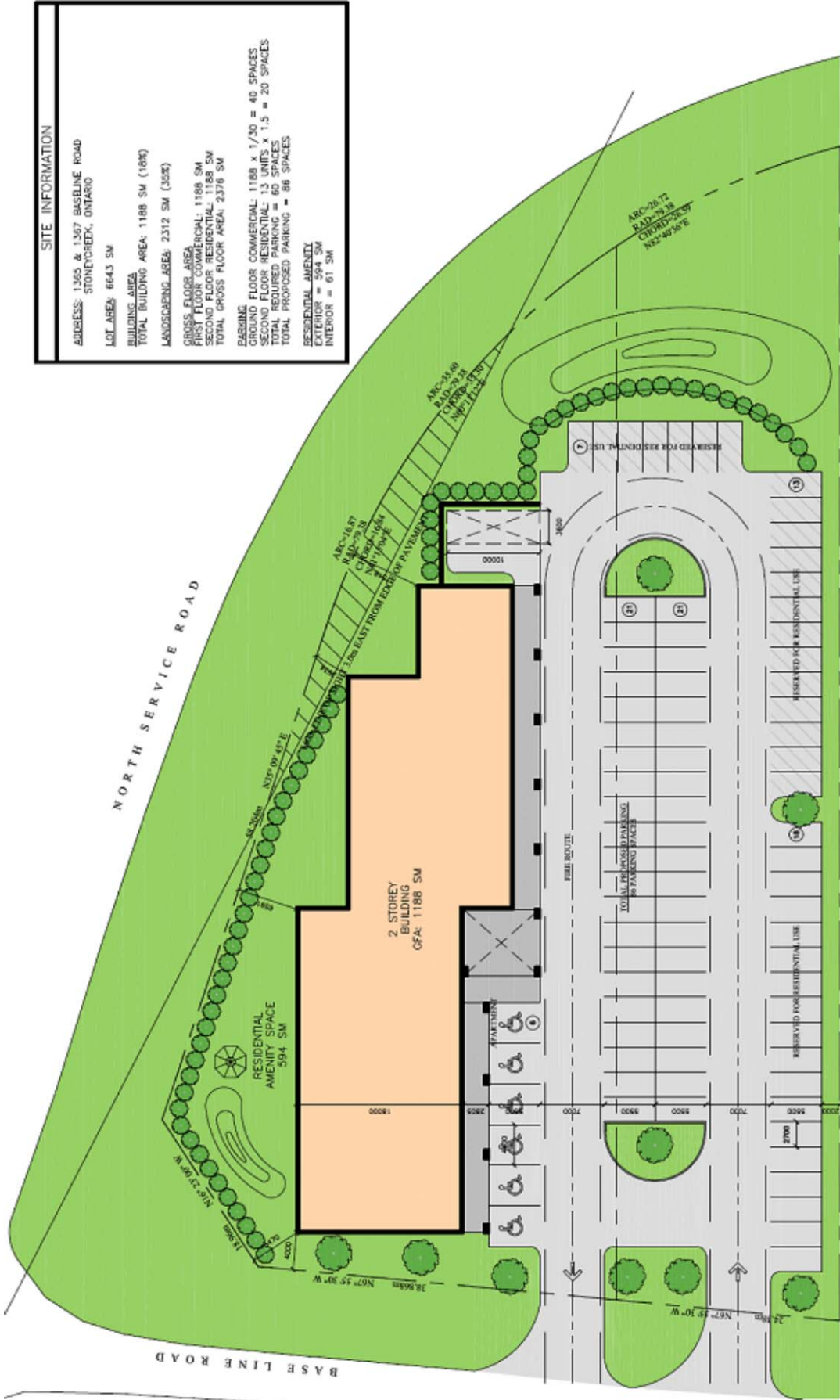
- Area or Site Specific Policy
- On Street Bikeway
- Off Street Bikeway / Walkway
- Municipal Boundary
- Secondary Plan Boundary

**Urban Hamilton Official Plan  
Urban Lakeshore Area  
Secondary Plan  
Land Use Plan  
Map B.7.3-1**

Plan. No. 01, 2009  
PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT  
© Hamilton 2009  
© Hamilton and Hamilton Services Inc. 2009  
Map Not to be Reproduced without Permission. THIS IS NOT A PLAN OF SURVEY.



SITE INFORMATION	
ADDRESS:	1365 & 1367 BASELINE ROAD STONEY CREEK, ONTARIO
LOT AREA:	6643 SM
BUILDING AREA:	TOTAL BUILDING AREA: 1188 SM (16%)
LANDSCAPING AREA:	2312 SM (35%)
GROSS FLOOR AREA:	FIRST FLOOR COMMERCIAL: 1188 SM SECOND FLOOR RESIDENTIAL: 1188 SM TOTAL GROSS FLOOR AREA: 2376 SM
PARKING:	GROUND FLOOR COMMERCIAL: 1188 x 1/30 = 40 SPACES SECOND FLOOR RESIDENTIAL: 1188 x 1/15 = 80 SPACES TOTAL REQUIRED PARKING: 120 SPACES TOTAL PROPOSED PARKING: 86 SPACES
RESIDENTIAL AMENITY:	EXTERIOR = 594 SM INTERIOR = 61 SM



**PRELIMINARY SITE PLAN**  
SCALE: 1:400

NOTE:  
1) VARIANCES REQUIRED  
REVISIONS MAY BE REQUIRED FOR PROPOSED USE  
PROPOSAL SUBJECT TO REVIEW FROM THE  
CITY OF HAMILTON PLANNING DEPARTMENT

**NORTH**

**PROPOSED COMMERCIAL DEVELOPMENT**  
1365-1367 BASELINE ROAD  
STONEY CREEK, ONTARIO

**Chan, Alvin**

---

**From:**

**Sent:** Tuesday, May 24, 2011 11:35 AM

**To:** Chan, Alvin

**Cc:**

**Subject:** File ZAC-09-022 Subject Lands 1365 and 1367 Baseline Road

Alvin,

As per our telephone conversation today. I am recommending that the living wall that is to be installed/erected along the curve of the north service road be a berm with sufficient enough **Colorado Blue Spruce** (typically reach heights of 30'-60' and grow out as much as 10'-20' feet) such that when they grow to full size and width there will be very little space between each tree. I would want this berm and tree line to travel the entire curve of the 1365 and 1367 property line curve along the North Service Road.

Regards and thanks for your input.

Darren Manneke  
230 Montreal Circle  
Stoney Creek