

**CITY OF HAMILTON**

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

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 9
<b>COMMITTEE DATE:</b> July 10, 2012	
<b>SUBJECT/REPORT NO:</b> Applications for Approval of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium, for Lands Located at 120 and 124 King Street West (Stoney Creek) (PED12100) (Ward 9)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Heather Travis (905) 546-2424 Ext. 4168
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

- (a) That approval be given to **Official Plan Amendment Application OPA-12-004, by 1810915 Ontario Inc (Nick Uhac), Owner**, for Official Plan Amendment No. [REDACTED], to add a site-specific policy to the Olde Town Secondary plan to permit a maximum residential density of 114 units per hectare on the entirety of the lands located at 120 and 124 King Street West (Stoney Creek), as shown on Appendix "A" to Report PED12100, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED12100, be adopted by City Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

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- (b) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] to amend Map B.7.2-1 - Old Town - Land Use Plan to identify the subject lands as Site-Specific Policy Area D, in order to permit a maximum residential density of 114 units per hectare and to allow for local commercial uses, attached as Appendix "C" to Report PED12100, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands located at 120 and 124 King Street West (Stoney Creek).
- (c) That approval be given to **Amended Zoning Amendment Application ZAC-11-024, by 1810915 Ontario Inc (Nick Uhac), Owner**, for changes in zoning from the Multiple Residential (Holding) "RM4(H)" Zone to the Multiple Residential "RM4-7" Zone, with a Special Exception (Block 1), and to the Multiple Residential "RM2-30" Zone, with a Special Exception (Block 2), to permit the development of a 6-storey apartment building containing 80 units and 10 live-work street townhouse units containing commercial uses on the ground floor, and a residential use on the second floor, for lands located at 120 and 124 King Street West (Stoney Creek), as shown on Appendix "A" to Report PED12100, on the following basis:
- (i) That the draft By-law, attached as Appendix "D" to Report PED12100, 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 No. "5" of Zoning By-law No. 3692-92.
- (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (d) That approval be given to **Draft Plan of Subdivision Application 25T-201102, by 1810915 Ontario Inc (Nick Uhac), Owner**, to establish a draft plan of subdivision known as "Village Creek", on lands located at 120 and 124 King Street West (Stoney Creek), as shown on Appendix "A" to Report PED12100, subject to the following conditions:
- (i) That this approval apply to "Village Creek", 25T-201102, prepared by IBI Group, and certified by S.D. McLaren, O.L.S., dated March 2, 2011, and revised on February 13, 2012, showing 10 lots for live-work street townhouses (Lots 1-10), 1 block for an apartment building containing 80 units (Block 12), and 1 block for a common element condominium road and visitor parking (Block 11), attached as Appendix "E" to Report

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PED12100, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "F" to Report PED12100.

- (ii) Acknowledgement that there will be no City share for any municipal works associated with this development.
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Lot or Block.

With regard to Lots 1 to 10 (live-work townhouses), a parkland dedication at a ratio of 1.0 ha per 300 dwelling units will be required. For the apartment building (Block 12), a parkland dedication at a ratio of 0.5 ha per 300 dwelling units will be required.

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (e) That approval be given to **Draft Plan of Condominium Application 25CDM-201104, by 1810915 Ontario Inc (Nick Uhac), Owner**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road and visitor parking areas, on lands located at 120 and 124 King Street West (Stoney Creek), as shown on Appendix "A" to Report PED12100, subject to the following conditions:
  - (i) That this approval applies to the plan prepared by IBI Group, and certified by S.D. McLaren, O.L.S., dated February 13, 2012, showing the common elements (Block 11), attached as Appendix "G" to Report PED12100.
  - (ii) That the Final Plan of Condominium complies with all the applicable provisions of Zoning By-law No. 3692-92.
  - (iii) That the owner receives final approval and registers Draft Plan of Subdivision 25T-201102, to the satisfaction of the Director of Planning.
  - (iv) That the owner enters into a Development Agreement to ensure that the tenure of each of the proposed 10 freehold, live-work townhouse lots and the proposed condominium apartment building have legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.

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- (v) That the owner includes the following warning clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium roadway or sidewalk.”

- (vi) That the owner satisfies any conditions, financial or otherwise, of the City of Hamilton.

### **EXECUTIVE SUMMARY**

The purpose of the applications is to amend the City of Stoney Creek Official Plan and Zoning By-law to permit the development of the subject lands for a 6-storey apartment building on the rear portion of the lands, and 10 live-work townhouse units containing commercial uses on the ground floor and residential uses above, fronting onto King Street West. Further, the applicant has also applied for approval of a Draft Plan of Subdivision to create the 10 lots for the freehold, live-work townhouse units, one block for a common element condominium roadway, and one block for the apartment building. A Draft Plan of Condominium (Common Element) application has also been submitted to create the common element roadway, which will provide access to the both the live-work buildings fronting onto King Street West and the apartment building to the rear. Visitor parking will also be provided within the common element roadway.

The application has merit and can be supported since it is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan and the Hamilton-Wentworth Official Plan. Further, the proposed development is considered to be compatible with the existing and planned development in the immediate area, makes efficient use of existing infrastructure, and is appropriately located on an arterial road.

*Alternatives for Consideration - See Page 36.*

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

**Financial:** N/A.

**Staffing:** N/A.

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**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for an amendment to the Official Plan, amendment to the Zoning By-law, approval of a draft plan of subdivision, and approval of a draft plan of condominium (common elements).

**HISTORICAL BACKGROUND** (Chronology of events)

**Proposal**

The subject lands are located at 120 and 124 King Street West (Stoney Creek), within the Olde Town Secondary Planning Area. The lands are designated “Medium Density Residential” in the Olde Town Secondary Plan, and are zoned Multiple Residential (Holding) “RM4(H)” Zone in the Stoney Creek Zoning By-law. This zone permits apartment dwellings as-of-right, to a maximum height of 6-storeys. The applicant has submitted applications to amend the Stoney Creek Official Plan and Zoning By-law to permit the development of a 6-storey apartment building containing 80 units on the rear of the subject lands, and 10 live-work street townhouse units fronting onto King Street West (see Appendix “H”). Applications for approval of a Draft Plan of Subdivision and Draft Plan of Common Element Condominium have also been submitted.

The applicant proposes to amend the City of Stoney Creek Official Plan by establishing a site-specific policy in the Olde Town Secondary Plan to permit a maximum net residential density of 114 units per hectare across the entirety of the subject lands, whereas the Plan permits a maximum density of approximately 99 units per net residential hectare on lands designated “Medium Density Residential”.

The applicant proposes to amend the City of Stoney Creek Zoning By-law No. 3692-92 by changing the zoning on the subject lands from the Multiple Residential (Holding) “RM4(H)” Zone to a site-specific Multiple Residential “RM4” Zone and a site-specific Multiple Residential “RM2” Zone. Through this application, the (H) Holding provision that had been applied to the subject lands will be removed. The applicant has submitted a concept plan (see Appendix “H”), and has requested a number of site-specific modifications in order to implement the proposed development of the subject lands for live-work townhouse dwellings units and the apartment building. The proposed modifications will be discussed in greater detail in the Analysis / Rationale for Recommendation section of the Report.

The proposed plan of subdivision (see Appendix “E”), if approved as submitted, is intended to create 10 lots for live-work street townhouse units with commercial uses on the ground floor and residential units above, with frontage on King Street West (Lots 1 - 10), 1 block for the apartment building (Block 12), and 1 block for the condominium road and visitor parking (Block 11).

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The proposed draft plan of condominium (see Appendix “G”) is intended to create a common element condominium road to provide vehicular access for the apartment building and the 10 live-work street townhouse units (parking at rear). The condominium will also contain other common element features including 19 visitor parking spaces and landscaped areas.

**Previous Applications and Proposals**

**Formal Consultation Application - FC-10-026:**

Formal Consultation application FC-10-026 was submitted in March, 2010. The proposal was for a U-shaped, 6-storey building containing 75 units located at the rear of the subject lands with underground parking, and 10 live/work units fronting onto King Street West. Through circulation of the application, it was identified that commercial uses were not permitted as-of-right within the Multiple Residential “RM4” Zoning on the subject lands.

**Site Plan Application DA-10-133:**

In 2010, the applicant submitted a Site Plan Control Application (DA-10-133), which proposed a 4-storey, U-shaped apartment building to the rear of the site, with underground parking and access via a common element condominium road, and two 3-storey buildings fronting onto King Street West containing 20 stacked townhouse units. This site plan, attached as Appendix “I,” was conditionally approved on March 3, 2011. However, at the time, the applicant noted they were considering submitting a Zoning By-law Amendment application in the near future to add commercial uses as a permitted use on the site for the purpose of creating live-work townhouse units, and would subsequently amend the approved Site Plan following approval of the zoning change.

**Zoning Amendment Application ZAC-11-024 - First Proposal:**

In April, 2011, the applicant submitted Zoning By-law Amendment Application ZAC-11-024 to permit live/work units fronting onto King Street West, in the form of two buildings each containing five 2-storey street townhouse units with commercial on the ground floor and residential above. The application was also intended to address variances required to the Multiple Residential “RM4” Zone to permit a 4-storey, U-shaped apartment building, as shown on Appendix “I”, as previously approved through Site Plan Control Application DA-10-133. Further, the Zoning By-law amendment would also remove the (H) Holding provision on the property, which had been applied at the time the “RM4” Zoning was approved for the subject lands in 1992 to ensure appropriate development of the lands. The application was pre-circulated to all property owners within 120 metres of the subject lands. Several letters were

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received from surrounding residents (particularly those on Orlanda Drive to the rear of the subject property) expressing concern about the proximity of the apartment building to their existing single detached homes. These letters are attached as Appendix "J" to this Report. The proponent also held a neighbourhood meeting to further explore these concerns with the residents. These concerns will be addressed in the Analysis/Rationale for Recommendation section of this Report.

In response to the concerns of the residents, the applicant submitted a revised proposal in February 2012, attached as Appendix "H", which is the subject of this report. It is noted that the general form of the revised development proposal is similar to the previous proposal, with the primary changes relating to the location and size of the apartment building, and the removal of underground parking.

**Related Application - Draft Plan of Condominium (Standard)**

The applicant has also submitted an application for approval of a Draft Plan of Condominium (Standard), 25CDM-201103, for the proposed apartment building which, if approved, will have condominium tenure. The condominium application for the apartment building is not subject to this Report as approval of a Standard Form Draft Plan of Condominium is not subject to the requirement for a Public Meeting under the Planning Act.

**Chronology:**

March 19, 2010: Submission of Formal Consultation Application FC-10-026 by 1810915 Ontario Ltd (Nick Uhac). FC-10-026 proposed a 6-storey building containing 75 units and 10 live/work units.

October 8, 2010: Submission of Site Plan Control Application DA-10-133 by 1810915 Ontario Ltd (Nick Uhac) for approval of a 4-storey apartment building containing 59 units and two 3-storey buildings containing 20 stacked townhouse units adjacent to King Street West.

March 3, 2011: Site Plan Control Application DA-10-133 receives conditional approval. Conditions include the requirement for a Zoning By-law Amendment to remove the (H) Holding provision and approval of minor variances related to landscaped area, setbacks, parking space size, and lot coverage.

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- April 7, 2011: Submission of Zoning By-law Amendment Application ZAC-11-024, Draft Plan of Subdivision Application 25T-201102, Draft Plan of Condominium (Common Element) Application 25CDM-201104, and Draft Plan of Condominium (Standard) Application 25CDM-201103. The proposed development is for a 4-storey apartment building containing 69 units and 10 live-work townhouse units fronting onto King Street West with commercial on the ground floor and residential above.
- April 20, 2011: Applications ZAC-11-024, 25T-201102, 25CDM-201103, and 25CDM-201104 are deemed complete.
- May 9, 2011: Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-11-024, 25T-201102, and 25CDM-201104 to all residents within 120 metres of the subject lands.
- November 24, 2011: Neighbourhood Meeting held by applicant with Councillor, residents, and staff in attendance.
- February 14, 2012: Applicant submits revised proposal, attached as Appendix "H", proposing a 6-storey apartment building containing 80 units and 10 live-work townhouse units fronting onto King Street West with commercial on the ground floor and residential above.
- February 16, 2012: Revised application circulated to City Departments and outside agencies for comment.
- April 10, 2012: Notice of Revised Application for Applications ZAC-11-024, 25T-201102, and 25CDM-201104 to all residents within 120 metres of the subject lands.
- April 10, 2012: Neighbourhood Meeting held by applicant with residents and staff in attendance.
- April 16, 2012: Submission of Official Plan Amendment Application OPA-12-004 by 1810915 Ontario Ltd (Nick Uhac) to permit an increase in density on the subject lands.
- April 25, 2012: Notice of Complete Application and Preliminary Circulation of Application OPA-12-004 to all residents within 120 metres of the subject lands.



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June 22, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands and all residents who provided written comments.

**Details of Submitted Application:**

**Location:** 120 King Street West (Stoney Creek)  
**Owner/Applicant:** 1810915 Ontario Limited (Nick Uhac)  
**Agent:** IBI Group (John Ariens)

**Property Description:**    Lot Frontage: King Street West - 85.372 metres  
   Lot Depth: 94 metres  
   Lot Area: 0.791 hectares  
   Servicing: Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands</u></b>	Commercial (vacant)	Multiple Residential (Holding) "RM4(H)" Zone
<b><u>Surrounding Land Uses</u></b>		
<b>North</b>	Single Detached Dwellings	Single Residential "R2" Zone
<b>South</b>	Residential, Cemetery	"AA/S-1142" (Agricultural) District, Modified and Open Space (P4) Zone
<b>East</b>	Commercial (Gas Station, Car Wash, Restaurant)	General Commercial "GC-32" Zone, Modified
<b>West</b>	Institutional (Police Station), Commercial (Auto Service)	"E2/S-34" (Multiple Dwellings) District, Modified and "HH" (Restricted Community Shopping and Commercial) District

**POLICY IMPLICATIONS**

**Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. These applications are consistent with Policy 1.1.3.1 of the Provincial Policy Statement, which focuses growth in Settlement Areas.

Specifically, Policy 1.1.3.2 states that:

- “1.1.3.2 Land use patterns within Settlement Areas shall be based on:
- a) densities and a mix of land uses which:
    - 1. efficiently use land and resources;
    - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
    - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency in accordance with Policy 1.8; and,
  - b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3.”

Further, Policy 1.4.3 states the following:

- “1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:
- b) permitting and facilitating:
    - 1. all forms of housing required to meet social, health and well-being requirements of current and future residents, including special needs requirements; and,
    - 2. all forms of residential intensification and redevelopment in accordance with Policy 1.1.3.3;

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- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed.”

The proposed development represents an opportunity for redevelopment of an underutilized site in a manner that is compatible with surrounding land uses. Further, the subject lands are located on an arterial road, well-served by public transit, and are in close proximity to an identified Secondary Corridor (Centennial Parkway) in the new Urban Hamilton Official Plan. As such, the proposal is consistent with the policies of the PPS.

In addition, Policy 1.1.1(c) outlines that healthy, liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Further, Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use such that there will be no adverse effects. Staff notes that the subject proposal entails a change in land use from Commercial to Residential, which triggers a mandatory filing of a Record of Site Condition (RSC) under Ontario Regulation 153/04. The applicant has submitted a RSC to the Ministry of Environment (MOE), which has been filed on the Environmental Registry, and staff has received an acknowledgement of the receipt of the RSC by the MOE. As such, staff has no further concerns in this regard.

Policy 1.7.1(e) outlines that long-term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive lands uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize the risk to public health and safety. Due to the proximity of the proposed sensitive land use (residential) to road noise sources (King Street West) and stationary noise sources (car wash, drive through, auto repair), the requirement for a noise study was triggered. The applicant has submitted a noise study, which has been reviewed by staff. However, staff has requested a revised noise study to address the changes to the site layout. As such, a condition requiring a noise study has been included as a Special Condition of Draft Plan Approval (see Appendix “F” - Condition 1). Staff notes that the recommendations of the noise study, once final approved, shall be implemented through the inclusion of appropriate clauses within the Subdivision Agreement and the Condominium Agreement for the apartment building.

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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, development and site alteration, which maintains the heritage integrity of the site, may be permitted. Staff notes that the subject property meets five of the ten criteria used by the City of Hamilton and Ministry of Culture for determining archaeological potential. The applicant has submitted a Stage 1 - 2 Archaeological Report, which has been reviewed by staff. While the Report has yet to be signed off by the Ministry of Culture, staff has reviewed the Report and concurs with the recommendations and, therefore, the archaeology condition of the subject lands has been met to the satisfaction of staff.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

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

The subject lands are located within a built-up area as defined by Places to Grow. Policy 2.2.2.1 states that population growth will be accommodated by directing growth to the built up area through intensification. Policy 2.2.3.1 states that by the year 2015, and for each year thereafter, a minimum of 40 percent of all residential development occurring annually within each upper and single tier municipality will be within the built-up area.

The mixed residential/commercial nature of the proposed development achieves a compact urban form, as envisioned by the Growth Plan, and represents residential intensification through the redevelopment of an underutilized site. Based on the foregoing, the proposal conforms with the policies of Places to Grow.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “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. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

As the nature of the application is to permit mixed-use redevelopment of the property, 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 “Medium Density Residential” on Schedule “A5” - Secondary Plan, Olde Town Planning District in the City of Stoney Creek Official Plan. The applicant has applied for a site-specific amendment to the Olde Town Secondary Plan to permit a 6-storey multiple dwelling, containing 80 units, and 10 live-work street townhouse units, at a maximum net residential density of 114 units per hectare for the entirety of the subject lands, whereas the Secondary Plan permits a maximum residential density of approximately 99 units per hectare for lands designated “Medium Density Residential”.

The following policies of the City of Stoney Creek Official Plan, among others, are applicable to the proposed development:

“A.1 RESIDENTIAL

A.1.2 POLICIES

A.1.2.1 The primary uses permitted in areas designated on Schedule "A" as RESIDENTIAL shall be for dwellings. The location and type of residential densities within these areas, however, shall conform with the relevant Secondary Plan provisions, as specified under this Sub-section, Subsection A.13, F.3, and other relevant policies of this Plan.

A.1.2.2 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 Sub-section A.3 of this Plan;

A.1.2.9 Council shall encourage the provision of a full range of housing types and prices throughout the municipality and, where appropriate, residential intensification will be encouraged subject to Policies A.1.2.18, A.1.2.20, A.1.2.21, A.1.2.22, and other policies of the Plan.

A.1.2.17 In the evaluation of any proposal for multiple family residential development (triplex, fourplex, sixplex, attached housing, and apartment dwellings), the relevant Secondary Plan policies of this Plan shall apply. In addition, Council shall be satisfied that:

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- (a) Schools and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the proposal;
- (b) The height, bulk, and arrangement of buildings and structures will achieve harmonious design, and will not conflict with the existing and/or expected development of the surrounding area. In this regard, Council may require the developer to submit evidence that wind and shadows will not have a harmful effect upon adjacent areas;
- (c) Appropriate off-street parking, landscaped areas, protection for abutting residential uses, where warranted, and other accepted site planning features can be satisfactorily accommodated on the proposed site; and,
- (d) Ingress and egress to the property will be so designed as to minimize traffic hazards and congestion on surrounding streets.

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.

A.3 COMMERCIAL

A.3.2.8 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.

A.3.3.5.1 The Local Commercial category applies to commercial establishments serving the daily retail needs of surrounding residents, and which uses are primarily dependent upon pedestrian access. In this regard, Local Commercial means land used for retail stores, personal service shops, professional offices and similar commercial uses of essentially a neighbourhood nature, including residential units as accessory uses.

A.3.3.5.5 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 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.

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A.13.5 OLDE TOWN - SECONDARY PLAN

A.13.5.4 Notwithstanding the provisions of Policy A.1.2.12 of this Plan, the residential densities within the respective residential land use designations identified on Schedule A.5 shall be as follows:

- b) Medium Density - Approximately 30 to 99 units per net residential hectare. This designation permits a wide range of multiple dwelling structures. Buildings should not exceed 6 storeys throughout the Olde Town and 3-storeys along Centennial Parkway. Accessory non-residential uses may also be considered within larger structures.”

The Olde Town Secondary Plan establishes the principle of a multiple dwelling on the subject lands. With respect to the proposed site-specific policy to allow for the increase in density above that permitted in the Secondary plan, it is staff’s opinion that the proposal represents an appropriate form of development on the subject lands. The proposal provides substantial buffering between the multiple dwelling and the low density residential area to the north. It is situated in close proximity to transit and other amenities for future residents. Further, the proposed live-work units fronting onto King Street West are appropriately located at the King Street frontage to provide a pedestrian-oriented development on an arterial road in close proximity to transit. As such, subject to approval of the Official Plan Amendment (discussed below in the Analysis/Rationale for Recommendation section), the proposal conforms to the intent of the Official Plan.

**Neighbourhood Plan**

The subject lands are identified as “Medium Density Residential” in the Olde Town Neighbourhood Plan. Staff considers the proposal to be consistent with this designation in terms of built form and the proposed uses.

**New Urban Hamilton Official Plan**

The proposal has been evaluated against the policies of the new Urban Hamilton Official Plan, which was adopted by Council on July 9, 2009. The Minister of Municipal Affairs and Housing issued its decision on March 10, 2011, but the decision has been appealed by a number of parties and, at this time, the new Urban Hamilton Official Plan is not in effect. 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



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Urban Hamilton Official Plan as part of the public notice, in the staff report, and notice of adoption.

The subject lands are identified as “Neighbourhoods” on Schedule ‘E’ - Urban Structure, which are intended to provide a mix of low, medium and high rise residential areas and various types of commercial areas. Further, the subject lands are designated “Neighbourhoods” on Schedule ‘E-1’ - Urban Land Use Designations, which permits residential dwellings, open space and parks, local community facilities/services, and local commercial uses. The following policies, among others, are applicable to the proposed development:

- “E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports;
  - d) local commercial uses.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 - Residential Intensification and other applicable policies of this Plan.
- E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.
- E.3.5 Medium Density Residential
- E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.4 Local commercial uses may be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 - Local Commercial are satisfied.

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- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare, and not greater than 100 units per hectare.
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.
  - b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
  - c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
  - d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
  - e) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

In addition, the lands are designated “Medium Density Residential 3” on Map B.7.2-1, Old Town Secondary Plan - Land Use Plan, which permits a wide range of multiple dwelling structures to a maximum height of 6-storeys and a maximum density of 99 units per net residential hectare. As the proposed development would not conform to the density provisions of the Secondary Plan, a modification to the Urban Hamilton Official Plan would be required, as per Recommendation (b) of this Report.

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As will be discussed further in the Analysis/Rationale for Recommendation section of this Report, while the proposed development does exceed the maximum permitted density within the “Medium Density Residential 3” designation, it meets the intent of the policies of the Plan in providing appropriate buffering and screening from adjacent low density areas, providing a variety of housing types and supporting uses, and is appropriately located on an arterial road well-served by public transit. As such, and subject to the Official Plan Amendment to permit an increase in maximum density on the subject lands, the proposal would conform to the policies of the Urban Hamilton Official Plan.

As the new Urban Hamilton Official Plan has been appealed to the Ontario Municipal Board (OMB), the applicant is currently unable to amend the Secondary Plan as it is not in force and effect. Therefore, the proposed amendment to the Urban Hamilton Official Plan (see Appendix “C”) will be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan.

#### **RELEVANT CONSULTATION**

The following Departments and Agencies were circulated, but did not provide comments:

- Hamilton Street Railway.
- Hamilton Police Services.
- Emergency Services.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- French Catholic School Board.
- French Public School Board.
- Cogeco Cable Canada Inc.

The following Departments and Agencies submitted the following comments:

**Recreation Planning Section (Community Services Department)** advises that the following parks are located nearby for the recreation needs of residents: Community Sports Park - 475 metres from subject lands; Father Sean O-Sullivan Memorial Park (Neighbourhood Park) - 380 metres from subject lands; Battlefield Park Open Space (General Open Space) - 330 metres from subject lands; and, Faircourt Park (Natural Open Space) - 280 metres from subject lands. Further, the applicant is advised that Cash-in-Lieu of parkland dedication will be payable at the building permit stage.

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**Traffic Engineering Section (Public Works Department)** reviewed the proposed site plan and advised the applicant to review manoeuvring and loading space requirements. Through further consultation with the applicant, Traffic staff has determined that adequate circulation and manoeuvring can be accommodated on site.

**Rapid Transit Section (Public Works Department)** advises that the site is located one kilometre south of the proposed eastern terminus of the B-line at Eastgate Square Mall. This development would be supportive of rapid transit as it is pedestrian-oriented and located in close proximity to a proposed rapid transit corridor, and would provide for additional population to support existing transit and future rapid transit projects.

**Infrastructure and Source Water Planning Section (Public Works Department)** advises that the proposed development would result in a significant increase in impervious surface area and, therefore, a stormwater management report is required. In addition, silt and sediment control measures must be incorporated into the development during construction. These conditions are addressed through the Standard Form Subdivision Agreement (Sections 3.3 and 4.1).

**Forestry and Horticulture Section (Public Works Department)**, advises that there are six trees denoted on the site plan, three of which are on the subject lands and three of which are on the adjacent municipal lands (police station). The three public tree assets will have minor dripline encroachments but will not be detrimentally impacted if they are protected with the use of wood sided Tree Protection Zones and signage. This Tree Protection Zone detail must be shown on the Landscape Plan as part of the Site Plan approval process.

Further, a review of the plan indicates that a substantial portion of the property will be impervious hard surface, and to compensate for the loss of soft surface areas, increased planting strips should be provided on site or the use of green roof technology should be used. This issue is addressed further in the Analysis/Rationale for Recommendation section of the Report.

**Operations and Waste Management Division (Public Works Department)** advises that the developer has indicated that private waste haulers will be providing collection services on site and therefore this Section has no comments.

**Health Protection Branch, Public Health Services** advises that a dust mitigation plan should be provided to identify practices to be used through all stages of development for the purpose of dust abatement. This is addressed through the Standard Form Subdivision Agreement (Sections 1.37 and 3.4).

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**Hamilton Municipal Parking System** advises that the applicant should ensure that all existing and future parking requirements are met on-site as there is no opportunity for on-street parking on King Street West. A warning clause is required to be included in future purchase and sale agreements notifying prospective purchasers about the limited on-street parking in the area (see Appendix “F” - Special Condition of Draft Plan Approval #2). Further, the applicant should ensure that the garages for the five indoor parking spaces are appropriately sized, without encumbrances, to ensure they can function as proper parking spaces.

**Hamilton Conservation Authority (HCA)** advises that the site is located in the Red Hill Creek Sub-watershed area that drains into Hamilton Harbour and the proposed new development will result in a significant increase in the imperviousness of the site. As such, the HCA requires that appropriate stormwater management control and sediment and erosion control be implemented. In this regard, Enhanced (Level 1) quality control and stormwater quantity control will be required in order to meet the objectives of the Hamilton Harbour Remedial Action Plan. The following conditions of draft plan approval are required by the HCA: erosion and sediment control plan; stormwater management plan; and lot grading plan, all to the satisfaction of the HCA. These conditions are addressed through the Standard Form Subdivision Agreement (Sections 3.2, 3.3, and 4.1)

The subject property does not contain any natural hazard lands or natural heritage features and, as such, is not within an area regulated by the HCA. Therefore, a permit from the HCA is not required.

**Bell Canada** has advised that conditions of draft plan approval are required to ensure all telecommunication infrastructure is adequately provided for in the development. These comments are addressed in the Standard Form Subdivision Agreement (Section 1.21).

**Union Gas** advises that, as a condition of final approval, the developer shall provide necessary easements and/or agreements required by Union Gas for the provision of gas services to the development. This is addressed through the Standard Form Subdivision Agreement (Section 1.21).

**Canada Post** has advised that the following conditions of draft plan approval must be included: warning clauses for purchasers indicating that mail delivery will be from a designated centralized mail box; provision of a location for a mail box; and, provision of a centralized mail facility for the apartment building. This is addressed in the Standard Form Subdivision Agreement (Section 1.22) and through Special Conditions 3, 4, and 5 (see Appendix “F”).

## **PUBLIC CONSULTATION**

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, 95 Notices of Complete Application and Preliminary Circulation were sent to property owners within 120 metres of the subject property on May 9, 2011, requesting public input on the application. Further, a Public Notice sign was posted on the property on June 5, 2011. Four letters of objection were received in response to the circulation (see Appendix "J"). The letters expressed concerns related to loss of privacy, loss of view, and loss of property value. These concerns are discussed in greater detail in the Analysis/Rationale for Recommendation section of this Report.

An informal neighbourhood meeting, organized by the applicant, was held on November 24, 2011, and was attended by approximately 12 residents, the Ward Councillor, and City staff. At the meeting, residents expressed concerns about the proximity of the apartment building to their rear yards, loss of privacy, and loss of property value.

In response to the neighbourhood concerns, the applicant submitted a revised application on February 14, 2012. On April 10, 2012, a second neighbourhood meeting was held, organized by the applicant and attended by approximately 6 residents and City staff. The applicant presented the revised plan to the residents, which was generally well received at the meeting. Requests were made for enhanced landscaping at the rear of the property (adjacent to the existing dwellings) in the form of mature tree plantings to provide additional screening and privacy, which can be provided within the proposed 3.9 metre wide landscaped strip at the rear property line.

The revised application was circulated to all property owners within 120 metres of the subject property on April 10, 2012, requesting public input on the revised application. The Official Plan Amendment application was circulated to all property owners within 120 metres of the subject property on April 25, 2012. No written comments have been received in response to the revised circulations. Further, the sign posting was updated on April 23, 2012, to reflect the revised proposal. In addition, Notice of the Public Meeting was given 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) The applications are consistent with the Provincial Policy Statement as they focus growth in the Settlement Area;

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- ii) The applications conform to the Places to Grow Plan as they represent a compact, mixed-use form of residential intensification;
  - iii) The applications conform to the policies of the Hamilton-Wentworth Official Plan;
  - iv) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
  - v) The proposed development is located on an arterial road (King Street West) and in close proximity to Centennial Parkway, which is identified as a Secondary Corridor in the Urban Hamilton Official Plan.
2. The applicant has applied for an amendment to the City of Stoney Creek Official Plan to permit an increase to the as-of-right density provisions in the Olde Town Secondary Plan. The property is designated “Medium Density Residential” within the Secondary Plan which permits a density of approximately 30 to 99 units per net residential hectare. The proposed development, with 80 units in the apartment building and 10 units in the live-work townhouse units, results in an overall site density of approximately 114 units per hectare. Staff notes that Provincial policies (PPS and Places to Grow), and the City of Stoney Creek Official Plan and Urban Hamilton Official Plan, stress the importance of redevelopment within the urban boundary in order to reduce the need for urban boundary expansions and make more efficient use of existing infrastructure. This underutilized site represents an excellent opportunity for higher density development with its location on an arterial road within walking distance to services and amenities. Further, the site has as-of-right zoning for a 6-storey multiple dwelling. This type of development can assist the City in achieving goals for a “complete community” by providing higher density, mixed-use development in the appropriate location.

While the existing Secondary Plan policies and “RM4” Zoning on the subject lands permit Medium Density development as-of-right, the applicant is proposing an increase in the maximum allowable density on the lands. As such, it is appropriate to review the proposal against the relevant policies of the Stoney Creek Official Plan and the Urban Hamilton Official Plan which provide considerable direction regarding the appropriate locations for higher density housing forms and ensuring compatibility with surrounding development. Particularly, Policy A.1.2.17 of the Stoney Creek Official Plan and Policies E.3.3.2 and E.3.5.9 of the Urban Hamilton Official Plan outline the following areas of consideration when reviewing proposals for multiple residential development evaluated below against the subject development.

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Compatibility with Surrounding Land Uses:

A critical consideration when evaluating proposals for higher density housing forms is compatibility with surrounding land uses in terms of massing, overlook, scale, and form. The subject lands are bordered to the north by existing, low density single family residential development. This relationship, between the proposed multiple dwelling and the existing low density uses, is of primary concern for staff. It is important to note that the existing zoning on the subject lands (Multiple Residential "RM4" Zone) permits a 6-storey apartment building on the lands as-of-right, with a minimum required setback from the common property line to the low density uses of 7.5 metres (plus an additional 1 metre for each 3 metres by which the building exceeds 15 metres). The first development proposal on the subject lands (see Appendix "I") proposed a 4-storey apartment building, with a height of 14.5 metres, to be located 7.6 metres (25 feet) from the rear common property line with the single detached dwellings to the north. While the location and height of the building in this location did comply with the Multiple Residential "RM4" Zoning on the subject lands, the proximity of the multiple dwelling to the adjacent low density residential uses was a cause of concern for the surrounding residents. The policies in both the Stoney Creek Official Plan and the Urban Hamilton Official Plan speak to the desire for a gradation in density between low and high density uses, the provision of adequate buffering and separation between low and high density uses to protect privacy and amenity of residents, and guidance related to building massing and placement with respect to shadowing and overlook. In response to the concerns of local residents, the proponent revised their plan, attached as Appendix "H".

Staff has reviewed the revised proposal and finds that it conforms to Official Plan policies regarding compatibility with adjacent uses, and notes that the revised proposal better meets the objectives of the Official Plan regarding buffering and separation between higher and lower density uses. In the revised proposal, the apartment building is located 33.5 metres (110 feet) from the rear property line. The building height has been increased by 2-storeys to 18.7 metres, which is an increase of less than 5 metres in overall height from the previous proposal due to the removal of the underground parking structure. Further, the footprint of the building has been significantly reduced, thus reducing the mass of the building on the site. It is staff's opinion that the 6-storey apartment building, located 33.5 metres from the rear property line shared with the single detached dwellings, represents an appropriate transition in density to the adjacent, low density uses. While the applicant has proposed an increase in the overall number of units on the property, the overall size of the building has been reduced from the previous proposal. Further, the location of the building, with the increased setback, meets Urban Design standards which aim to achieve a maximum 45 degree angular plane from the top of the building to the shared property line between the higher



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density and lower density uses. The relocated building provides a 31 degree angular plane, thus reducing overlook and protecting the privacy of adjacent residents. A site-specific provision has been included in the amending By-law to require a minimum 3.9 metre landscape strip along the rear property line to provide additional buffering and screening to adjacent uses through the planting of mature trees (coniferous and deciduous plantings).

Proximity to Existing Services/Facilities:

Redevelopment should be encouraged in areas where there are appropriate services in place to service the additional population. Policy A.1.2.17 of the Stoney Creek Official Plan requires that in evaluating proposals for multiple family residential development, Council should be satisfied that schools and neighbourhood facilities will be adequate for the increased density. Staff notes that the subject applications were circulated to the local School Boards and no comments or concerns were raised by any of the Boards. Further, staff notes that the subject lands are located in close proximity to institutional services (hospital, police station, places of worship) and commercial facilities (Olde Town Stoney Creek). The subject lands are located on an arterial road, which is well served by transit, and are approximately 100 metres from Centennial Parkway, which is identified as a Secondary Corridor within the new Urban Hamilton Official Plan. Corridors are identified as areas where higher density, mixed-uses, and transit service will be promoted. As such, the subject lands are well situated in terms of services, amenities, and accessibility for future residents.

Amenity Area and Landscaping:

Both the Stoney Creek Official Plan and the Urban Hamilton Official Plan indicate that, in evaluating proposals for residential intensification, staff must ensure that the proposed development takes into account the provision of amenity area for residents, and that appropriate amenity space and landscaped area are provided. With regard to the subject proposal, amenity space is provided within the apartment building through the provision of common areas for residents. Further, each unit in the building will be provided with a balcony which shall provide outdoor amenity space. Within the live-work units, amenity space shall be provided in the form of a covered terrace to the rear of each unit, on the second storey level.

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With regard to landscaped area on the site, which will be discussed further below regarding variances to the Zoning By-law, the applicant will be providing a green roof on a portion of the apartment building, in addition to the landscaped areas on the ground level. Further, staff notes that the subject lands are located within walking distance of several parks and natural open spaces, as noted above in the comments from Recreation staff and, therefore, staff finds that appropriate amenity and open space areas will be available for future residents.

Transportation Impacts:

A final consideration when evaluating proposals for higher density housing is the provision of adequate parking to accommodate the proposed use, and to ensure that transportation impacts on the existing neighbourhood will be minimized. Within the proposed development, 107 parking spaces are being provided on site for the apartment building, of which 80 are for residents and 27 are for visitors. This equates to a ratio of one space per dwelling unit and 0.3 spaces per unit for visitor parking. While this does represent a decrease from the requirements of the Zoning By-law (which requires 107 spaces for residents and 28 spaces for visitors), this ratio is consistent with parking ratios that have been approved in other higher density developments within the City. As will be discussed further below, in evaluating the request for a reduction in parking, staff must consider factors such as the location of the development, levels of transit service, and availability of off-site parking. Staff has reviewed the parking to be provided with this development and, as will be detailed below regarding variances to the By-law, staff has determined that the parking provided on site is adequate for the proposed use and will not have a detrimental impact on the neighbourhood. Further, staff notes access to the site is provided only from King Street West with no connections to local streets, thereby eliminating any traffic impacts on surrounding neighbourhoods. Traffic staff has reviewed the location of the proposed access and has no concerns regarding traffic impact on King Street West.

Based on the above considerations, staff is supportive of the Official Plan Amendment to allow for the increased density on the subject lands, as the proposed development meets the tests outlined in the Stoney Creek Official Plan and the new Urban Hamilton Official Plan regarding higher density development and multiple residential housing forms.

3. The applicant is proposing the development of live-work townhouse units along the King Street West frontage of the property. These units will be freehold units, thus allowing a purchaser to live and work in the unit that they own. Commercial uses are not permitted as-of-right within the "RM4" Zoning on the subject lands.

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While the property is designated “Medium Density Residential” in the Olde Town Secondary Plan, staff notes that this designation does allow for limited commercial uses as-of-right within larger structures. Further, the “Residential” policies of the Stoney Creek Official Plan notes that local commercial uses are permitted within areas designated “Residential”, provided that the development has regard for the following: compatibility with the surrounding neighbourhood; convenience and accessibility for pedestrian and vehicular traffic; and location of other existing and proposed commercial facilities. Staff notes that the live-work units are located at the King Street frontage, well separated from the existing low density residential development to the north. The site is situated on an arterial road with easy access for pedestrian traffic and well served by public transit. Vehicular access to the site is from King Street West and exclusive parking has been provided to the rear of each unit, as well as shared visitor parking within the condominium road. With regard to the location of other commercial facilities, staff notes that a largely underutilized commercial site is located east of the subject lands, which contains a drive through restaurant and gas bar. An auto repair service exists to the west of the property. Across the street there is a drive through coffee shop and a small office use. Thus, the site is appropriately located in an area that already has a commercial presence, but could also benefit from the introduction of further local commercial service-type uses for residents. Staff, therefore, feels that the introduction of commercial uses on the lands is appropriate, as per the amending By-law.

The Stoney Creek Official Plan, in Policy A.3.2.8, also provides guidance specifically on proposals for structures containing both commercial and residential uses, by noting the following considerations: provision of amenity area for specific use of the residential component; provision of parking areas for both the residential and commercial component; and ensuring that adequate services are available in the community for residents. Staff has reviewed the proposal against these considerations, and finds that the proposal meets these tests. With regard to the above, staff notes that an amenity area is proposed for the residential component in the form of a covered terrace to the rear of each unit. Parking is provided to the rear of each unit for the exclusive use of each unit, while shared visitor parking is provided within the common element road. Further, staff finds, as discussed above, that the subject lands are located within a neighbourhood that is well serviced in terms of parks, institutional uses, road and highway access, and transit service. Further, while the proposal does meet the above noted tests, staff notes that the live-work units shall be developed as freehold units, which would allow a future owner to live and work within their unit, thereby reducing demands on parking and reducing concerns about separation of commercial and residential components.

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4. The applicant has requested several modifications to the Zoning By-law to permit the proposed development, as will be discussed below with regard to both the Multiple Residential “RM4” Zone for the apartment building and the Multiple Residential “RM2” Zone for the live-work units.

Staff notes that several of the modifications to the Zoning By-law are triggered by the form of the proposed development, which is not a common form of development and, therefore, was not contemplated by the Zoning By-law at the time of adoption in 1992. As has been noted, the applicant has applied concurrently for approvals of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Element). Should these applications be approved, the proposed apartment building will gain access and frontage through the proposed common element condominium road. The road will, therefore, be deemed to be a public street for the purpose of the Zoning By-law. Further, the road will also provide access to the rear parking for the freehold, mixed-use units, and will contain visitor parking to be shared by the apartment building and the mixed-use townhouses. Therefore, as a condition of approval of the Common Element Condominium, staff will require that the owner enters into a Development Agreement to ensure that the freehold lots and the condominium apartment building have legal interest in the common element road (see Recommendation (e)(iv)). This form of development and the creation of the new lot lines through the Draft Plan of Subdivision have resulted in variances to the By-law, as discussed below.

**Required Modifications to the Multiple Residential “RM4” Zone**

**Front Yard Setback:**

The Multiple Residential “RM4” Zone requires a minimum front yard of 7.5 metres, whereas the amending By-law has been written to require a minimum front yard of 0.45 metres. The 0.45 metres represents the setback provided to the common element condominium roadway. However, the apartment building will be setback more than 35 metres from King Street West, and over 20 metres from the rear of the live-work units. As such, staff is supportive of the reduced setback.

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Density:

The Zoning By-law permits a maximum residential density of 100 dwelling units per hectare in the Multiple Residential “RM4” Zone. The amending By-law permits a maximum residential density of 165 units per hectare. While the overall site density is 114 units per hectare, the density proposed on the “RM4” portion of the lands is 165 units per hectare (80 units in the apartment building on the proposed 0.49 hectare lot which will be created if the Draft Plan of Subdivision is approved (Block 12 on Appendix “E”). The overall density of the site is 114 units per hectare, which as noted above in discussion of the Official Plan Amendment, has been deemed to be acceptable for the subject lands.

Landscaped Space:

The “RM4” Zone requires that landscaped area shall be not less than 50 percent of the lot area, and that 25 percent of the landscaped area shall be in one area. Further, the “RM4” Zone requires a landscaped strip of a width of 4.5 metres to be provided adjacent to a street. The applicant had originally proposed to provide a landscaped area of approximately 15 percent of the lot area. As the amended proposal is not contemplating underground parking, the ability to provide a full 50% of the lot area as landscaped area is not possible due to the surface parking requirements. The applicant had also requested relief from the requirement for the landscape strip adjacent to the street, due to the design of the development and the lack of street frontage for the multiple dwelling. Staff has reviewed the request for the reduction in landscaped area, and is not supportive of the reduction to 19 percent of the lot area. The redeveloped site will be largely comprised of impervious surfaces and, therefore, additional landscaped area would be beneficial in terms of providing permeable surfaces for stormwater management and run-off. Staff has, therefore, requested that the applicant provide additional landscaped area in the form of a green roof on top of the building. The provision of a green roof is a form of Low Impact Development that has many benefits, including: stormwater management and reduction of run off; reduction in energy consumption; and creation of natural green spaces. The applicant has also indicated that a portion of the roof will be comprised of solar panels, which together with the green roof promotes an energy efficient form of development. The amending By-law, therefore, requires the provision of 25 percent of landscaped open space on the subject lands, which may include areas above grade. Subject to the above, staff is supportive of the reduction in landscaped open space on the subject lands, particularly in view of the fact that each unit will be provided with a balcony for additional amenity area (to be included within the definition of amenity area as per the amending By-law).

**SUBJECT: Applications for Approval of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium, for Lands Located at 120 and 124 King Street West (Stoney Creek) (PED12100) (Ward 9) - Page 30 of 37**

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With regard to the requirement for a landscaped strip abutting a street, staff is in agreement that this is not required as the apartment building fronts onto the common element road and not King Street West. However, in-lieu of the provision of a landscaped strip along the front lot line, staff is instead requiring that a minimum 3.9 metre landscape strip be provided along the rear lot line to provide buffering to the low density uses to the rear. The 3.9 metre width will allow for the planting of mature trees to provide screening and privacy for the existing residents. Staff notes that there is no minimum requirement in the Zone for a landscape strip along the rear or side lot lines. As the subject lands are bordered to the east and west by commercial and institutional uses (police station), staff does not require enhanced landscaping along these side lot lines.

Parking:

The Zoning By-law requires 1.25 parking spaces and 0.35 visitor spaces per each one bedroom unit and 1.5 parking spaces and 0.35 visitor spaces per each two bedroom unit for an apartment dwelling in the “RM4” Zone. This equates to a parking requirement for the multiple dwelling of 107 spaces for residents and 28 spaces for visitors, for a total requirement of 135 spaces. The proposed development includes 80 parking spaces for the apartment building (one space per unit) and 27 visitor parking spaces (0.3 parking spaces per unit), for a total of 107 provided parking spaces. Staff notes that this ratio (one space per unit and 0.3 visitor spaces per unit) has been approved for other multiple dwelling developments, and is consistent with the Zoning provisions established through Zoning By-law No. 05-200 for multiple dwellings in the Downtown and Institutional Zones. Staff is supportive of this parking ratio given the location of the subject lands on an arterial road with easy access to public transit on both King Street West and Centennial Parkway (identified as a Secondary Corridor in the Urban Hamilton Official Plan). Further, the subject lands are within walking distance of amenities and services. However, in order to ensure that prospective purchasers are aware of the parking availability on site and the restriction to one space per unit, staff is requiring that a warning clause regarding parking be included in all purchase and sale agreements, to be included as Special Condition 2 of Draft Plan of Subdivision approval (see Appendix “F”).

Further, modifications are also required for the “RM4” Zone to address parking space size (to be consistent with the sizes identified in Zoning By-law No. 05-200) and parking space location (to recognize the location of the visitor spaces within the common element road). Staff is supportive of these variances.

**Required Modifications to the Multiple Residential “RM2” Zone**

Modifications are required to the “RM2” Zone to permit the commercial uses within the live-work, street townhouse units, and also to recognize modifications related to lot area, frontage and setbacks. Staff notes that the Stoney Creek Zoning By-law does not include a zone that contemplates the type of development proposed. The “RM2” Zone permits street townhouses as-of-right, but does not contemplate mixed-use units, which are located at the street frontage with reduced yards and lot area. As such, modifications are triggered to accommodate the mixed-use development.

**Commercial Uses:**

The Multiple Residential “RM2” Zone does not permit any commercial uses as-of-right. As was noted above, the Stoney Creek Official Plan does permit local commercial uses within residential zones. In this regard, staff has reviewed the location of the subject lands and is satisfied that they represent an appropriate location to introduce local commercial uses. However, staff is recommending that only the following uses be permitted within the ground floor of the live-work units: retail, personal services, and office. Staff notes that these uses are appropriate for the live/work type of development as they are generally low traffic generators with limited associated nuisance impacts, and have lesser parking requirements than other uses. The applicant had requested the inclusion of medical clinics and fast food restaurants as permitted uses, but staff has determined that these uses are not appropriate for the live/work style of development due to the potential negative spill-over impacts on the residential uses (for example noise, odour, and parking concerns).

**Lot Area and Coverage:**

The Multiple Residential “RM2” Zone requires a minimum lot area ranging from 180 to 270 square metres depending on the type of unit proposed (interior, end or corner unit). The amending By-law requires a minimum lot area of 163 square metres. The lot area reduction recognizes that these units do not have front yards as they are intended to function as pedestrian-oriented commercial uses on the ground floor. Staff notes that the proposed lots do provide a standard rear yard setback and a covered amenity area for the residential component. As such, staff is supportive of the modification for lot area reduction. In addition, the “RM2” Zone permits a maximum lot coverage of 50 percent, whereas the amending By-law has been written to allow for a maximum coverage of 70%. Once again, this variance is required due to the reduced lot area which is in keeping with the proposed mixed-use form of development and, as such, is supportable by staff.

**SUBJECT: Applications for Approval of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium, for Lands Located at 120 and 124 King Street West (Stoney Creek) (PED12100) (Ward 9) - Page 32 of 37**

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Lot Frontage:

The Stoney Creek Zoning By-law requires a minimum lot frontage of 9 metres for a corner unit. Lot 10 on the proposed Draft Plan, attached as Appendix “E”, is a corner unit as it is located at the intersection of King Street West and the common element roadway. Lot 10 has an irregular shape which tapers to 7.0 metres at the frontage but widens to the rear of the lot. Staff, therefore, considers this reduction to be minor in nature and is supportive of the modification. Further, staff notes that the remaining freehold lots meet the minimum frontage requirement of the “RM2” Zone.

Setbacks:

The “RM2” Zone requires a minimum front yard setback of 6 metres. The applicant has requested relief from this requirement to provide a 0.5 metre front yard setback. As noted above, the front yard reduction is required in order to allow for pedestrian-oriented, mixed-use units. The units have been located close to the street line, with the parking at the rear, which is consistent with the City’s Site Plan Guidelines and Urban Design Policies of the new Urban Hamilton Official Plan. As such, staff is supportive of the reduced front yard modification.

Further, the “RM2” Zone requires a minimum side yard setback of 3 metres for a corner unit. Due to the configuration of Lot 10 and the relationship to the common element road, a minimum side yard setback of 0.3 metres is being provided for a portion of this lot. However, staff notes that this is due to the irregular shape of the proposed lot line for the common element road, and the provision of an architectural feature along the side of the townhouse unit. The lot line is angled, and a full 3.0 metre setback is provided for the majority of the lot. A 2 metre side yard is required for an end unit in the “RM2” Zone, whereas Lots 5 and 6 are provided with a 1.5 metre side yard setback. Staff is supportive of these modifications, which are considered minor in nature.

Further, a minor reduction in rear yard setback from 7.5 metres to 7.25 metres is required. While staff would normally require a full 7.5 metre rear yard to ensure that adequate amenity area is provided, staff notes that the amenity area for these units is being provided in the form of a second storey covered deck, and the reduced setback does not impact on the size of this covered amenity area. As such, the reduced rear yard setback is considered minor and is acceptable due to the form of the proposed development.



**SUBJECT: Applications for Approval of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium, for Lands Located at 120 and 124 King Street West (Stoney Creek) (PED12100) (Ward 9) - Page 33 of 37**

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Privacy Area and Landscaped Open Space:

The Zoning By-law requires a minimum privacy area of 36 square metres per unit for the live-work units. The amending By-law requires a minimum privacy area of 15 square metres per unit, which shall be provided in the form of a covered terrace at the second storey level for the use of the residential component. Staff considers this size of privacy area to be appropriate for the live-work form of development that is being proposed, and is supportive of the modification.

Further, the “RM2” Zone requires that 30 percent of the lot area shall be landscaped open space, which may include the required privacy area. Once again, due to the nature of the proposed development for live-work units, this requirement is not applicable as the ground level to the rear of the units shall be for parking. The amenity area for residents is provided through the covered terraces above.

Parking:

The Stoney Creek Zoning By-law does not contemplate live/work units or this form of mixed-use development (freehold street townhouses with mixed-uses), so staff has reviewed the parking provided for these units to determine if adequate parking has been provided. The proposed development provides two parking spaces per mixed-use unit in the rear driveway. Further, 19 visitor parking spaces are provided in the common element condominium roadway, to be shared with the apartment building. Staff has considered the parking provisions for the mixed-use units, and is satisfied with the parking provided based on the following. The permitted commercial uses have been limited to retail, personal services, and office, as noted above. High traffic and parking generators such as restaurants and medical clinics are not permitted. Further, the commercial units are small in size (under 100 square metres in gross floor area), which will restrict the level of activity within the units and, therefore, reduces the parking requirement. Finally, staff notes that the subject lands are located on an arterial road which is well served by transit, in proximity to a Secondary Corridor, and with high pedestrian connectivity, thereby promoting alternative modes of transportation.

**SUBJECT: Applications for Approval of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium, for Lands Located at 120 and 124 King Street West (Stoney Creek) (PED12100) (Ward 9) - Page 34 of 37**

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5. As noted above in the Public Consultation section of this Report, the original proposal, attached as Appendix “I”, was circulated to all residents within 120 metres of the subject lands. Four letters of objection were received in response to the circulation (see Appendix “J”). The letters expressed concerns related to loss of privacy, loss of view, and loss of property value, and one letter expressed a concern about the commercial uses on King Street West. An informal neighbourhood meeting, organized by the applicant, was held on November 24, 2011, and was attended by approximately 12 residents, the Ward Councillor, and City staff. At the meeting, residents expressed concerns about the proximity of the apartment building to their rear yards, loss of privacy, and loss of property value.

In response to the neighbourhood concerns, the applicant revised the application, which is the subject of this Report. The revised application was circulated to all property owners within 120 metres of the subject lands and no further written responses were received. A second neighbourhood meeting was held by the applicant in April 2012. At the meeting, the residents in attendance were generally receptive of the proposed changes.

Staff has reviewed the revised proposal against the concerns identified by residents with regard to the original proposal, and finds the following:

Loss of Privacy:

The original proposal, with a height of 14.15 metres, was located 7.6 metres from the rear property line, adjacent to the low density residential dwellings fronting onto Orlanda Drive. While this location complied with the Zoning By-law in terms of both height and setback, the residents felt that it was unacceptable, in that it would result in a lack of privacy and hinder the enjoyment of their backyards.

The revised proposal, with a height of 18.7 metres, is located 33.5 metres from the rear property line, an increase of more than 25 metres from the original proposal. Staff has reviewed the revised proposal in terms of overlook on the adjacent residents. In protecting the amenity of adjacent properties and reducing overlook, it is good design practice to provide a 45 degree angular plane from the height of a building to the shared property line with the lower density uses. Staff finds that the revised proposal provides an angular plane to the property line of 31 degrees, thereby exceeding the generally accepted standard. Staff is of the opinion that this increased setback, which exceeds that required by the Zoning By-law, provides sufficient buffering from the low density uses. Further, the amending By-law requires a minimum 3.9 metre landscape strip to be provided adjacent to the rear lot line to ensure that mature tree plantings can be accommodated to provide increased screening.

**SUBJECT: Applications for Approval of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium, for Lands Located at 120 and 124 King Street West (Stoney Creek) (PED12100) (Ward 9) - Page 35 of 37**

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Loss of View:

A concern raised by residents in response to the initial proposal was the potential loss of view of the escarpment due to the massing of the 4-storey apartment building. Staff notes that the subject lands currently have as-of-right zoning to permit development up to 6-storeys. Any development of the subject lands at this height will result in the reduction of some views. However, in response to the neighbourhood concerns, the proposal was revised to significantly reduce the footprint of the proposed building. The original proposal included a 4-storey building with a width of 70 metres, which extended the length of the rear property line, with 6 metre setbacks on either side. With the revised proposal, the width of the building has been reduced to approximately 58 metres, thus resulting in increased setbacks on either side to over 12 metres. The reduced footprint, in conjunction with the increased setback from the rear property line, results in massing that is significantly reduced, thereby lessening the visual impact for the surrounding residents.

Loss of Property Value:

Concerns were raised that the proposed development will result in a devaluation of adjacent properties. Staff is not aware of any data that would support the opinion that the proposed higher density development would result in a loss of property values.

Commercial Uses:

One letter was received from a resident objecting to the proposed live/work units on King Street West, and instead stating that only owner-occupied single family dwellings should be permitted. The letter did not provide any reasons for the objection to the commercial uses. As noted above, staff has reviewed the proposal for the introduction of commercial uses on the subject lands and finds that the proposal represents an appropriate location for this type of development. The types of commercial uses proposed to be permitted within the units have been restricted to ensure that traffic generation and other potential nuisance impacts are minimized. Further, staff notes that the subject lands are subject to site plan control, and issues such as design and landscaping will be further reviewed at that time to ensure a high standard of development is provided. Staff is of the opinion that the proposed live-work units will improve the streetscape along this section of King Street West and provide local commercial uses of convenience to the surrounding community.

**SUBJECT: Applications for Approval of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium, for Lands Located at 120 and 124 King Street West (Stoney Creek) (PED12100) (Ward 9) - Page 36 of 37**

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6. Staff notes that storm sewers, sanitary sewers and watermain are available on King Street West along the frontage of the subject lands. A capacity provision has been made in the new 450 mm storm sewer on the north side of King Street to accommodate this proposed mixed-use, medium density development. Future servicing connections will not be permitted to the existing 375 mm diameter storm sewer located on the south side of King Street. There are two separate sanitary sewers located in front of the property, both in the southerly half of King Street. The system flowing in a west to east direction is the designated outlet for this development. The owner is advised that there may be pavement degradation costs associated with any future excavations required on King Street since this section of roadway was recently reconstructed.

**ALTERNATIVES FOR CONSIDERATION:**

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

If the proposed applications are denied, the subject lands could be developed for uses permitted within the Multiple Residential “RM4” Zone, subject to removal of the (H) Holding Provision. The applicant currently has conditional site plan approval for the development of a 4-storey, 59 unit apartment building to the rear of the property and 20 stacked townhouse units fronting onto King Street West (see Appendix “I”).

**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.

**Growing Our Economy**

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

**Social Development**

- ◆ People participate in all aspects of community life without barriers or stigma.

**SUBJECT: Applications for Approval of an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium, for Lands Located at 120 and 124 King Street West (Stoney Creek) (PED12100) (Ward 9) - Page 37 of 37**

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**Environmental Stewardship**

- ◆ Reduced impact of City activities on the environment.

**Healthy Community**

- ◆ Plan and manage the built environment.
- ◆ An engaged Citizenry.
- ◆ Adequate access to food, water, shelter and income, safety, work, recreation and support for all (Human Services).

**APPENDICES / SCHEDULES**

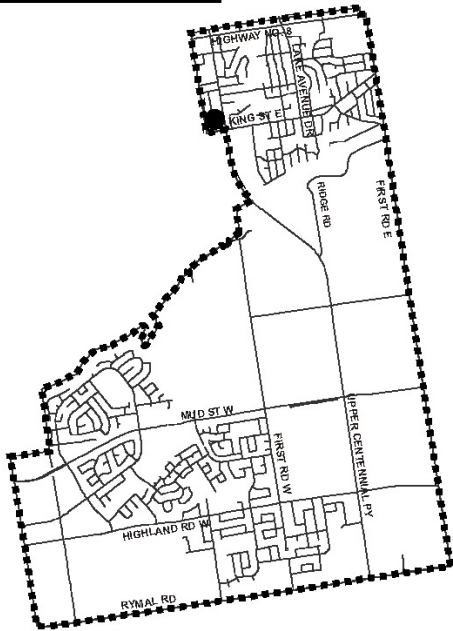
- Appendix "A": Location Map
- Appendix "B": Draft Official Plan Amendment - Stoney Creek Official Plan
- Appendix "C": Draft Official Plan Amendment - Urban Hamilton Official Plan
- Appendix "D": Draft Zoning By-law Amendment
- Appendix "E": Proposed Draft Plan of Subdivision
- Appendix "F": Special Conditions of Draft Plan of Subdivision Approval
- Appendix "G": Proposed Draft Plan of Common Element Condominium
- Appendix "H": Conceptual Site Plan and Building Elevations
- Appendix "I": Previous Development Proposal
- Appendix "J": Resident Letters

:HT

Attachs. (10)



● Site of the Application



Ward 9 Key Map

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-11-024

Date:  
May 30, 2012

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
HT/AL

### Subject Property

120 & 124 King Street West, Stoney Creek

--DRAFT--

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 "A5" - Secondary Plan - Olde Town Planning District), of the Official Plan of the former City of Stoney Creek, attached hereto, constitute Official Plan Amendment No. [REDACTED].

### Purpose:

The purpose of this Amendment is to add a site-specific policy to the Secondary Plan - Olde Town Planning District, to permit a maximum residential density of 114 units per hectare on the entirety of the subject lands in order to permit the development of a 6-storey, residential apartment building containing 80 units and 10 live-work street townhouse units containing commercial uses on the ground floor and residential uses on the second floor.

### Location:

The lands affected by this Amendment are municipally known as 120 and 124 King Street West, within the Olde Town Planning District, in the former City of Stoney Creek.

### Basis:

- The proposed Amendment is consistent with the Provincial Policy Statement and conforms with the Growth Plan for the Greater Golden Horseshoe.
- It conforms with and implements the "Urban Area" designation of the Hamilton-Wentworth Official Plan.
- It conforms with and implements the "Residential" intensification policies of Sub-section A.1.2.9 of the City of Stoney Creek Official Plan, which also supports the provision of a full range of housing types and prices.
- The proposed development represents an appropriate form of mixed-use development that is transit supportive and appropriately located on an arterial road.
- The use is considered compatible with the scale and character of the surrounding land uses.

**Actual Changes:**

1. Schedule "A", General Land Use Plan, be revised by identifying the subject lands as OPA No. [REDACTED], as shown on the attached Schedule "A" to this Amendment.
2. Schedule "A5", Secondary Plan - Olde Town Planning District, be revised by identifying the subject lands as OPA No. [REDACTED], as shown on the attached Schedule "B" to this Amendment.

**Text Changes:**

A.13.5.16 Notwithstanding the provisions of Policy A.13.5.4 of this Plan, on those lands designated Medium Density Residential on Schedule A5 and located on the north side of King Street West between Centennial Parkway and Owen Place, known as 120 and 124 King Street West, with a lot area of 0.791 hectares, the development of a 6-storey multiple dwelling containing a maximum of 80 units, and 10 live-work townhouse units containing commercial uses on the ground floor and residential uses above shall be permitted, to a maximum net residential density of 114 units per hectare for the entirety of the subject lands.

**Implementation:**

An implementing Zoning By-law Amendment, Draft Plan of Subdivision, Plan of Condominium, and Site Plan Control 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

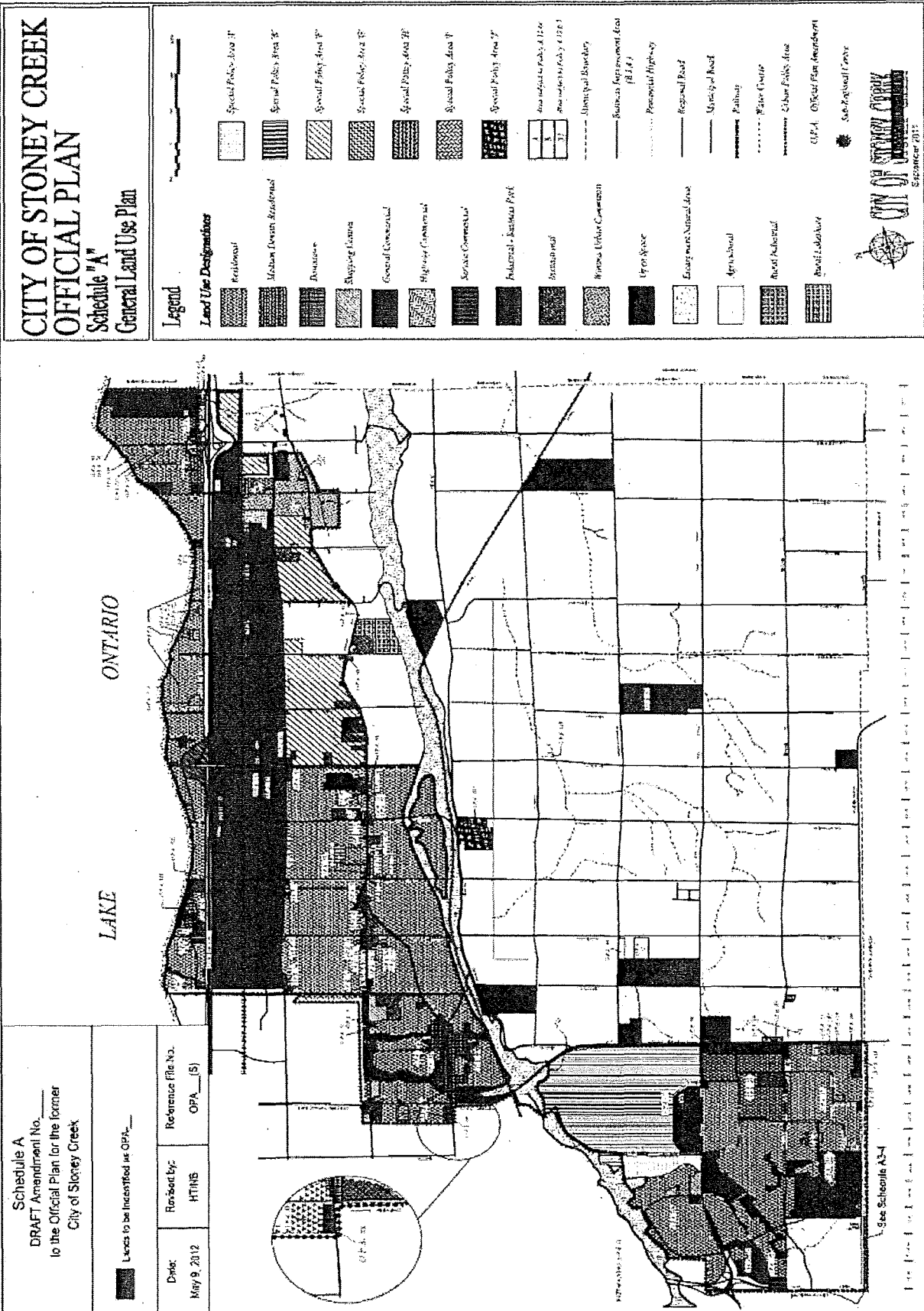
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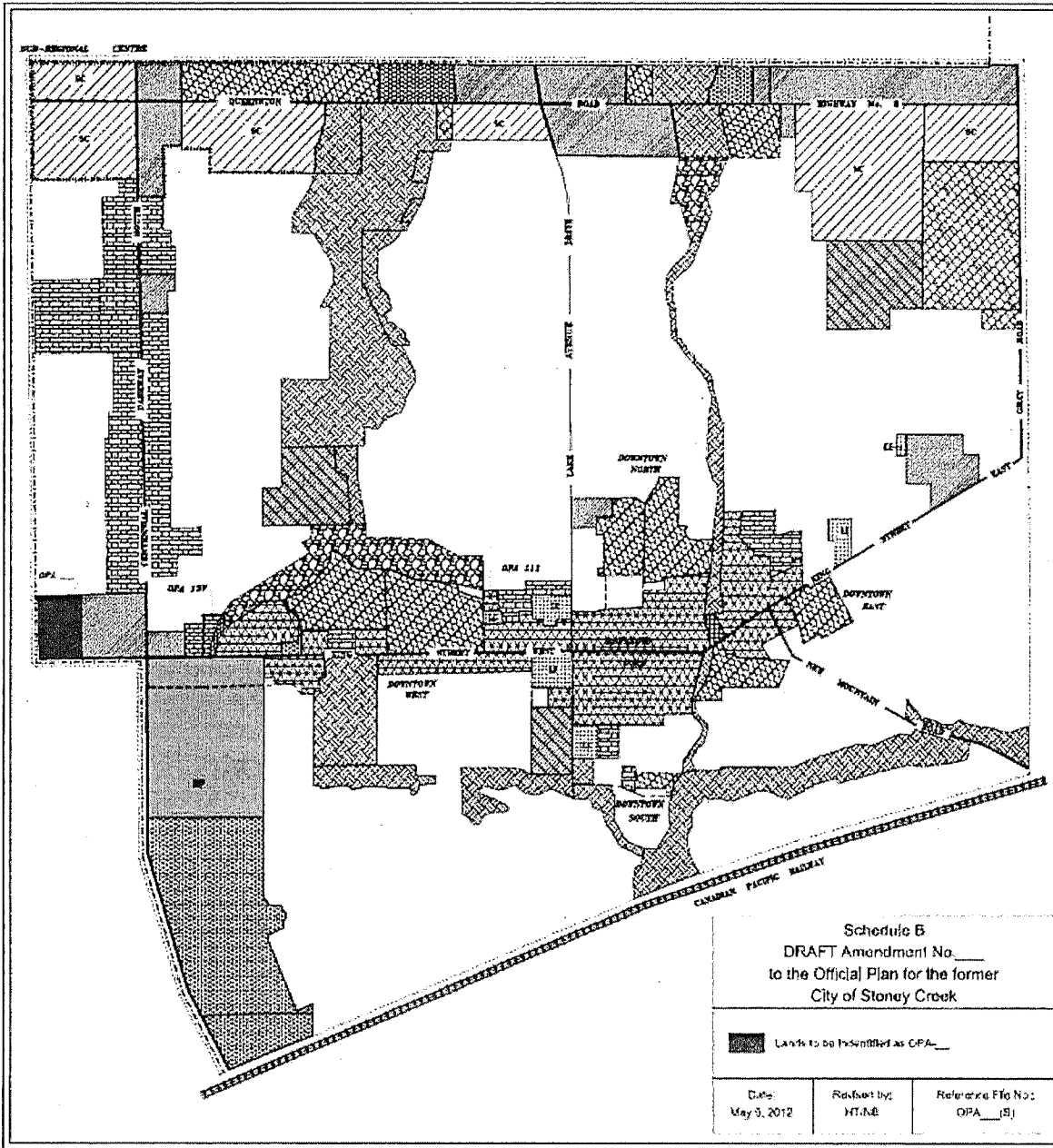
R. Bratina  
Mayor

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Rose Caterini  
Clerk







# CITY OF STONEY CREEK OFFICIAL PLAN

Schedule "A5" Secondary Plan  
Olde Town Planning District

## Legend



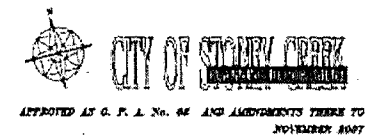
### Land Use Designations

	Low Density Residential		Parkette
	Medium Density Residential		Natural Open Space
	High Density Residential		General Open Space
	Local Institutional		Municipal Boundary
	Institutional		District Boundary
	Shopping Centre		Arterial Road
	Business Commercial		Collector Road
	General Commercial		Limits of Business Designation
	Elementary School		Limits of Sub-Regional Centre
	Community Park		
	Neighborhood Park		
	Open Space - Special Park <i>* Particular designations defined in OPA 128</i>		

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

Lands to be prescribed as OPA \_\_\_

Date: May 3, 2012	Revised by: HTJ:ME	Reference File No.: OPA ___(B)
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**DRAFT Amendment No. [REDACTED]  
to the  
Urban Hamilton Official Plan**

The following text, together with Appendix "A" - Old Town Secondary Plan - Land Use Plan, Map B.7.2-1, attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

**1.0 Purpose:**

The purpose of this Amendment is to add a Site-Specific Policy to the Old Town Secondary Plan in order to permit a maximum residential density of 114 net residential units per hectare and to allow for local commercial uses.

**2.0 Location:**

The lands affected by this Amendment are located at 120 and 124 King Street West, in the former City of Stoney Creek.

**3.0 Basis:**

The basis for permitting this Amendment is as follows:

- The proposed Amendment is consistent with the Provincial Policy Statement and conforms with the Growth Plan for the Greater Golden Horseshoe.
- It conforms with and implements the "Urban Area" designation of the Hamilton-Wentworth Official Plan.
- The proposed development represents an appropriate form of mixed-use development that is transit supportive and appropriately located on an arterial road.
- The use is considered compatible with the scale and character of the surrounding land uses.

**4.0 Changes:**

**4.1 Text Changes:**

**4.1.1 Chapter B.7.2 Old Town Secondary Plan**

- a. That Section B.7.2.8 - Area and Site-Specific Policies be amended to add a new Site-Specific Policy as follows:

**Site-Specific Policy - Area D**

7.2.8.4 Lands located at 120 and 124 King Street West, with an area of 0.791 hectares and designated Medium Density Residential 3 and identified as Site-Specific Policy - Area D on Map B.7.2-1 - Old Town - Land Use Plan, shall be developed according to the following:

- a) Notwithstanding Policy 7.2.2.3a), the development of a 6-storey, multiple dwelling containing a maximum of 80 units, and 10 commercial and residential live-work townhouse units, shall be permitted to a maximum net residential density of 114 units per net residential hectare for the entirety of the subject lands.

**4.2 Mapping Changes:**

4.2.1 Urban Hamilton Official Plan Volume 2, Map B.7.2-1 - Stoney Creek Secondary Plans; Old Town Secondary Plan - Land Use Plan is amended by:

- a) Adding a Site-Specific Policy- Area D, to the lands at 120 and 124 King Street West, as shown on Appendix "A" attached to this Amendment.

**5.0 Implementation:**

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

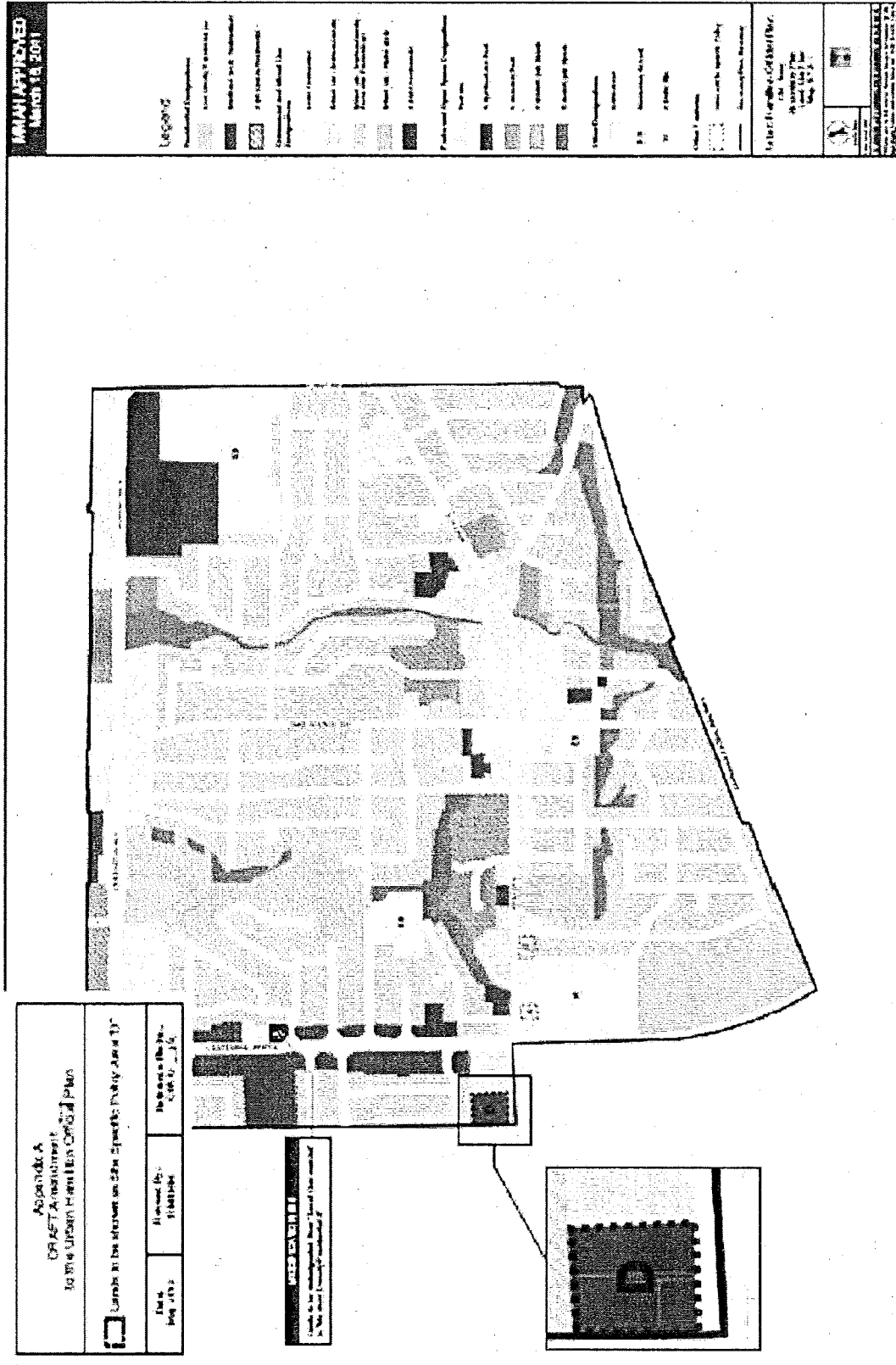
This is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2012.

**The  
City of Hamilton**

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R. Bratina  
Mayor

Rose Caterini  
Clerk



Authority: Item [REDACTED]  
Planning Committee  
Report 12-[REDACTED] (PED12100)  
CM: [REDACTED]

Bill No. [REDACTED]

## CITY OF HAMILTON

### BY-LAW NO. [REDACTED]

#### To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 120 and 124 King Street West

**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 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st 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 is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), upon approval of Official Plan Amendment No. [REDACTED];

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

1. That Map No. 5 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended;
  - (a) by changing from the Multiple Residential (Holding) "RM4 (H)" Zone to the Multiple Residential "RM4-7" Zone, the lands identified as "Block 1"; and,
  - (b) by changing from the Multiple Residential (Holding) "RM4 (H)" Zone to the Multiple Residential "RM2-30" Zone, the lands identified as "Block 2";

the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Sub-section 6.11.6, "Special Exemptions", of Section 6.11 Multiple Residential "RM4" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption "RM4-7", as follows:

**"RM4-7" - 120 and 124 King Street West, Schedule "A", Map No. 5**

For the purpose of this By-law, a common element condominium road shall be deemed to be a street.

Notwithstanding the provisions of Paragraph (c) of Section 6.1.8 "General Provisions" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

- (c) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 1.0 metres to a lot line, except that a parking space may be located 0.0 metres away from a private common element condominium road.

Notwithstanding the provisions of Paragraphs (c), (h), (j), and (l) of Section 6.11.3 "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

- (c) Minimum Front Yard: - 0.45 metres from a common element condominium roadway.
- (h) Maximum Residential Density: - 165 dwelling units per hectare.



(j) Minimum Landscaped Open Space:

1. The landscaped area shall be not less than 25% of the lot area, and may include areas above grade.
2. A landscaped strip having a minimum width of 3.9 metres shall be provided and thereafter maintained adjacent to the rear lot line. A landscaped strip shall not be required adjacent to a street.

- (l) For the purpose of this By-law, a balcony shall be included within the definition of amenity area. There shall be no minimum amenity area required within an apartment building.

Notwithstanding the provisions of Paragraphs (a) and (c) of Section 6.11.4 "Regulations for Parking" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

(a) Minimum Number of Parking Spaces:

1.0 spaces per unit and 0.3 visitor parking spaces per unit.

- (c) No tenant parking shall be required to be located underground or within the apartment building.

Notwithstanding the provisions of Paragraph (a) of Section 4.10.2 "Parking Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

- (a) Required visitor parking is permitted to be located on a private common element condominium road.

Notwithstanding the provisions of Paragraph (a) and (b) of Section 4.10.3 "Parking Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

- (a) Required parking spaces for 90 degree perpendicular parking shall have minimum dimensions of 2.6 metres by 5.5 metres.
- (b) For other than 90 degree perpendicular parking spaces, the parking space shall be 2.4 metres by 6.7 metres.

Notwithstanding the provisions of Paragraph (a) of Section 4.10.4 "Parking Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM4-7" by this By-law, the following shall apply:

- (a) The minimum dimension of parking spaces designated for vehicles of the physically challenged shall be 4.4 metres by 5.5 metres.

3. That Sub-section 6.9.6, "Special Exemptions", of Section 6.9 Multiple Residential "RM2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption "RM2-30", as follows:

**"RM2-30" - 120 and 124 King Street West, Schedule "A", Map No. 5**

For the purposes of this By-law, for the lands zoned "RM2-30", King Street West shall be considered to be the front lot line, notwithstanding the definition of Lot - Through. For the corner lot adjacent to the common element condominium roadway, the only rear lot line shall be the northerly 6.0 metre lot line.

Notwithstanding the provisions of Section 6.9.2 "Permitted Uses" of Zoning By-law No. 3692-92, on those lands zoned "RM2-30" by this By-law, the following additional uses shall be permitted within a street townhouse dwelling, on the ground floor only:

Retail Store  
Personal Service Shop  
Professional Office

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g), and (i) of Section 6.9.3 "Zone Regulations" of Zoning By-law No. 3692-92, on those lands zoned "RM2-30" by this By-law, the following shall apply:

- |     |   |   |                            |
|-----|---|---|----------------------------|
| (a) | Minimum Lot Area:                           | - | 163 square metres.         |
| (b) | <u>Minimum Lot Frontage:</u><br>Corner Unit | - | 7.0 metres.                |
| (c) | Minimum Front Yard:                         | - | 0.5 metres.                |
| (d) | <u>Minimum Side Yard:</u><br>End Unit       | - | 1.5 metres.                |
|     | Corner Unit                                 | - | 0.3 metres.                |
| (e) | Minimum Rear Yard:                          | - | 7.25 metres.               |
| (f) | Minimum Privacy Area:                       | - | 15 square metres per unit. |
| (g) | Minimum Landscaped Open Space               | - | Not applicable.            |
| (i) | Maximum Lot Coverage:                       | - | 70%.                       |

Notwithstanding the provisions of Section 4.10.9 "Schedule of Minimum Parking Requirements" and Section 6.9.4 "Regulations for Parking" of Zoning By-law No. 3692-92, on those lands zoned "RM2-30" by this By-law, the following shall apply:

- (a) A minimum of 2 parking spaces shall be required per unit.

4. 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 Multiple Residential "RM4" Zone and Multiple Residential "RM2" Zone provisions, subject to the special requirements referred to in Sections 2 and 3.
5. 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

---

R. Caterini  
Clerk

ZAC-11-024





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

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

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

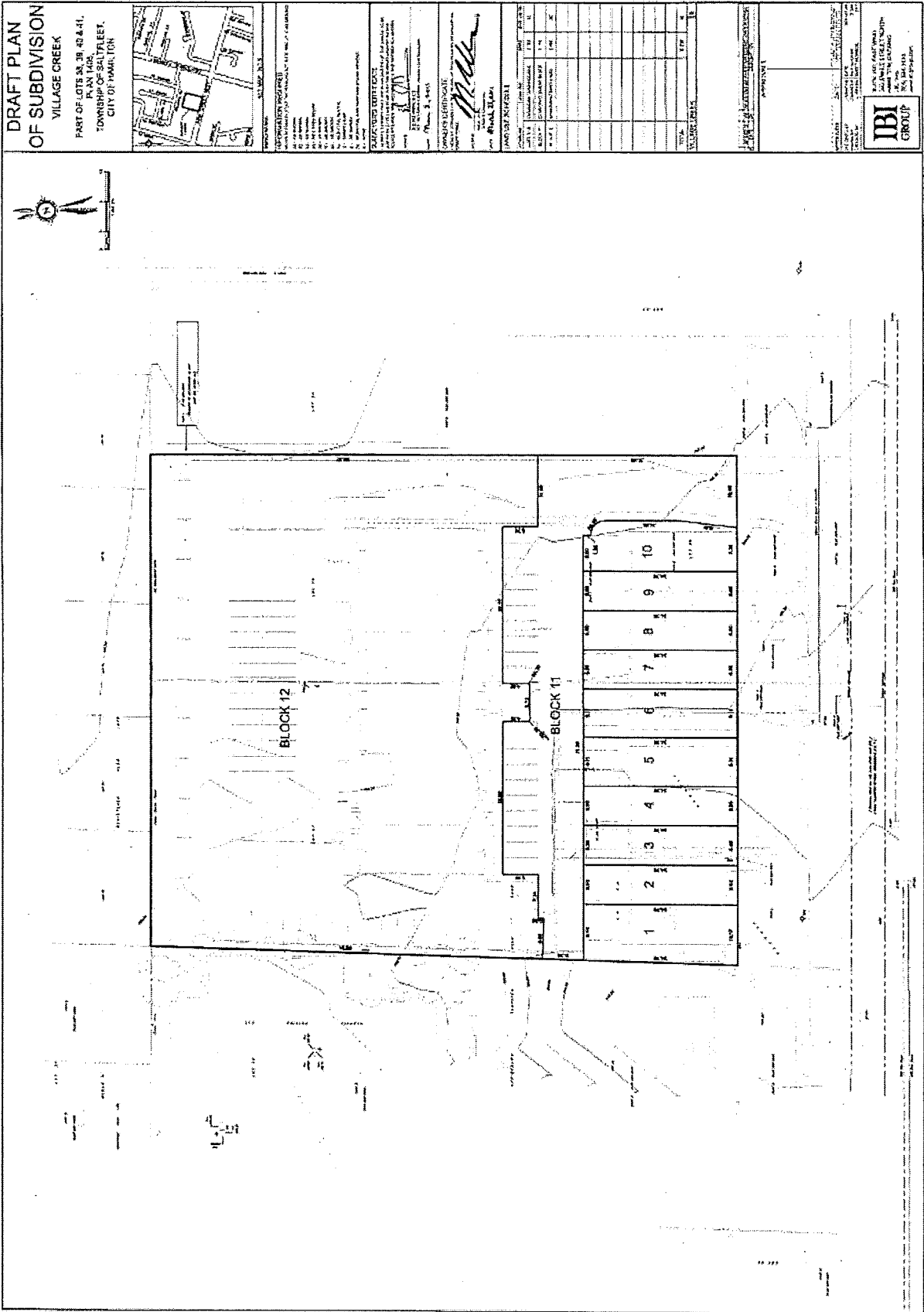
**Subject Property**  
 120 and 124 King Street West, Stoney Creek

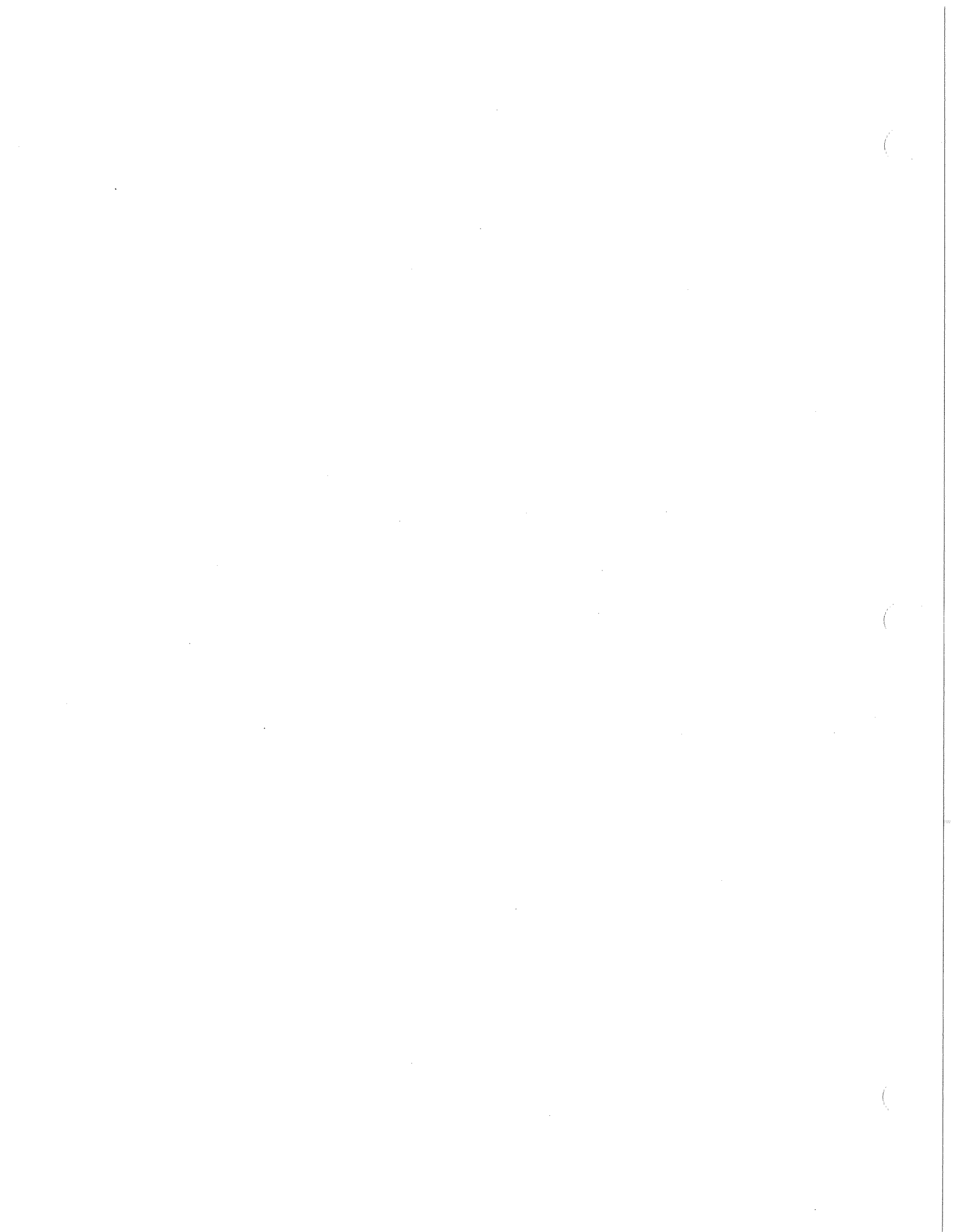
 **Block 1:** Change in Zoning from Multiple Residential (Holding) "RM4(H) Zone to Multiple Residential "RM4-7" Zone

 **Block 2:** Change in Zoning from Multiple Residential (Holding) "RM4(H) Zone to Multiple Residential "RM2-30" Zone

<b>Scale:</b> N.T.S.	<b>File Name/Number:</b> ZAC-11-024
<b>Date:</b> May 8, 2012	<b>Planner/Technician:</b> HT/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	







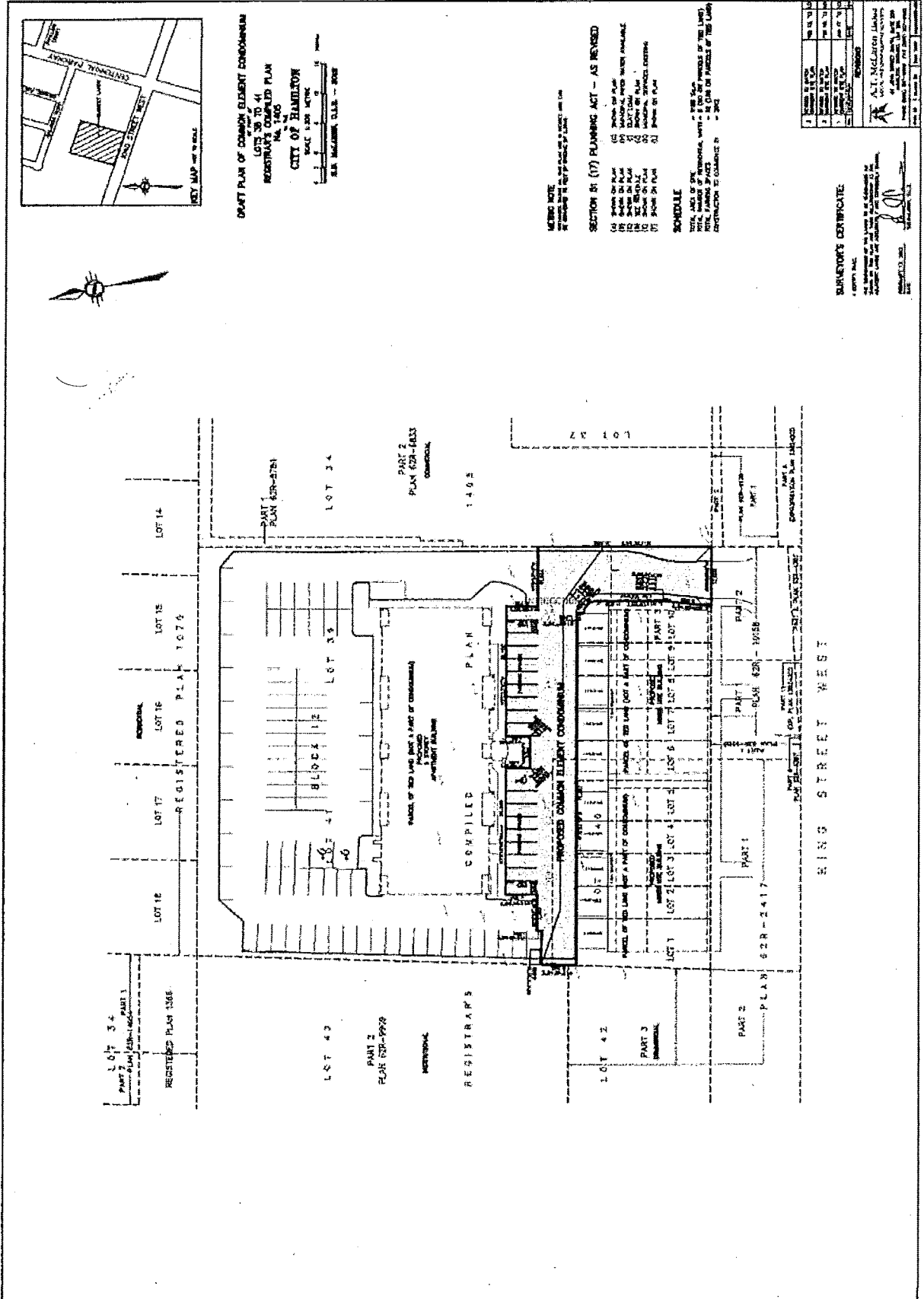
**Special Conditions of Draft Plan of Subdivision Approval for "Village Creek"**

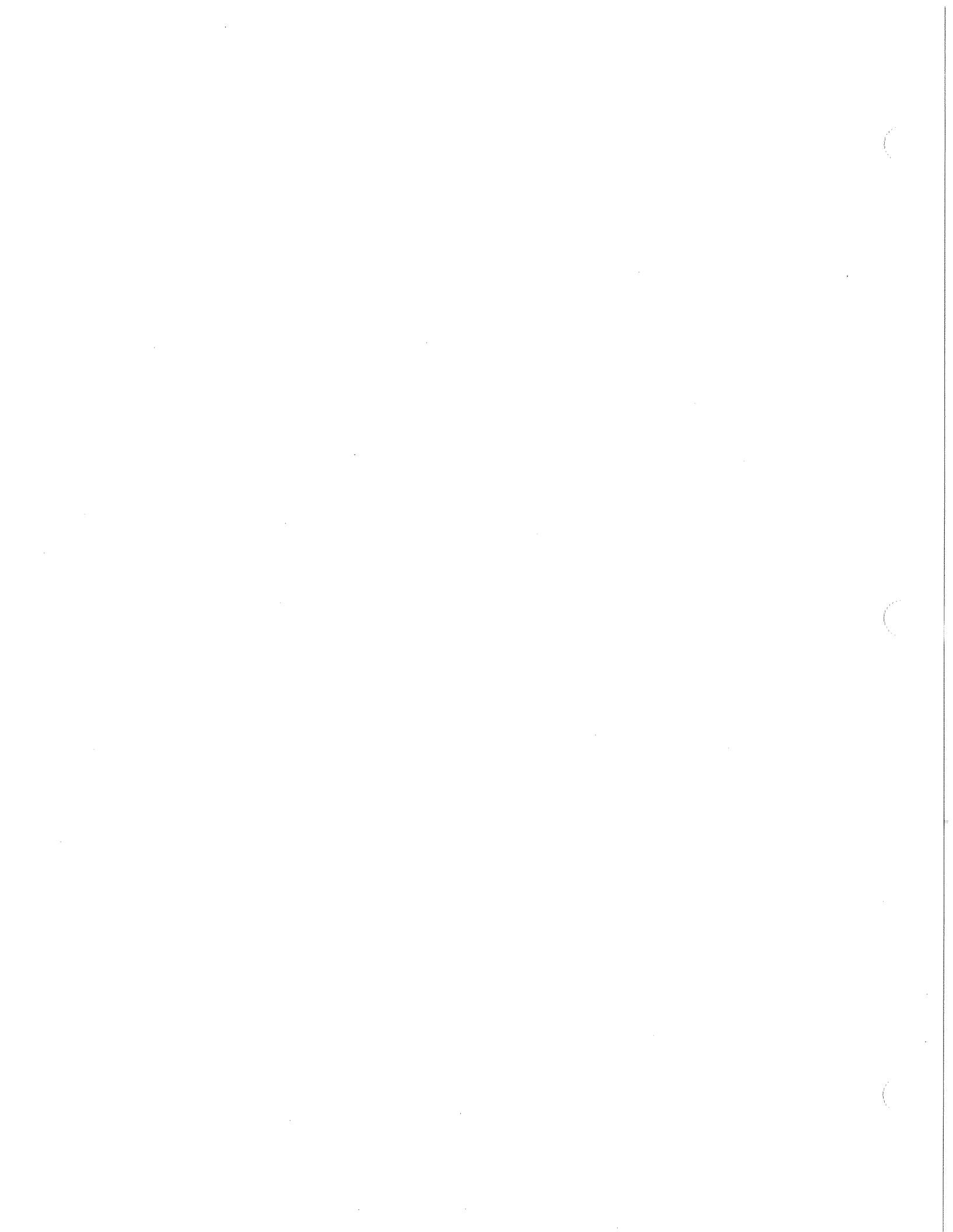
1. That, ***prior to registration of the agreement***, the owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An Acoustical 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. Should a peer review of the Acoustical Report be warranted, all associated costs shall be borne by the owner/applicant, and shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning.
2. That the owner ***agrees, in writing***, to include the following warning clause in all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

"It is the owner/tenant's responsibility to ensure that their parking needs can be met on site. There is no opportunity for on-street parking on King Street East. Parking on surrounding neighbourhood streets is provided on a 'first-come, first-serve' basis and cannot be guaranteed in perpetuity".
3. That the owner ***agrees, in writing***, to include the following statements in all offers of purchase and sale:
  - (a) That the home/business mail delivery will be from a designated Centralized Mail Box:
  - (b) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
4. That the owner agrees to:
  - (a) Work with Canada Post, and the Senior Director of Growth Management, to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.
  - (b) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post, and the Senior Director of Growth Management, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

5. That the owner **agrees** that Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor, or sheltered space.
6. That, **prior to servicing**, the owner shall prepare a geotechnical report and implement the report's recommendations, to the satisfaction of the Senior Director of Growth Management.
7. That the owner agrees to identify and implement all the necessary stormwater quantity and quality, and erosion control measures, to the satisfaction of the Senior Director of Growth Management.
8. That, **prior to servicing**, the owner shall include in the engineering design drawings and cost estimate schedule for the construction of 3.0 metre wide concrete municipal sidewalk connections from the existing 1.5 metre wide concrete sidewalk on King Street East to the proposed 2.5 metre wide concrete sidewalk to be constructed along the front line of the proposed live/work townhouse units, to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to servicing**, the owner shall provide, to the satisfaction of the Senior Director of Growth Management, a plan or procedure for dealing with issues concerning dust control and street cleaning on King Street East along the frontage of these lands throughout construction. This document will also include first point of contact, a schedule for regular cleaning of the streets that is specific to the methods used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works to be completed, as necessary.







**DETAILS OF CONCRETE DETAILS TO APARTMENT UNITS**

ITEM	QUANTITY	UNIT PRICE	TOTAL
CONCRETE	100.00	10.00	1000.00
REINFORCING BARS	50.00	2.00	1000.00
FORMWORK	200.00	5.00	1000.00
PAINT	10.00	1.00	10.00
LABOR	100.00	10.00	1000.00
TOTAL			4000.00

**REMARKS:**

1. ALL CONCRETE TO BE CAST IN PLACE.

2. REINFORCING BARS TO BE EPOXY COATED.

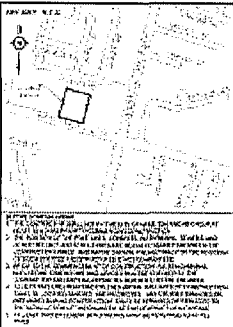
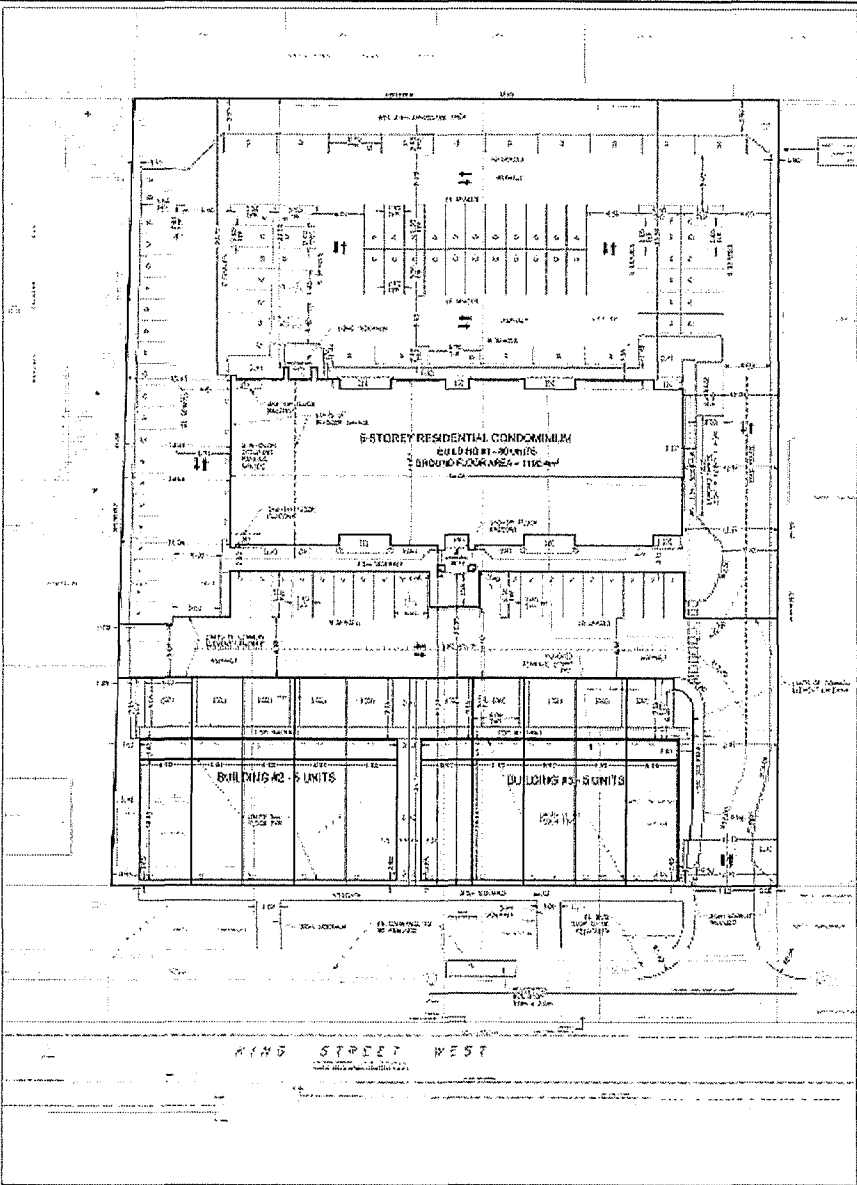
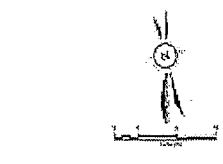
3. FORMWORK TO BE REUSEABLE.

4. PAINT TO BE EXTERIOR GRADE.

5. LABOR TO BE LOCAL.

**DETAILS OF CONCRETE DETAILS TO APARTMENT UNITS**

ITEM	QUANTITY	UNIT PRICE	TOTAL
CONCRETE	100.00	10.00	1000.00
REINFORCING BARS	50.00	2.00	1000.00
FORMWORK	200.00	5.00	1000.00
PAINT	10.00	1.00	10.00
LABOR	100.00	10.00	1000.00
TOTAL			4000.00



**LEGEND:**

1. EXISTING CONCRETE

2. NEW CONCRETE

3. EXISTING REINFORCING BARS

4. NEW REINFORCING BARS

**NOTES:**

1. ALL CONCRETE TO BE CAST IN PLACE.

2. REINFORCING BARS TO BE EPOXY COATED.

**REVISIONS:**

NO.	DESCRIPTION	DATE
1	ISSUED FOR PERMIT	2024-10-27
2	REVISED PER CITY COMMENTS	2024-11-15

**NOT FOR CONSTRUCTION**

**APPROVALS:**

Prepared by: [Signature]

Checked by: [Signature]

Approved by: [Signature]

**IBI GROUP**

100 EAST WING  
2ND FLOOR  
HAMILTON, ONT. L8N 4G6  
TEL: 905.571.1111  
WWW.IBIGROUP.COM

**CITY OF HAMILTON**

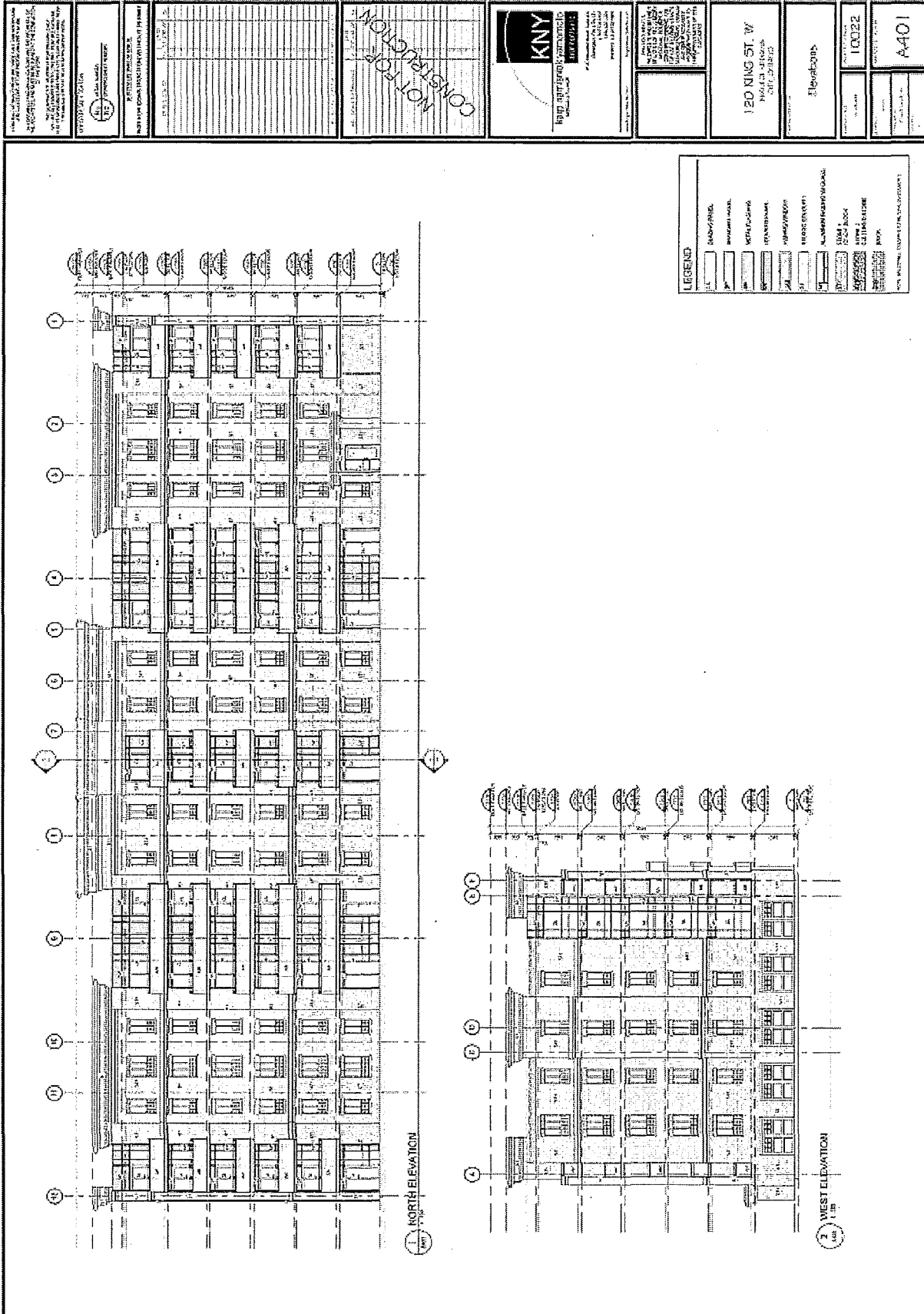
120 KING STREET WEST,  
STONEY CREEK  
798912 ONTARIO LTD.


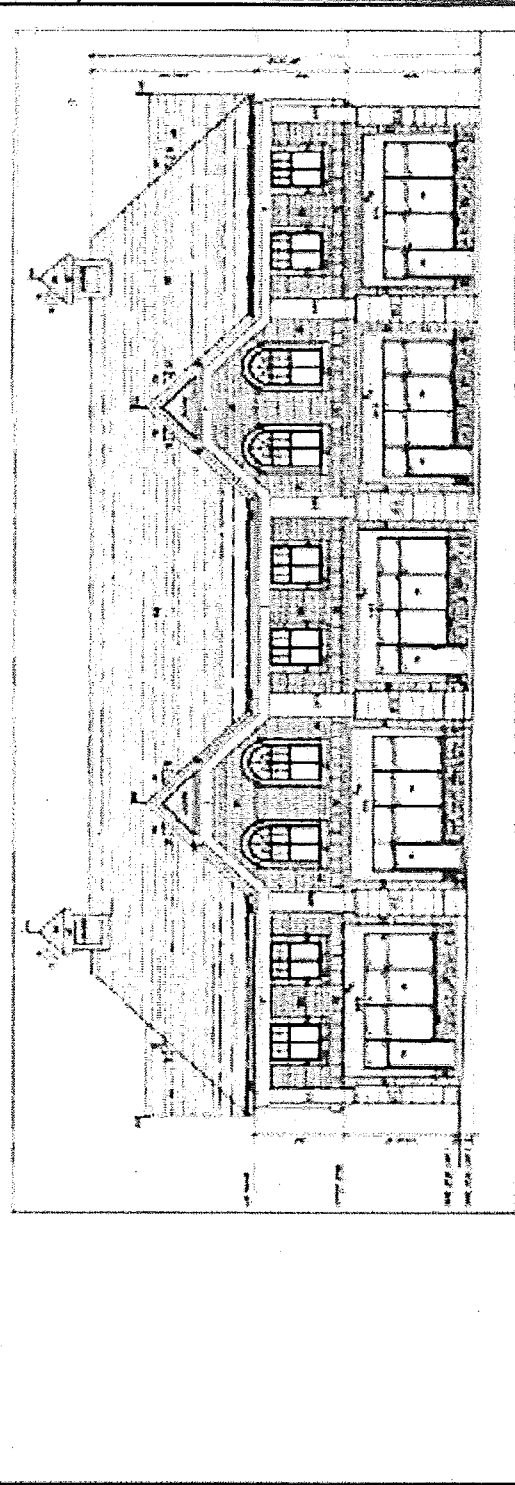
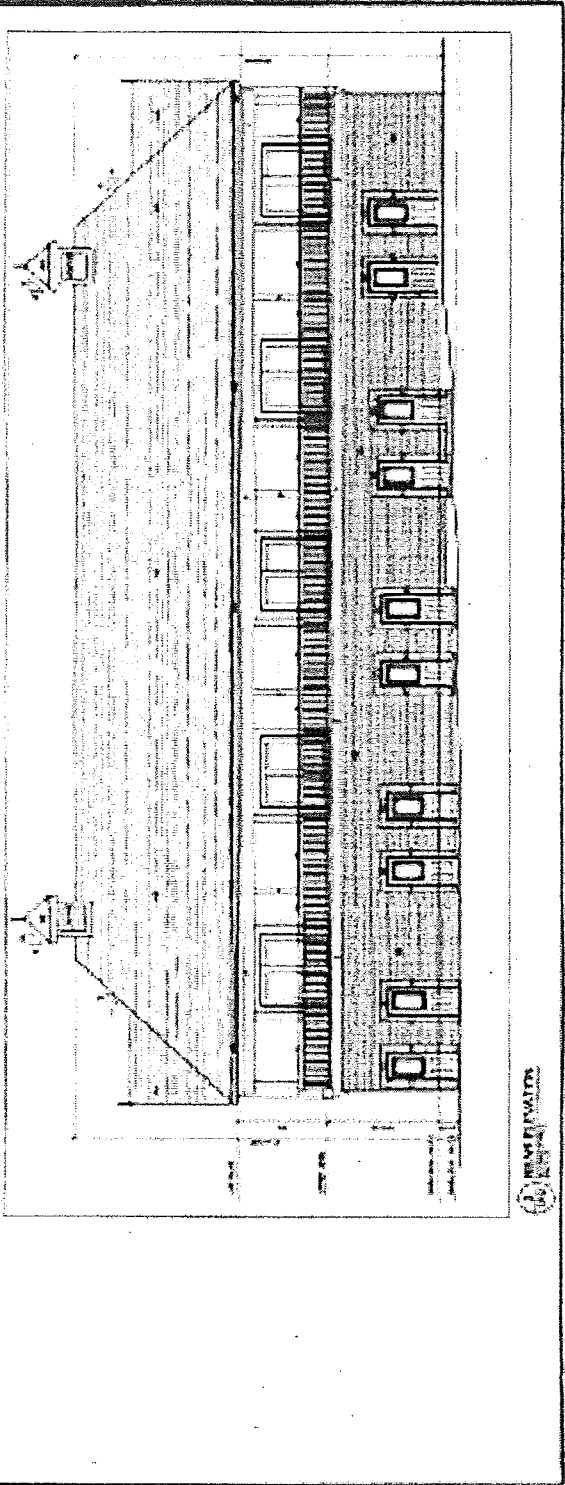
**SITE PLAN FOR ZONING BY-LAW AMENDMENT**

AMENDMENT: 27284

DATE: 2024-11-15

SP1



<p>1. All work shall be in accordance with the specifications and drawings.</p>	<p>2. The contractor shall be responsible for obtaining all necessary permits.</p>	<p>3. The contractor shall maintain access to all existing utilities.</p>	<p>4. The contractor shall be responsible for the safety of all workers.</p>	<p><b>KNY</b> KING COUNTY NORTHWEST ARCHITECTS</p>		<p>120 KING STREET WEST SEASIDE, CALIFORNIA 94061</p>	<p>100322</p>	<p>A102</p>
<p>1. All work shall be in accordance with the specifications and drawings.</p>			<p>100322</p>			<p>100322</p>		

**LEGEND**

- PROPERTY LINE
- ADJACENT PROPERTY
- PROPOSED CONSTRUCTION

**NOT FOR CONSTRUCTION**

THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. ANY CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON ZONING BY-LAW AND THE SUBDIVISION ACT.

**IBI GROUP**

150 KING STREET WEST  
STONEY CREEK  
1810 HESLOP DRIVE, LTD.

**CITY OF HAMILTON**

150 KING STREET WEST  
STONEY CREEK  
1810 HESLOP DRIVE, LTD.

**APPROVALS**

DATE: \_\_\_\_\_

BY: \_\_\_\_\_

**GENERAL NOTES**

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF HAMILTON ZONING BY-LAW AND THE SUBDIVISION ACT.
2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF HAMILTON.
3. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND STRUCTURES ON THE SITE.
5. THE DEVELOPER SHALL MAINTAIN THE EXISTING CURBS AND SIDEWALKS.
6. THE DEVELOPER SHALL MAINTAIN THE EXISTING TREES AND LANDSCAPING.
7. THE DEVELOPER SHALL MAINTAIN THE EXISTING DRIVEWAYS AND PARKING AREAS.
8. THE DEVELOPER SHALL MAINTAIN THE EXISTING FENCES AND BARRIERS.
9. THE DEVELOPER SHALL MAINTAIN THE EXISTING SIGNAGE.
10. THE DEVELOPER SHALL MAINTAIN THE EXISTING UTILITIES AND SERVICES.

**REVISIONS**

NO.	DATE	DESCRIPTION
1	01/15/2010	ISSUED FOR PERMIT
2	02/10/2010	REVISED TO REFLECT PERMIT COMMENTS
3	03/05/2010	REVISED TO REFLECT PERMIT COMMENTS
4	04/01/2010	REVISED TO REFLECT PERMIT COMMENTS
5	05/01/2010	REVISED TO REFLECT PERMIT COMMENTS
6	06/01/2010	REVISED TO REFLECT PERMIT COMMENTS
7	07/01/2010	REVISED TO REFLECT PERMIT COMMENTS
8	08/01/2010	REVISED TO REFLECT PERMIT COMMENTS
9	09/01/2010	REVISED TO REFLECT PERMIT COMMENTS
10	10/01/2010	REVISED TO REFLECT PERMIT COMMENTS
11	11/01/2010	REVISED TO REFLECT PERMIT COMMENTS
12	12/01/2010	REVISED TO REFLECT PERMIT COMMENTS

Blevins, Matthew

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From: J CAUCCI [REDACTED]  
Sent: Wednesday, May 25, 2011 8:42 AM  
To: Blevins, Matthew; Clark, Brad  
Subject: Re: File No: ZAC-11-024, 26T-201102 and 25CDM-201104

Good morning Mr. Blevins,

I am writing you in response to a letter dated May 9, 2011 in regards to a Zoning By-law Law Amendment, Approval of a Draft Plan of Subdivision know as "Village Creek" and Approval of a Common Element Draft Plan of Condominium, on lands located at 120 King Street West, Stoney Creek.

My husband, my two children and myself presently occupy a single family dwelling on Orlanda Drive which will be directly South of the new proposed four (4) storey apartment building. Our purchase in this area was due to the age of the homes in this sub division in that it offered quietness and privacy. We made the decision to buy six (6) years ago as it was obvious to us that the owners in this area take pride in their properties and it was a good area to raise our children.

Now, we are shocked to learn that a developer is wanting to construct a four (4) storey apartment building on the vacant site to the North of our backyard (approximately 25 feet from our property line). We feel that the erection of this four (4) storey building will lead to a substantial decrease in the value of our property, as well as a great loss in privacy. The developer erected a fence to mask the excavation and cleanup prior to obtaining a demolition permit. What rules and regulations will the City of Hamilton put in place to control this developer during and after construction?

There are no guarantees that renters would have the same care for their living space and environment as do single family homeowners. It is a known fact that apartment dwellers only care for the interior space that they will occupy and will care little for others living beside them.

We are extremely disappointed that our privacy will be invaded as the apartment renters will be able to view our activities as well as our coming and going in our backyard.

Please take my letter and those of my neighbours into consideration when making a decision on this development site.

Thank you for your time,

Janelle Caucci  
15 Orlanda Road, Stoney Creek L8G 2J9  
[REDACTED]

Blevins, Matthew

From: edward paprocki [REDACTED]  
Sent: Tuesday, May 24, 2011 7:53 AM  
To: Blevins, Matthew  
Cc: Clark, Brad  
Subject: ZAC-11-024 25T-201102 25CDM-201104



Orlanda Rd-King St ATT389182.bt  
Development... (364 8)

May 22/11

Attention: J. Matthew Blevins  
City of Hamilton Planning and Economic Development Department  
Planning Division - Development Planning - East Section  
71 Main Street West, 5th Floor, Hamilton, ON, L8P 4Y5  
E-Mail: Matthew.Blevins@hamilton.ca

Regarding File No: ZAC-11-024 Blevins  
25T-201102  
25CDM-201104

Dear Mr. Blevins

I am writing in response to your letter dated May 9/11 to dispute the proposed development plans. I live at 13 Orlanda Road, which backs onto this property. I first became aware of this development last spring. They had just cleared the land of natural green space, removing numerous trees, when we had a major rain fall. The clearing of trees and what was naturally developed green space left the water free to flow from King Street into our property. The water flowed under the concrete dividing fence where root systems and earth had been removed during this clearing process. It flooded my back yard and filled my pool with mud. I then contacted the city to investigate who was responsible and found that there was only a proposed plan. However, because there was no permit issued it was difficult to get plans or even a contact person for me. I was told it was a numbered company, and given the name of Nick Uhac. I did call Mr. Uhac, who did not return my call. At that time I contacted my councillor Brad Clark. Mr. Clark did visit me in July/10, and was sympathetic to my concerns. However, there was not much he could do.

There was more heavy machinery doing work on that property in December/10. So much so that our house was shaking from the equipment. I called Mr. Clark's office to see if there was any more news on the development. A person from the City Engineering Dept. visited me on Dec. 23/10. He had "proposed plans". We were very surprised that so much work had been done without final approval being issued. I was more concerned when he mentioned that they were looking to change past agreements in this land's developments. He did say that he was not so quick to dismiss old plans, and would take a look into this for me. We are under the understanding, with our neighbours, that if that land was to be developed it would be with building windows facing east/west... NOT looking directly into our yards. I was shocked to see the proposed plans. It does have two buildings close to King Street with east/west facing windows. This is what I understood would be developed. However, there is an additional 4 story apartment building running the length of mine and many other back yards on Orlanda Road. This 4 story apartment building not only has its windows facing our homes, but is only approximately 20 feet away from our properties!!



We live in an established survey of primarily single story bungalows. This 4 story apartment building will eliminate our landscape views of the escarpment and feel of Olde Heritage Stoney Creek. As you can imagine this will destroy the value of this established community. It seems that in the area where originally there would have been a parking lot buffer between the buildings on King Street and our property line, they have now put the parking underground and propose to build the 4 story apartment building on top. This is obviously a way to cram as many units as possible onto this parcel of land, without regard for the community, and the affect it will have on long time current residences.

Brad Clark did meet with myself and the neighbors on January 19/11 to discuss this proposed development. He understood our concerns, and would see what he could do for us. I have been in contact with Mr. Clark and his assistant Rob Ribaric ever since. On March 10/11 Mr. Clark did send me the contact name of Nick Uhac, and mentioned that he had asked him to call me. I mentioned that this was the same name I was given in the summer concerning my flood issues. He did not contact me then, nor did he contact me since March 10/11. I am sure, he would not want to be in my shoes with his proposed 4 story building in my back yard.

This "proposed" HIGH DENSITY development will ELIMINATE OUR SIGHT LINES to the escarpment, cast a 4 story SHADOW OVER OUR BACK YARDS, and INVADE OUR PRIVACY! This proposed development will not only affect our quality of life in our own home, but, drastically decrease the property value of all residences backing onto this development for the financial gain of one numbered company. I found it odd that they would title this subdivision plan "Village Creek", as it would be destroying the "village" feel of this area of Stoney Creek.

Please advise us of any developments. I hope the concerns of the current residences of the established neighbourhood community that share property lines to this development, will not only be heard but taken into serious consideration.

Regards,

Ed Paprocki  
13 Orlanda Road  
Stoney Creek, Ontario

Below is a letter from other Orlanda Road residence:

In the week of May 10, 2011, residents of Orlanda Road, Stoney Creek, received the proposed Draft Plan and Zoning By-Law Application for Sub-Division "Village Creek", 120 King Street West, Stoney Creek, Ontario.

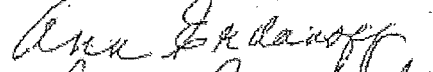

We would like to state our concerns to this proposed sub-division. Many residents who have lived on Orlanda Road for many years (some as long as 50+ years) will lose the beautiful panoramic view of the Niagara Escarpment, especially the changing colours of Autumn.

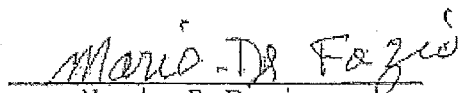
Our most immediate concerns:

- due to the grainy quality of the Draft Plan submitted to us, it appears that the distance between the existing concrete fence and the proposed (apartment) building is less than 25 feet away. Too close and certainly NOT acceptable. Will this drive-thru space be used for garbage pick-up?
- loss of privacy due to proposed apartment balconies which, according to plans submitted, are facing all our backyards. We are definitely NOT pleased at the aspect of apartment dwellers looking down onto our backyards (some with swimming pools) especially during family gatherings.

My views and concerns, and those of our neighbour Mr. Mario DeFazio (19 Orlanda Road) are similar to those concerns mentioned in Mr. Paprocki's letter to you of May 22nd, 2011.

We hope the Planning Division will take the seriousness and gravity of our concerns into consideration as soon as possible.

  
  
Dolly & Ann Erdanoff  
17 Orlanda Road  
Stoney Creek, Ontario

  
Mario DeFazio  
19 Orlanda Road,  
Stoney Creek, Ontario

22 May 2011

**Blevins, Matthew**

---

**From:** Clae Willis [redacted]  
**Sent:** Tuesday, May 10, 2011 2:02 PM  
**To:** Blevins, Matthew  
**Subject:** re: 120 & 124 KING street west development Stoney ..your letter of May 9,2011  
**Importance:** High

Firstly why such limited notice?

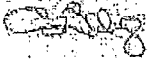
Secondly, I hereby strongly voice my objection to any "condo or apartment building" .... 4 storey 69 unit monster .....rezoning facilitation.

What are work live units? Does that mean store front nail polish or sun tan or massage parlors on the main floor and apartments on the second?

I would strongly object to anything owner occupied single family dwellings.

I look forward to your response on this matter.

Respectfully,



**CLAE WILLIS**

MSc MHA CLCP FCAPM CRTWC

[redacted]  
2846 King St. East  
Hamilton Ont. L8G 1J5

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