




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 31, 2022
SUBJECT/REPORT NO:	To Incorporate Certain City Lands as Public Highway Related to Registration of Stonegate Park Subdivision, Hamilton (PED22101) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	Mark Inrig (905) 546-2424 Ext. 4303
SUBMITTED BY:	Ashraf Hanna Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the General Manager of Planning and Economic Development, or designate, be authorized and directed to prepare a by-law under the provisions of Subsection 31(2) of the Municipal Act, as amended, to incorporate Parts 3 and 4 on Plan 62R-19793 and Part 1 on Plan 62R-21800 into public highway on Aquasanta Crescent and DiCenzo Drive, respectively, as illustrated in Appendix "A" to Report PED22101.
- (b) That the by-law to incorporate City lands to form part of Aquasanta Crescent and DiCenzo Drive, included as Appendix "B" to Report PED22101, be prepared to the satisfaction of the City Solicitor and enacted by Council.
- (c) That the City Solicitor, or designate, be authorized and directed to register the By-law.

EXECUTIVE SUMMARY

In subdivision development, streets designated as “through streets” often terminate with a dead-end due to phasing of subdivision draft plans or fragmented ownership of land parcels. In these situations, the City establishes temporary turning circles at the roadway dead-end to ensure vehicles can safely turn around. Temporary turning circles remain in place until adjacent lands develop and the through street is extended.

The implementation of DiCenzo Gardens – Phase 10 subdivision and Stonegate Park subdivision in the Ryckmans neighbourhood required the construction of temporary turning circles on lands outside of the subdivision plan. Implementation of DiCenzo Gardens Phase 10 in 2014 required installation of a turning circle on Aquasanta Crescent, while implementation of Stonegate Park in 2022 required the removal of this turning circle and the installation of a new one for the extension of DiCenzo Drive.

With the registration of the Stonegate Park subdivision, the lands used for the Aquasanta Crescent and DiCenzo Drive temporary turning circles will form part of the street’s ultimate road allowance, so a by-law is required to open these lands as public highway.

This report recommends that staff be authorized to prepare the necessary by-law, included as Appendix “B” to Report PED22101, under the provisions of Subsection 31(20) of the Municipal Act, as amended, to incorporate Parts 3 and 4 on Plan 62R-19793 (Aquasanta Crescent) and Part 1 on Plan 62R-21800 (DiCenzo Drive), included as Appendix “A” to Report PED22101, into public highway.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-law.

HISTORICAL BACKGROUND

DiCenzo Construction Limited is the developer of two abutting residential plans of subdivision in the Ryckmans neighbourhood on the south mountain. DiCenzo Gardens

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– Phase 10 subdivision was registered in 2014 (Plan 62M-1209) and Stonegate Park subdivision registered in 2022 (Plan 62M-1284). Roads within the plans include: Mia Drive, Genoa Drive, DiCenzo Drive, and Aquasanta Crescent, with the latter two roads traversing both plans.

The implementation of both subdivisions required the construction of temporary turning circles on lands outside of the subdivision plan. Implementation of DiCenzo Gardens Phase 10 in 2014 required installation of a turning circle on Aquasanta Crescent, while implementation of Stonegate Park in 2022 required the removal of this turning circle and the installation of a new one for the extension of DiCenzo Drive.

With the registration of the Stonegate Park subdivision, the lands used for the Aquasanta Crescent and DiCenzo Drive temporary turning circles will form part of the street's ultimate road allowance, so a by-law is required to open these lands as public highway which is the subject of this report.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

This report does not impact any existing City policies.

RELEVANT CONSULTATION

Geomatics and Corridor Management of the Public Works Department and Legal Services of the Corporate Services Department have been consulted.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In the normal course of subdivision development, streets designated as “through streets” by the City’s approved secondary plans are often terminated with a dead-end due to phasing of subdivision draft plans or fragmented ownership of land parcels. In these situations, the City’s standard requirement is to establish a temporary turning circle at the roadway dead-end to ensure vehicles can safely turn around at the street’s dead-end. The turning circles remain in place until adjacent lands develop and the through street is extended.

Aquasanta Crescent – Removal of Temporary Turning Circle

As part of the approved development phasing plan, DiCenzo Gardens Phase 10 was completed with Aquasanta Crescent terminating with a temporary turning circle on the lands of the future Stonegate Park subdivision. At the time of registration, the developer dedicated lands external to the plan required for the temporary turning circle to the City with the understanding that when the street was extended in the future as part of the Stonegate Park plan, whatever land was not required for the street would be transferred

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back to the developer, and the land needed for the street would remain in City ownership and formally opened as a public highway.

With the registration of the Stonegate Park subdivision in 2022, the lands used for the temporary turning circle will form part of the ultimate road allowance width for the permanent through street on Aquasanta Crescent, formally Parts 3 and 4 on Plan 62R-19793, as public highway as shown in Appendix “A” to Report PED22101.

DiCenzo Drive – Creation of Temporary Turning Circle

Registration of Stonegate Park subdivision in 2022 resulted in the western leg of DiCenzo Drive extending further south; however, because it will connect to a future street on currently undeveloped lands to the south, the developer is required to construct a temporary turning circle on those lands. The location of the turning circle is over land that is partly owned by the DiCenzo Construction Company Limited, but also partly owned by the City.

The developer’s land for the turning circle was included with registration of Plan 62M-1284 and has been dedicated to the City as public highway; however, the City land within the turning circle was not included in the registration and is instead described as Part 1 on Plan 62R-21800 as shown in Appendix “A” to Report PED22101.

The lands of Parts 3 and 4 on Plan 62R-19793 (Aquasanta Crescent) and Part 1 on Plan 62R-21800 (DiCenzo Drive) form part of the City’s road allowance as functioning City streets. Because these lands are not part of a plan of subdivision, staff recommend a by-law be prepared as required by law to open these lands as public highway for vehicular and pedestrian egress and to allow the City to be protected under the Municipal Act with regard to public liability and minimum road maintenances standards. A draft by-law is included as Appendix “B” to Report PED22101.

ALTERNATIVES FOR CONSIDERATION

An alternative to the recommendation in this report would have been to include Parts 3 and 4 on Plan 62R-19793 (Aquasanta Crescent) and Part 1 on Plan 62R-21800 (DiCenzo Drive) in the final plan of subdivision for “Stonegate Park”. Doing so would have required the City to sign the subdivision M-plan as a land owner to the subdivision. This alternative is not supported by staff.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Built Environment and Infrastructure

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED22101 - Key Location Map

Appendix “B” to Report PED22101 - By-law No. XX - That the following Citylands designated as Parts 3 and 4 on Plan 62R-19793 and Part 1 on Plan 62R-21800 be established as public highway and as part of Aquasanta Crescent and DiCenzo Drive, respectively