

**CITY OF HAMILTON**

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

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 11
<b>COMMITTEE DATE:</b> June 5, 2012	
<b>SUBJECT/REPORT NO:</b> Applications for Approval of a Revised Draft Plan of Subdivision, "Jackson Heights – Phase 3B", and Amendment to the Glanbrook Zoning By-law No. 464 for Lands Known as 250 Tanglewood Drive in the Former Township of Glanbrook (Binbrook) (PED12095) (Ward 11)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Alvin Chan  (905) 546-2424 Extension 1334
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to Amended Zoning By-law Application ZAC-11-067, by Rob-Geof Properties Limited, c/o Bruce Robinson, (Applicant/Owner), for changes in zoning from the Residential "R3-163" Zone and Residential "R4-164" Zone to the Residential "R2" Zone, to permit the development of 33 single family residential lots in accordance with the proposed revision to the Draft Plan of Subdivision, 25T-200006(R), known as Jackson Heights – Phase 3B (Glanbrook), as shown on Appendix "A" to Report PED12095, on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED12095, 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 Schedule "H" of Zoning By-law No. 464.

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- (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.
- (b) That approval be given to Revised Draft Plan of Subdivision Application 25T-200006(R), by Rob-Geof Properties Limited C/O: Bruce Robinson, (Applicant/Owner), to revise the draft approved plan of subdivision for “Jackson Heights – Phase 3B” to reduce the number of single detached dwelling lots from 57 to 33, with a block for a future park, a block for future development with adjacent lands, and a block for a one-foot reserve, as shown on Appendix “C” to Report PED12095, subject to the following conditions:
  - (i) That this approval apply to “Jackson Heights – Phase 3B Revision”, 25T-200006(R), as red-line revised, prepared by A.J. Clarke and Associates Limited, and certified by Barry J. Clarke, OLS, dated October 25, 2011, showing 33 single detached lots (Lots 1-33), one block for a future Park (Block 34), one block for future development with adjacent lands (Block 35), and one block for a 0.3m reserve (Block 36), attached as Appendix “C” to Report PED12095, subject to the revised Schedule 1 attached as Appendix “D” to Report PED12095;
  - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 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 lands on the day prior to the day of issuance of each building permit, to which 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.

With regard to Lots 1-33 (Single Family Detached Residential) a parkland dedication ratio of 5% shall be required.

The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit. Parkland Credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-dedication of parkland from the registration of the “*Jackson Heights*” Draft Plan of Subdivision (25T-200006);

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

**EXECUTIVE SUMMARY**

The applicant has applied to revise the “Jackson Heights – Phase 3B” Draft Plan of Subdivision, along with a concurrent Zoning By-law Amendment to establish the Residential “R2” Zone, in order to facilitate the proposed reduction in the number of single detached residential lots from 57 to 33 lots, along with a proposed parkette.

The proposal has merit and can be supported as the applications are consistent with the Provincial Policy Statement, and conform to the Places to Grow Plan, the Hamilton-Wentworth Official Plan and the Glanbrook Official Plan. Furthermore, the proposal is compatible with the existing and planned development within Binbrook Village.

***Alternatives for Consideration – See Page 16***

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

**Financial:** None.

**Staffing:** None.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Revised Draft Plan of Subdivision and Zoning By-law Amendment.

**HISTORICAL BACKGROUND (Chronology of events)**

**Jackson Heights Draft Plan of Subdivision (25T-200006)**

The original Draft Plan of Subdivision, 25T-20006 was approved on March 25, 2004, (See Appendix “E”) consisting of:

- 237 lots for single detached dwellings (Lots 1 to 237);
- Two (2) blocks for parkland (Blocks 238 and 239);
- Two (2) blocks for street townhouses (Blocks 240 and 241);
- Two (2) blocks for 0.3 metre reserves (Blocks 242 and 243); and,
- One (1) block to be developed in conjunction with adjacent land (Block 244).

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The original Draft Plan of Subdivision was registered in Phases as follows:

- Jackson Heights Phase 1, registered as 62M-1016;
- Jackson Heights Phase 2, registered as 62M-1054; and,
- Jackson Heights Phase 3A, registered as 62M-1105.

The proposed revised Draft Plan of Subdivision only illustrates lands which remain outstanding and are to be developed as “Jackson Heights – Phase 3B” (See Appendix ‘C’).

**Proposal:**

The applicant has submitted an application to revise the Draft Plan of Subdivision known as “Jackson Heights – Phase 3B” in order to reduce the number of single detached residential lots from 57 to 33 lots along with a proposed parkette.

In addition, a concurrent Zoning By-law Amendment application has been submitted for a change in zoning to the Residential “R2” Zone, in order to reflect the proposed larger lot sizes and frontages.

It is noted that the subject application included a request to increase the maximum lot coverage from 30% to 42%. However, upon further discussion with staff, this request was withdrawn by the applicant on December 5, 2011.

**Details of Submitted Application**

Owner/Applicant: Rob-Geof Properties Limited (Bruce Robinson, Owner)

Agent: A.J. Clarke and Associates Ltd. (Steven Fraser)

Location: 250 Tanglewood Drive (Jackson Heights – Phase 3B)

Description: Frontage: 19.7 metres

Lot Area: 4.42 hectares

Servicing: Existing municipal storm and sanitary services; water service is proposed to be extended through the proposed Draft Plan of Subdivision.

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**Existing Land Use and Zoning:**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands</b>	Vacant	Residential "R3-163" Zone; Residential "R4-164" Zone; and, Public Open Space "OS2" Zone
<b>Surrounding Lands</b>		
<b>North</b>	Storm Water Management Pond	General Agricultural "A1" Zone
<b>South</b>	Pipeline Easement	Private Open Space "OS1-166" Zone
<b>East</b>	Agricultural	General Agricultural "A1" Zone
<b>West</b>	Agricultural Lands and Woodlot	Restricted Agricultural "A2-176" Zone

**POLICY IMPLICATIONS**

**Provincial Policy Statement:**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognize that the applications are consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

However, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site.

Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. Staff note that an archaeological assessment was cleared by the Ministry of Culture on December 14, 2005, and, accordingly the Provincial interest has been satisfied.

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Based on the foregoing, as the proposed development is within the Settlement Area, where full municipal services will be provided, the applications are consistent with the policies of the Provincial Policy Statement.

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

The proposed Draft Plan of Subdivision and accompanying Zoning By-law Amendment are consistent with the Guiding Principles, Section 1.2.2 and the Managing Growth policies of the Plan, through a planned and managed growth that supports a strong and competitive economy, while protecting, conserving, enhancing, and wisely using the valuable natural resources of land, air, and water for current and future generations; optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form; and, establishing a built compact, vibrant, and complete community.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan).

**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. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

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

Based on the foregoing, as the proposed development is within the Urban Area, where full municipal services will be available, the applications conform to the policies of the Hamilton-Wentworth Official Plan.

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**Glanbrook Official Plan:**

The subject lands are designated “Binbrook Village” and “Residential” on Schedule A – Land Use Plan and “Low Density Residential” and “Passive Parkland” on Schedule B – Binbrook Village Secondary Plan.

The proposed revision to the Draft Plan of Subdivision and accompanying Zoning By-law Amendment application maintain the “Residential” land use originally approved under the overall Draft Plan of Subdivision, Jackson Heights, and conforms to the “Residential” policies of the Glanbrook Official Plan.

Policy Section B.2.1.23 requires that lands designated “Residential” within the Binbrook Village Urban Settlement Area be subject to the policies of Section B.2.2, Binbrook Village Secondary Plan, which is discussed within the section below.

Based on the foregoing, the subject applications maintain the approved “Residential” land use and “Public Open Space” area while providing for a diversity of additional housing forms and lot sizes within the Binbrook Village. The proposed amendments conform to policies of the Glanbrook Official Plan and Binbrook Village Secondary Plan.

**Binbrook Village Secondary Plan:**

The subject lands are designated “Low Density Residential” and are therefore subject to the general development principles of policy B.2.2.1 and the residential development objectives as prescribed by policy B.2.2.2.1. As the subject applications propose a development providing additional housing types and lot sizes, designed in a manner sensitive to the existing residential uses and provides for parklands and a complete community, the proposed amendments conform to the above noted policies.

Additionally, Policy B.2.2.6 provides direction as it relates to heritage resources. As noted above, the Provincial interest with regard to Archaeological resources has been satisfied.

Furthermore, Policy B.2.2.3.3 provides additional policies for Residential development. The applications conform to the general residential policies of this section. Policy Section B.2.2.3.2.1 provides specific policies for Low Density Residential which states:

- “(a) Low Density Residential shall consist primarily of single detached dwellings...”*
- “(b) The net residential density of low density residential development shall not exceed 30 units per net residential hectare.”*

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Based on the foregoing, as the proposed development is for single detached residential lots, providing for a complete community through additional housing types and lot sizes, designed in a manner sensitive to the existing residential uses and provides for parkland and other community services in close proximity, of a density of approximately 28 units per net residential hectare for the overall Jackson Heights Draft Plan of Subdivision, and 10 units per net residential hectare for the proposed revision to Phase 3B of the Jackson Heights Draft Plan of Subdivision, the subject applications conform to the Binbrook Village Secondary Plan and, therefore, are supportable.

**New Urban Hamilton Official Plan:**

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

The subject lands are designated as “Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations. The lands are also designated “Low Density Residential 2e” and “Parkette” on Map B.5.1-1 – Binbrook Village Secondary Plan.

Policy Section E.3.2.1 of Volume 1 prescribes that *“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.”*

As the proposed revision maintains the envisioned complete community and supporting services for this area, and are of a Residential nature in accordance with the uses permitted under Policy E.3.2.3, the subject applications conform to the intent and purpose of the “Neighbourhoods” general policies.

Additionally, Policy E.3.2.14 of Volume 1 requires that *“New housing with supports shall be permitted within the Neighbourhoods designation in accordance with the location and design criteria of the residential category to which the density and built form best complies.”*

In review of the proposed development for single detached dwellings, the subject Draft Plan of Subdivision would fall under “Low Density Residential” as per Policy Section E.3.3.1 of Volume 1, whereby *“Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.”*



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Furthermore, Policy Section E.3.4 of Volume 1 provides direction as it relates to “Low Density Residential”. As the subject revision to the Jackson Heights – Phase 3B Draft Plan of Subdivision shall establish single detached residential lots of a low profile, and a grade-oriented built form less than 3 storeys in height, with direct access to a public road, located within the interior of the neighbourhood, with a net residential density of 28 units per hectare, providing for an additional mix of lot widths and sizes compatible with the streetscape character and a mix of compatible dwelling unit types and sizes, the proposed amendments conform to the “Function, Scale and Design” policies for “Low Density Residential” and, accordingly, the “Neighbourhood” policies of the new Urban Hamilton Official Plan.

With regard to the Binbrook Village Secondary Plan, Policy Section B.5.0 of Volume 2 provides detailed direction for development within Binbrook Village. The subject lands are designated “Low Density Residential 2e” and, accordingly, the proposed amendments maintain the vision, policy goals and general policies as prescribed under Section 5.1 to Section 5.1.3.8 of Volume 2 with regard to Residential development.

Policy B.5.1.4.5(b) of Volume 2 permits single detached dwellings with a density that shall not exceed 30 units per net residential hectare. As the proposed amendments maintain the single detached residential development form with an overall density of 28 units per net residential hectare, the subject applications conform to the policies of the “Low Density Residential 2e” designation.

Based on the foregoing, as the proposed amendments will provide for single detached residential lots in accordance with the maximum permissible density per net residential hectare; while providing for additional range and mix of housing types and designs which implement the function, scale and design as prescribed by the new Urban Hamilton Official Plan and the Binbrook Village Secondary Plan, the subject applications conform to the policies of the New Urban Hamilton Official Plan.

## **RELEVANT CONSULTATION**

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

- Recreation Division, Community Services Department
- Operations and Waste Management Division, Public Works Department
- Hydro One Networks Inc.
- Enbridge Pipelines Inc.

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

The Traffic Engineering Section has requested that an on-street parking plan; engineering drawings illustrating the driveway locations; and, a landscape plan for the roundabout at Tanglewood Drive and Maggie Johnson Drive be included as conditions of approval.

Accordingly, the above comments have been addressed through the inclusion of Conditions 56-58 within the Schedule 1 attached as Appendix “D”.

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

There are no Municipal Tree Assets located on the road allowance of this proposed development and therefore will not be impacted by this proposed re-zoning and accordingly Tree Management will not be required. However, a Landscape Tree Planting Plan prepared and signed by a landscape architect, showing new Caliper trees to be planted on the new road allowances will be required.

Street trees shall be required as a detail in the Streetscape Plan as described under Condition “64” of the Schedule 1 attached as Appendix “D”. Accordingly, staff has no further comments and/or concerns.

**Capital Budgets Section (Corporate Services Department):**

The Capital Budgets Section has requested that the owner/applicant shall pay the Binbrook Storm Water Management Pond balance of \$26,858.00. Accordingly, staff have included Condition “43” within the Schedule 1, attached as Appendix “D”, and therefore have no further comments and/or concerns.

**Tax Administration/Banking Section (Corporate Services Department):**

The Tax Administration/Banking Section has identified an outstanding tax balance of \$1,691.19 as of November 2011. Staff has applied the general financial condition included as Condition “49” to the Schedule 1 attached as Appendix “D” to address this comment. Based on the foregoing, staff has no further comments and/or concerns.

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**Niagara Peninsula Conservation Authority:**

The Niagara Peninsula Conservation Authority have no comments and/or concerns with respect to the proposed Zoning By-law Amendment and Revision to the Jackson Heights Phase 3B Draft Plan of Subdivision, provided that the Storm Water Management Design previously approved in 2006 is maintained.

In consultation with Growth Management, staff has maintained the original Draft Plan of Subdivision conditions of approval, shown as Condition “65” to Condition “68”, inclusive, of Appendix “D”. Accordingly, the appropriate conditions have been included to ensure the concerns of the Niagara Peninsula Conservation Authority are properly addressed and, therefore, staff has no further comments and/or concerns.

**Canada Post:**

Canada Post have requested the following conditions of approval:

The owner shall complete to the satisfaction of the Director of Engineering of the City of Hamilton and Canada Post:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
  - ii) 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.
- b) the owner further agrees to:
  - i) work with Canada Post 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.
  - ii) install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes.

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- iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
  - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post 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.
- c) 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.

To address the above comments, the general Canada Post condition has been included as Condition “69” of the Schedule 1 attached as Appendix “D”. The above requirements have therefore been addressed and staff has no further comments and/or concerns.

**Union Gas:**

Union Gas have asked that as a condition of final approval that the following condition be included:

“That the owner/developer provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.”

Accordingly, staff has included the above as Condition “85” of the Schedule 1 attached as Appendix “D”. The above noted requirement has therefore been addressed and staff has no further comments and/or concerns.

<b>PUBLIC CONSULTATION</b>
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In accordance with the new provisions of the Planning Act and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 66 property owners within 120 metres of the subject property on June 30, 2011, for the Draft Plan of Subdivision, and on November 10, 2011, for the associated Zoning By-law Amendment.

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A Public Notice sign was also posted on the property on July 5, 2011, and subsequently revised upon submission of the associated Zoning By-law Amendment application on November 14, 2011. Finally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act on May 18, 2011. To date, no public responses have been received.

**ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the policies of the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
  - (ii) It conforms to the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.
  - (iii) It conforms to the intent and purpose of the new Urban Hamilton Official Plan.
  - (iv) The proposed revision to the “Jackson Heights – Phase 3B” Draft Plan of Subdivision and associated zoning application completes the development as approved under the original Draft Plan of Subdivision, 25T-20006 on March 25, 2004, (See Appendix “E”).
2. The policies of the Provincial Policy Statement focus growth in settlement areas, Policy 1.1.3.1. As the nature of the application is for the development of 33 single detached dwelling units within the “Settlement Area”, where full municipal services will be available, the proposal is consistent with the policies of the Provincial Policy Statement.
3. The proposal provides for additional housing types and lot sizes providing a compact, vibrant, and complete community optimizing the use of existing and new infrastructure, and conserving and enhancing the valuable natural resources for future generations. The proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

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4. The proposed residential development is located within the “Urban Area”, which is intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020, where full municipal services will be available. The proposal conforms to the policies of the Hamilton-Wentworth Official Plan.
5. As the proposed amendments will provide for single detached residential lots in accordance with the maximum permissible density per net residential hectare; while providing for additional range and mix of housing types and designs which implement the function, scale and design as prescribed by the new Urban Hamilton Official Plan, the Glanbrook Official Plan and the Binbrook Village Secondary Plan, the subject applications conform to the intent and purpose of the Glanbrook Official Plan and the new Urban Hamilton Official Plan.
6. The applicant has requested an amendment to the Glanbrook Zoning By-law to reflect the proposed revision to the Jackson Heights – Phase 3B Draft Plan of Subdivision. In review of the revised lot widths and areas with the smallest proposed lot width of 18.50m and the smallest proposed lot area being 636m<sup>2</sup>, the requested Residential “R2” Zone is deemed to be the most appropriate Zone as it allows for lots of a minimum width of 18 metres and a minimum lot area of 550m<sup>2</sup>. No special modifications to the Residential “R2” Zone have been requested; the proposed change in zoning is therefore supportable.
7. The Hamilton Municipal Parking System Section and the Traffic Engineering Section have requested an on-street parking plan. It is noted that a preliminary parking plan dated February 2012, has been reviewed and is acceptable to staff subject to some minor revisions for the removal of spaces in front of the proposed Canada Post Mail Facility. A condition of approval has been included as Condition 56 within the Schedule 1 attached as Appendix “D” to address this requirement.  
  
In addition, the Traffic Engineering Section have also requested that the driveway locations be shown on the required Engineering drawings and a landscape plan for the roundabout at Tanglewood Drive and Maggie Johnson Drive be required. Accordingly, staff has included Conditions 57 and 58 to the Schedule 1 attached as Appendix “D”.
8. Growth Management has reviewed the subject proposal and advise the applicant of the following:
  - The municipal storm and sanitary sewers and watermain on Tanglewood Drive must be extended northerly by the owner to service the subject lands.

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- Daylight triangles of 4.5m x 4.5m at the intersection of the extension of Tanglewood Drive and Addy Crescent shall be provided. (See Condition 31 of Appendix “D”)
- The Owner shall submit the necessary transfer deeds to the City’s Legal services to convey Block 34 and Block 35 abutting the north and west limits respectively of the draft plan of subdivision, to the City of Hamilton. (See Conditions 34 and 35 of Appendix “D”)
- The portion of Block 34 required to accommodate storm water overland flow route, storm sewer and maintenance access to the storm pond shall not be considered for parkland dedication purposes.
- There is an existing 300mm watermain on Tanglewood Drive. The static pressures at the street line are on average in the range of 72-76 psi.

The owner is required to submit a water servicing study focusing on the following issues: (See Condition 38 of Appendix “D”)

- a) Tabularize the expected occupancy;
  - b) Generate water demand and fire flow calculation for this development;
  - c) Demonstrate how the proposed fits with GRIDS numbers;
  - d) Confirm the water servicing layout based on field information and hydraulic models.
- The owner is advised that water servicing approvals are now processed and approved under the MOE’s New Municipal Drinking Water Licensing Program.

Under provincial license the new system provides the municipality with a Municipal Drinking Water Permit from which the municipality issues Drinking Water Works Permits Amendments for the works to be constructed by the developer. Please consult the Ministry of Environment website.

- The storm drainage system for this development is intended to outlet to the existing quantity and quality control stormwater management facility located north of the subject lands.
- The owner is advised that the process for storm and sanitary sewer MOE Certificate of Approvals is now called the Environmental Compliance Approval as of October 31, 2011. Please consult the Ministry of Environment website.

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- Any damage that may occur during construction to the existing curb and boulevard on Tanglewood Drive shall be restored at Owner’s expense.
- The owner will be required to construct a 1.5m wide concrete sidewalk on the west and east side of Tanglewood Drive and on the interior side of Addy Crescent. (See Condition 32 of Appendix “D”)

In addition to the information provided above, conditions of approval were identified and have accordingly been included as Conditions “2” to “43”, inclusive, of Appendix “D”. Staff, therefore, is of the opinion that the required engineering concerns have been addressed through the conditions of approval for the proposed Draft Plan of Subdivision and have no further comments and/or concerns.

**ALTERNATIVES FOR CONSIDERATION**

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

In the event Council does not support the applications, the subject lands will remain and may be used and/or redeveloped for a parkette and single detached dwellings and uses/buildings accessory thereto, as approved under the Draft Plan of Subdivision – Jackson Heights Phase 3B and as prescribed by the Residential “R3-163” Zone; Residential “R4-164” Zone; and, the Public Open Space “OS2” Zone.

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

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

***Financial Sustainability***

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

***Environmental Stewardship***

- ◆ Natural resources are protected and enhanced

***Healthy Community***

- ◆ Plan and manage the built environment



**SUBJECT: Applications for Approval of a Revised Draft Plan of Subdivision, “Jackson Heights – Phase 3B”, and Amendment to the Glanbrook Zoning By-law No. 464 for Lands Known as 250 Tanglewood Drive in the Former Township of Glanbrook (Binbrook) (PED12095) (Ward 11)  
- Page 17 of 17**

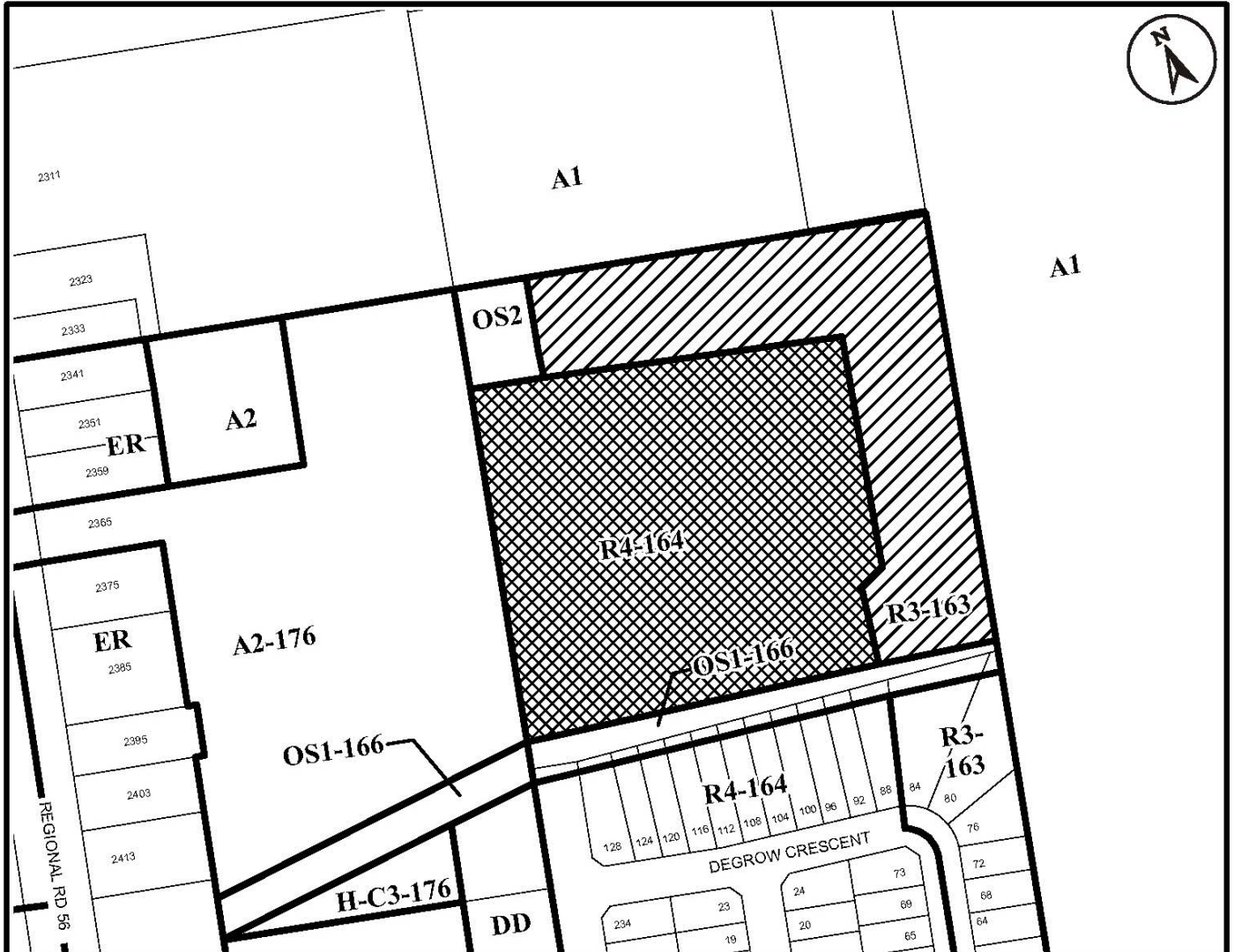
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## **APPENDICES / SCHEDULES**

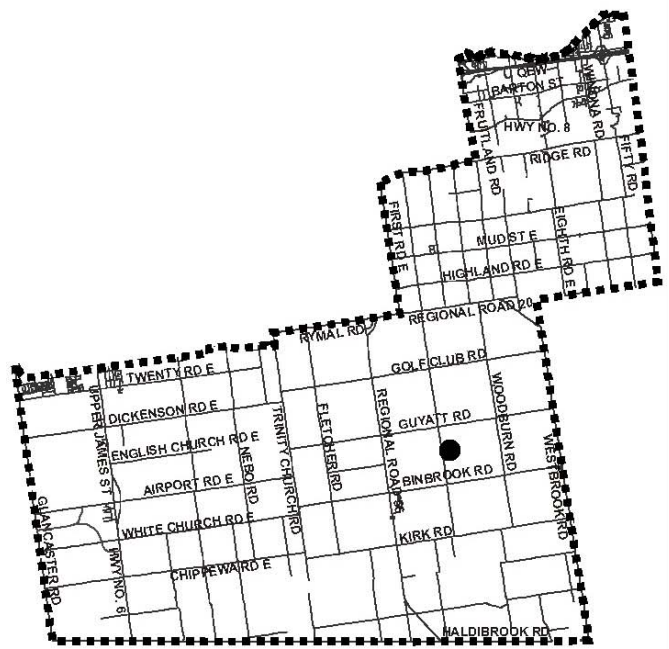
- Appendix “A”: Location Map
- Appendix “B”: Zoning By-law Amendment to Stoney Creek By-law No. 464
- Appendix “C”: Revised Jackson Heights Phase 3B Draft Plan of Subdivision
- Appendix “D”: Schedule 1 for Jackson Heights Phase 3B Draft Plan of Subdivision
- Appendix “E”: Original Draft Approved Plan of Subdivision

:AC /ra

Attachs. (5)



● Site of the Application



Ward 11 Key Map

N.T.S.



## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-11-067

Date:  
April 19, 2012

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
AC/AL

### Subject Property

250 Tanglewood Drive



Block 1 - Change in zoning from Residential "R3-163" Zone to the Residential "R2" Zone



Block 2 - Change in zoning from Residential "R4-164" Zone to the Residential "R2" Zone

Authority: Item [REDACTED]  
Economic Development and  
Planning Committee  
Report 12- [REDACTED] (PED12095)  
CM: [REDACTED]

Bill No. [REDACTED]

## CITY OF HAMILTON

BY-LAW NO. \_\_\_\_\_

**To Amend Zoning By-law No. 464 (Glanbrook)  
Respecting Lands Located at 250 Tanglewood Drive,  
Jackson Heights – Phase 3B**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 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 Township of Glanbrook" 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. 464 (Glanbrook) was enacted on the 16<sup>th</sup> day of March, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1993;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12- [REDACTED] of the Economic Development and Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

**AND WHEREAS** this by-law is in conformity with the Township of Glanbrook Official Plan, approved by the Minister under the Planning Act on June 16, 1987.

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

1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from the Residential "R3-163" Zone to the Residential "R2" Zone, on the lands the extent and boundaries of which are shown as Block 1, on a plan hereto annexed as Schedule "A".
2. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing the zoning from the Residential "R4-164" Zone to the Residential "R2" Zone, on the lands the extent and boundaries of which are shown as Block 2, on a plan hereto annexed as Schedule "A".
3. 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.

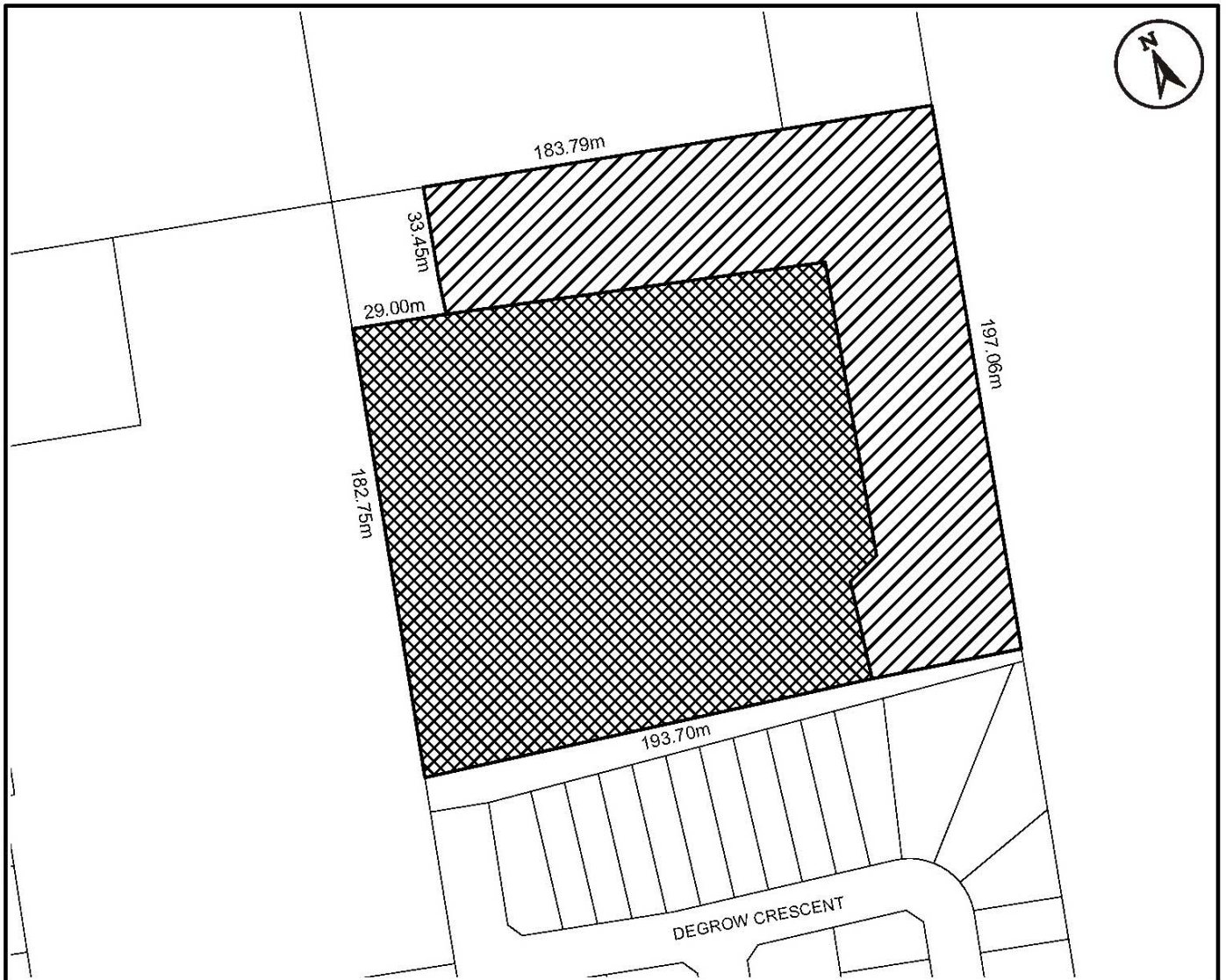
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R. Bratina  
Mayor

---

Rose Caterini  
Clerk

ZAC-11-067



This is Schedule "A" to By-Law No. 12-

Passed the ..... day of ....., 2012

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Mayor

-----  
Clerk

## Schedule "A"

Map Forming Part of  
By-Law No. 12-\_\_\_\_\_

to Amend By-law No. 464

### Subject Property

250 Tanglewood Drive



**Block 1** - Change in zoning from Residential "R3-163" Zone to the Residential "R2" Zone



**Block 2** - Change in zoning from Residential "R4-164" Zone to the Residential "R2" Zone

Scale:  
N.T.S.

File Name/Number:  
ZAC-11-067

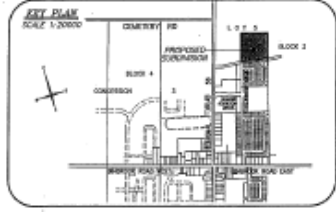
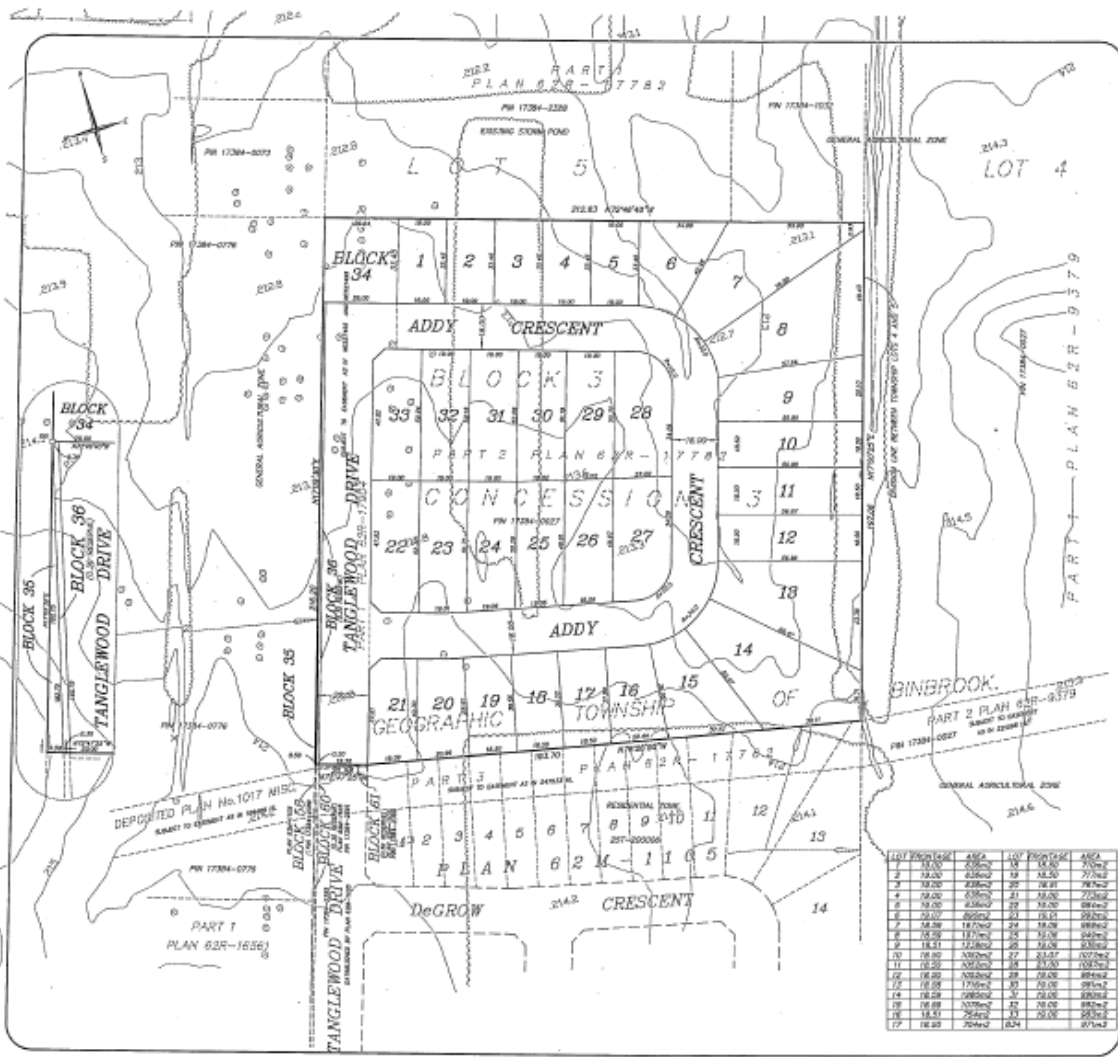
Date:  
May 30, 2012

Planner/Technician:  
AC/AL



**Hamilton**

Appendix "C" to Report PED12095  
(Page 1 of 1)



REVISED DRAFT PLAN OF  
A PORTION OF  
**JACKSON HEIGHTS**  
201-200008  
PART OF LOT 5-BLOCK 3-CONCESSION 3  
GEOGRAPHIC TOWNSHIP OF BINBROOK  
CITY OF HAMILTON  
SCALE 1:1000  
B. J. CLARKE O.L.S.

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO APPROVAL AND AMENDMENT.  
**MATERIAL:** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.  
**THE COMPLETE PLAN ALSO SHOWS OTHER LOT DATA:**  

A. SPACING ON PLAN	K. MANHOLE, DINED UNITS AVAILABLE
B. SPACING ON PLAN	L. CLAY LOAM
C. SPACING ON PLAN	M. OTHER ON PLAN
D. SEE LAND USE SCHEDULE	N. MANHOLE SERVICES TO BE INSTALLED BY ADDRESSES
E. SPACING ON PLAN	O. SPACING ON PLAN
F. SPACING ON PLAN	
G. SPACING ON PLAN	

**SUBMITTER'S CERTIFICATION:**  
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.

OCTOBER 28, 2011  
DATE  
B. J. CLARKE  
DISTANT LAND SURVEYOR

**LAND USE SCHEDULE:**  
AREA OF SUBDIVISION = 4.42 Ha  
LOTS 1 TO 33 SHOULD BE ZONED RESIDENTIAL  
BLOCK 1A-PARK  
BLOCK 3B-TO BE DEVELOPED IN CONFORMANCE WITH ADJACENT LANDS  
BLOCK 3C- U.S. RES. RESIDENTIAL

**SUBMITTER'S DRAFT APPROVAL:**  
APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, F.S. 16.10 AS AMENDED BY THE GENERAL MANAGER OF PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT OF THE CITY OF HAMILTON UNDER THE AUTHORITY OF 87-108 21-323

DATE: \_\_\_\_\_ BY: \_\_\_\_\_  
GENERAL MANAGER, PLANNING AND ECONOMIC DEVELOPMENT  
CITY OF HAMILTON

LOT	FRONTAGE	AREA	LOT FRONTAGE	AREA	
1	18.00	2384.2	18	18.00	2384.2
2	18.00	2384.2	19	18.00	2384.2
3	18.00	2384.2	20	18.00	2384.2
4	18.00	2384.2	21	18.00	2384.2
5	18.00	2384.2	22	18.00	2384.2
6	18.00	2384.2	23	18.00	2384.2
7	18.00	2384.2	24	18.00	2384.2
8	18.00	2384.2	25	18.00	2384.2
9	18.00	2384.2	26	18.00	2384.2
10	18.00	2384.2	27	18.00	2384.2
11	18.00	2384.2	28	18.00	2384.2
12	18.00	2384.2	29	18.00	2384.2
13	18.00	2384.2	30	18.00	2384.2
14	18.00	2384.2	31	18.00	2384.2
15	18.00	2384.2	32	18.00	2384.2
16	18.00	2384.2	33	18.00	2384.2
17	18.00	2384.2	34	18.00	2384.2

**A. J. Clarke and Associates Ltd.**  
SURVEYORS - PLANNERS - ENGINEERS  
25 MAIN STREET WEST SUITE 200  
HAMILTON, ONTARIO L8P 1Y1, CANADA  
TEL: 905-528-4121 FAX: 905-528-2288  
www.ajclarke.com

\\lab\c:\p1\aj\lab\h\h\p1\ped12095\DRIFT-REVISED.dwg

- 1) That this approval apply to “Jackson Heights Phase 3B”, dated October 25, 2011, prepared by A.J. Clarke & Associates Ltd., showing a maximum 33 lots for single detached dwellings (Lots 1 to 33), one (1) block for parkland (Block 34), one (1) block to be developed in conjunction with adjacent land (Block 35), and one (1) block for a 0.3 metre reserve (Blocks 36). Addy Crescent and Tanglewood Drive will be dedicated to the City as public roadways.

### **Growth Management**

- 2) That all road allowances, daylight triangles, public walkways and road widenings be dedicated by certificate as public highways on the final plan.
- 3) That the owner agrees to deed, free and clear to the appropriate authority, all easements or blocks required for utility purposes.
- 4) That, if required by the City of Hamilton, the owner/subdivider shall transfer to the City of Hamilton any easement over the subdivider’s draft approved lands need for water or sewer services, or both, which easements will permit development to occur on adjacent property in accordance with the criteria approved by Council. Such easements are to be conveyed upon registration of the final plan of subdivision for any phase of that draft approved land.
- 5) That the owner agrees to provide a Geodetic Benchmark in a location to the satisfaction of the City of Hamilton.
- 6) That the owner agrees that any dead-ends and open sides of road allowance created by this draft plan of subdivision shall be terminated in 0.3m reserves and conveyed to the City of Hamilton.
- 7) That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the “Erosion and Sediment Control Guideline for Urban Construction dated December 2006” to the satisfaction of the Senior Director of Growth Management.
- 8) That the owner shall submit a detailed Storm Water Management report. Sufficient back-up information will be required to verify that the proposed location of the SWM facility will accommodate the proposed facility designed in accordance with current/ applicable Storm Water Management Guidelines to the satisfaction of the Manager of Development Engineering and all other appropriate agencies.
- 9) That the Storm Water Management report shall include “Best Management Practices” to be implemented in the development.

- 10) That the Storm Water Management report shall determine what impacts runoff from the site will have on the downstream water course and provide recommendations for any necessary mitigative measures.
- 11) That the owner shall submit detailed engineering design drawings to current standards and to the satisfaction of the Manager of Development Engineering.
- 12) That the owner agrees that all lots and blocks shall be developed with full municipal services.
- 13) That the owner agrees to submit an updated servicing report to the satisfaction of the Manager of Development Engineering.
- 14) That the owner agrees that all roads shall be designed to current geometric design standards of the City of Hamilton.
- 15) That all temporary turnarounds be signed in accordance with the City’s policy indicating that the street shall be extended in conjunction with future development.
- 16) That the owner provides a temporary vehicular turnaround, if necessary, to the satisfaction of the Senior Director of Growth Management.
- 17) That the owner establishes a 0.30 metre reserve adjacent to the lots required to accommodate the temporary vehicular turnaround.
- 18) That the owner agrees to have prepared by a qualified consulting engineer and submitted to the City of Hamilton, a detailed engineering design submission to be approved by the Manager of Development Engineering prior to the preparation of the Subdivision Agreement.
- 19) That the owner agrees to construct all works which may be considered temporary to facilitate the development of the subject property, as required by the Manager of Development Engineering. These may include, but not be limited to, emergency accesses, temporary turnarounds, or outfalls.
- 20) That the owner shall submit a detailed grading plan showing how the grading within the development will be integrated with the existing adjacent residential properties. The grading of the buildings will attempt to blend in with the existing topography and natural setting, where possible.
- 21) That the owner agrees that grading shall be carried out in accordance with the current standard drawings and specifications. Any modification to these drawings/specifications will require approval by the Manager of Development Engineering.



- 22) That the owner agrees that all dead or diseased trees shall be removed from the road allowances and that the removal and replacement of street trees, as required by the reconstruction of the roads, will be at the sole expense of the owner.
- 23) That the owner agrees to provide street lighting throughout the subdivision to the limits of the subdivision, to the satisfaction of the Manager of Development Engineering.
- 24) That the owner agrees to install a 1.8m high chainlink fence around the perimeter of the storm water management pond adjacent to all residential lots.
- 25) That the owner agrees not to dispose or stockpile any waste or surplus fill material except in a manner and in a location approved by the City of Hamilton.
- 26) That the owner agrees that no blasting will take place without a blasting permit from the City of Hamilton.
- 27) That the owner agrees in writing that no clearing or grubbing of the subject lands shall commence until such time as a tree preservation plan has been approved to the satisfaction of the Manager of Forestry, Public Works Department, and all grading plans and siltation and erosion control plans, as part of the engineering submission, have been approved to the satisfaction of the Manager of Development Engineering.
- 28) That the final plan of subdivision for any phase of the draft approved plan not be registered until adequate storm and sanitary sewer outlets have been provided to the limit of each phase proposed for registration, to the satisfaction of the Manager of Development Engineering.
- 29) That the owner, through a soil consultant or other qualified consultant, shall: check the existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within the wells prior to the commencement of construction; monitor these wells during construction; and check the wells for a period of one year after the completion of construction. If any problems arise, they must be appropriately addressed by the owner to the satisfaction of the Manager, Development Engineering.
- 30) That the owner prepares a geotechnical report and implements the report's recommendations, to the satisfaction of the Manager of Development Engineering.

- 31) That the owner dedicates lands to the City of Hamilton for the purpose of 4.5m by 4.5m daylight triangles at all intersections, to the satisfaction of the Manager of Development Engineering.
- 32) That the owner agrees in writing to construct sidewalks along both sides of Tanglewood Drive from the north leg of Addy Crescent to the south limit of the existing sidewalk; and around the interior of Addy Crescent (Lots 22-33) Further, that the owner shall include a notice in all Purchase and Sale Agreements advising future home owners of these sidewalk requirements.
- 33) That the owner agrees to pay one half of the cost of a 1.5m high black vinyl chain link fence along the east and west sides of Block 34.
- 34) That prior to registration of the final plan of subdivision, the owner shall submit the necessary transfer deed to convey adequate lands from Block 34 abutting the north limit of the draft plan of subdivision to the City of Hamilton, for the purpose of a stormwater overland flow route, storm sewer and maintenance access to the storm pond, to the satisfaction of the Senior Director of Growth Management.
- 35) That prior to registration of the final plan of Subdivision, the owner shall submit the necessary transfer deeds to convey Block 35 abutting the west limit of the draft plan of subdivision to the City of Hamilton, for the purpose of future development, to the satisfaction of the Senior Director of Growth Management.
- 36) That prior to servicing, the owner indicates all driveway locations on the engineering drawings for all lots and that no driveway shall be located within the limits of any daylight triangle and further that the driveways for Lots 21, 22 and 33 be located on the east side of the lot and further that the driveways for Lots 27 and 28 be located on the west side of the lot.
- 37) That prior to servicing, the owner provides, to the satisfaction of the Senior Director of Growth Management, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works; as well as, the contractor or agent contact information, in order for the City to direct works to be completed as necessary.
- 38) That prior to servicing, the owner shall complete a water distribution analysis to determine whether or not the existing water system can adequately service the proposed development addressing the following issues:
  - a. Tabularize the expected occupancy;
  - b. Generate water demand and fire flow calculations for this development;

- c. Demonstrate how the proposals fits complies with GRIDS values; and,
  - d. Confirm the water servicing layout based on field information and hydraulic models.
- 39) That prior to servicing the owner agrees to:
- a. Update the Stormwater Management Report under Jackson Heights Phase 3A and implement deficient works within the existing storm water management facility in order to meet the Ministry of the Environment (MOE) and the City of Hamilton’s current standards, to the satisfaction of the Senior Director of Growth Management;
  - b. Operate and maintain the Storm Water Management Facility at the owner’s sole expense, in a manner acceptable to the City of Hamilton throughout the construction of all stages of the Draft Plan registration, or until such time as established by the Senior Director of Growth Management and to monitor such operations and effects thereof;
  - c. Keep and provide detailed logs concerning performance and required maintenance activities for the pond, including costs for cleaning and removal of sediment, etc., to be integrated into an updated operation and maintenance manual, to the satisfaction of the City of Hamilton;
  - d. Remove sediment from the Stormwater Management Facility attributed to development and to undertake a bathymetric survey to verify volumetric capacity of the Stormwater Management Facility prior to the release of the Owner’s operation and maintenance responsibilities for the Stormwater Management Facility; and,
  - e. Submit an updated operation and maintenance manual as per the existing Certificate of Approval and the Operation and Maintenance Report for Stormwater Management Facility (May 2009) and, inspect/monitor and maintain the Stormwater Management Facility in accordance with the operation and maintenance manual throughout the maintenance period up to assumption of the Stormwater Management Facility by the City of Hamilton.
- 40) That prior to servicing, the owner agrees to provide a cash payment to the City for performance based flushing, conducted by the City staff to address water quality due to insufficient turnaround of water within the proposed crescent during construction. Further, that the owner shall pay to the municipality all invoices based on actual costs incurred by the municipality, including the applicable administration fee.

- 41) That prior to servicing the owner agrees to abandoned storm and sanitary laterals on Tanglewood Drive.
- 42) That the owner/applicant shall include the following warning clause in all Development Agreements and Offers of Purchase and Sale and/or Lease Agreements for the subject lands:  
  
“Owner/tenants are advised that no future land severances shall be permitted within the limits of the Plan of Subdivision known as Jackson Heights Phase 3B, until such time as a secondary access has been constructed to full municipal standards to the satisfaction of the Senior Director of Growth Management.”
- 43) That the owner/applicant pay to the City any outstanding commutation charges assessed against the lands in the draft plan, currently calculated to be \$26,858.00, which amount represents the Owner’s share of the Binbrook Village Stormwater Management Pond in accordance with a sewer rate established by the City for the Binbrook Village Urban Drainage Area under By-law No. 607-00 to the satisfaction of the Senior Manager of Growth Management.

**Development Planning**

- 44) That the owner agrees to select a street name from the City of Hamilton Reserved Street Name Index and/or submit street names to the satisfaction of the City of Hamilton.
- 45) That the owner agrees to erect a sign in accordance with the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton.
- 46) That the final plan conforms to the Zoning By-law approved under the Planning Act.
- 47) That the owner agrees to provide the City of Hamilton with a certified list showing the net lot area and width of each lot and block and the gross area of the subdivision in the final plan.
- 48) That any phasing of the development of the subject lands be to the satisfaction of the Director of Growth Planning, Planning and Economic Development Department.
- 49) That the owner agrees, in writing, to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands.
- 50) The owner agrees to enter into a Subdivision Agreement or Agreements with the City of Hamilton.

- 51) That the owner dedicates a portion of Block 34, to be determined through the required engineering drawings, to the City as public parkland for parkland dedication purposes, to the satisfaction of the Director of Planning, Planning and Economic Development Department.
- 52) That the final plan not be registered until the Owner demolishes all buildings and structures to the satisfaction of the Director of Building.

**Social and Public Health Services Division**

- 53) Any existing or proposed development(s) constructed on the above described draft plan are properly connected to the municipal sewers and water supply.
- 54) Any existing abandoned water wells are plugged in accordance with Environment Ontario's Facts Sheet entitled: "Water Wells and Groundwater Supplies Recommended Methods for Plugging Abandoned Water Wells"
- 55) Any existing septic tank is pumped by a licensed contractor and refilled with suitable material to prevent it from collapsing.

**Public Works- Operations and Maintenance**

- 56) That, prior to servicing, the owner shall prepare an on-street parking plan based on the premise of achieving on-street parking for 40% of the total number of single family residential lots, to the satisfaction of the Senior Director, Growth Management Division.
- 57) That prior to final approval, the owner submits detailed engineering drawings that illustrate where driveways will be situated at bulb and elbow locations to ensure that the driveways do not overlap, to the satisfaction of the General Manager of Public Works.
- 58) That prior to final approval, the owner agrees to implement landscaping in the roundabout at Tanglewood Drive and Maggie Johnson Drive, per an approved Landscape Plan, to the satisfaction of the General Manager of Public Works.

**Public Works - Capital and Implementation**

- 59) That prior to final approval, the owner submits a Tree Preservation Study and Plan prepared by a certified arborist or landscape architect at the owner's expense and to the satisfaction of the Manager of Forestry and the Manager of Open Space Development.

- 60) That prior to final approval, the owner sets out on the general grading control plan for the subdivision, an inventory of all individual trees of a diameter of 75 millimetres or greater measured at 1200 millimetres diameter breast height from grade level of the existing grade elevation at the base of each tree. The inventory shall include species, health, vigor and form. The owner agrees in writing to preserve and protect all such trees within the subdivision plan in accordance with good arborist practices except for those trees that the owner has permission from the City to remove, and no such trees shall be removed without such permission.
- 61) The owner agrees in writing to keep all trees trimmed in accordance with good forestry practices until registration of the plan of subdivision. Similarly, all trees identified for removal in the Tree Preservation Study and Plan shall be removed by the owner at the owner’s expense. All trees required to be preserved shall be protected during construction on the lands on the Subdivision Plan, to the satisfaction of the Manager of Forestry, including the area required for the stockpiling of excess earth within the subdivision.
- 62) The owner agrees in writing to erect a field fence along the undeveloped perimeter of the subdivision plan, so as to preclude illegal dumping of waste, debris and other unsightly material. The owner agrees to remove the field fence at the owner’s expense upon development of the lots in the subdivision plan.
- 63) The owner agrees in writing to grade, seed and maintain undeveloped blocks within the subdivision plan that have been disturbed from their natural state or are difficult to maintain in a controlled state, until construction commences thereon.
- 64) That prior to final approval the owner provides a Streetscape Plan detailing any decorative street lighting, street tree planting, special entry features, to the satisfaction of the Manager of Forestry and Horticulture. The Streetscape Plan shall be prepared by a full member of the Ontario Association of Landscape Architects. The owner agrees in writing to implement the Streetscape Plan at the owner’s expense.

**Niagara Peninsula Conservation Authority**

- 65) That detailed lot grading and drainage plan, noting both existing and proposed grades, and the means whereby major system flows will be accommodated across the site, be submitted to the Conservation Authority for review and approval.

- 66) That detailed sedimentation and erosion control, detailing controls to be implemented both during and after construction, be submitted to the Conservation Authority for review and approval.
- 67) That the detailed design of the stormwater quality and quantity management facilities be submitted to the Conservation Authority for our review and approval. This design should include clarification on how the drainage divide between the Twenty Mile Creek watershed and the Welland River watershed will be accommodated.
- 68) That the owner agrees in the executed subdivision agreement to:
  - a) implement conditions 65), 66) and 67) as listed above;
  - b) ensure that the Conservation Authority approved stormwater quality and quantity management facilities are constructed in conjunction with the installation of municipal servicing for the project and are in place prior to the construction of dwellings within the subdivision;
  - c) ensure that the existing woodlot on-site will be protected during and after the construction phase in accordance with an approved Tree Preservation Plan, which is required as a separate condition of Draft Approval for the Jackson Heights Subdivision; and
  - d) revegetate all disturbed areas immediately upon completion of grading and servicing works.

**Canada Post**

- 69) That the owner agrees to provide Canada Post facilities as required by Canada Post Corporation and to locate these facilities to the satisfaction of the City of Hamilton and Canada Post. The facilities are to be installed as part of the installation of Public Works.

**Hamilton-Wentworth District School Board**

- 70) That the owners, at their expense, place adequate signage on site based on Hamilton-Wentworth District School Board specifications advising that students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board’s Transportation Policy.

- 71) That the Subdivision/Condominium Agreement includes a Notice to purchasers advising that students are likely to be redirected to schools outside of the area with available capacity as governed by the Board’s Transportation Policy.
- 72) That any rental or lease agreement required for occupancy include in all agreements to renters or leasers, a clause advising that students from this development are likely to be redirected to schools outside of the area with available capacity.

**Bell Canada**

- 73) That the owner be required to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed, the owner shall advise the municipality of the agreement made for such servicing.
- 74) That Bell Canada shall confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell Canada facilities serving this draft plan of subdivision which are required by the City of Hamilton to be installed underground; a copy of such confirmation shall be forwarded to the City of Hamilton.
- 75) That the owner shall agree in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. If there are any conflicts with existing Bell Canada facilities or easements, the owner/developer shall be responsible for rearrangements of relocation;

**Enbridge Pipelines Inc.**

- 76) That Enbridge prefers its right-of -way to be maintained as open space, green space or park space.
- 77) That Enbridge must have the ability to access the right-of-way at all times for maintenance, inspection and alteration of the pipelines.
- 78) That no permanent structures are permitted within the easement area.
- 79) That any proposed crossings of the right-of-way by roads, laneways, bikes/walking paths, services and utilities are permitted in accordance with the regulations of the National Energy Board (NEB) Act and subject to approval by Enbridge's Crossing



Co-ordinator, Mr. Warren Loper at (403) 420-5381. The applicant will be required to enter Enbridge's Standard Crossing Agreement.

- 80) That Enbridge is regulated by the National Energy Board (NEB) Act. Section 112 of the Act requires any excavation within 30 metres of Enbridge's easement to be approved by Enbridge. For locares of our facilities or approvals to excavate within 30 metres, the applicant must contact Mr. Brian Jeffery or Bob Payne at (905) 659-7236, three business days prior to the proposed work.
- 81) That no grading or placing fill on Enbridge's right-of-way will be permitted without prior approval of Enbridge.
- 82) That no work shall take place on Enbridge's right-of-way without the presence of an Enbridge inspector.
- 83) That no heavy machinery will be permitted to cross Enbridge's right-of-way without prior approval.
- 84) That no landscaping shall take place on Enbridge's right-of-way without Enbridge's approval.

### **Union Gas**

- 85) That the owner/developer provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited.

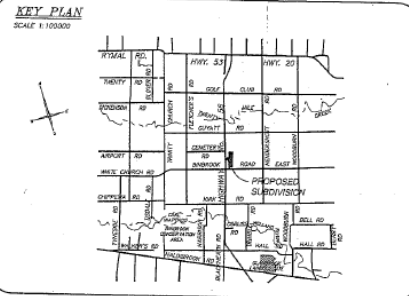
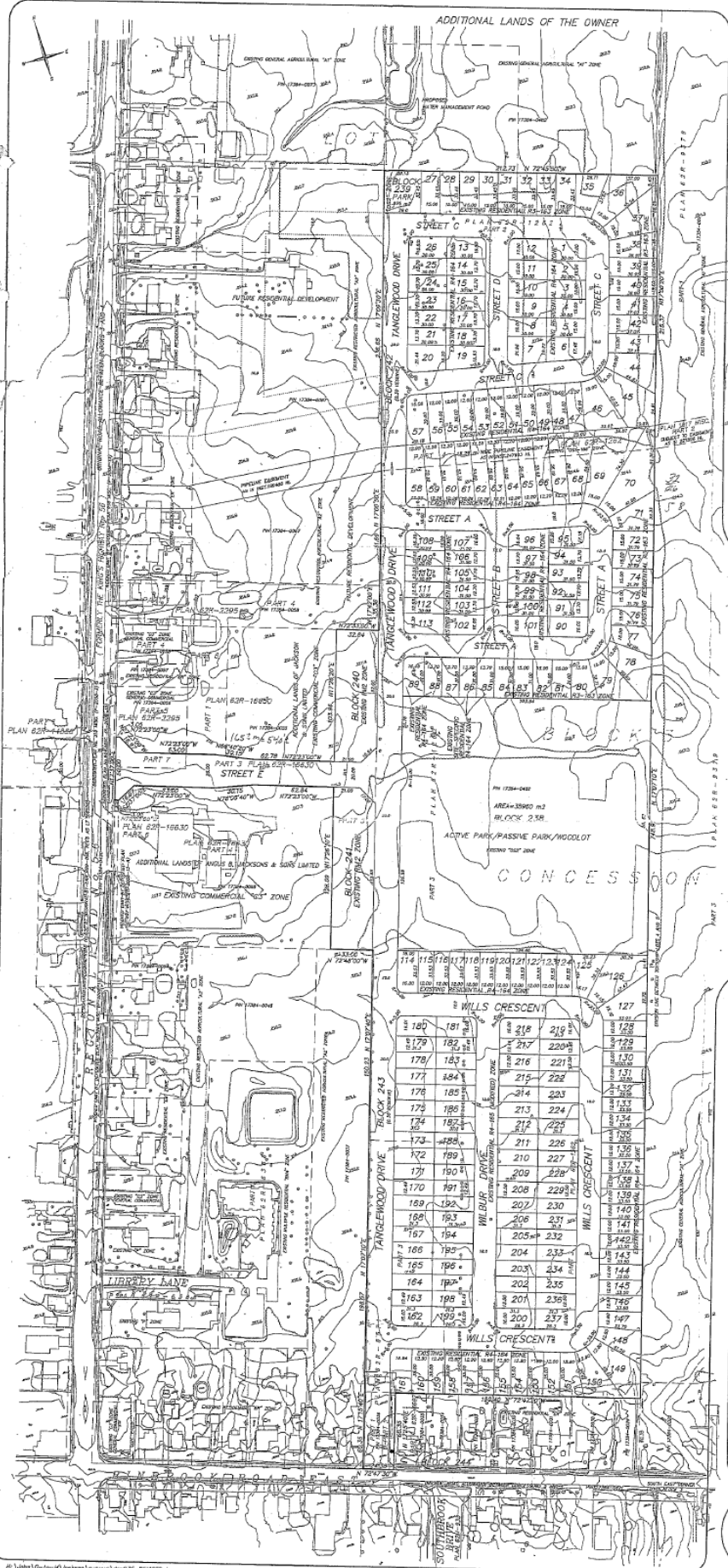
### **Director of Growth Planning**

- 86) That prior to the signing of the final plan, the Director must be satisfied that:
  - a) The Growth Management that conditions (2) to (43) inclusive;
  - b) The Development Planning that conditions (44) to (52) inclusive;
  - c) Social and Public Health Services Division that conditions (53) to (55) inclusive;
  - d) The Public Works Department that conditions (56) to (64) inclusive;
  - d) The Niagara Peninsula Conservation authority that conditions (65) to (68) inclusive;

- e) The Canada Post Corporation that condition (69);
- f) Hamilton-Wentworth District School Board that conditions (70) to (72) inclusive;
- g) Bell Canada that conditions (73) to (75) inclusive;
- h) Enbridge Pipeline Inc., that conditions (76) to (84) inclusive; and,
- i) The Union Gas that condition (85);

has/have been carried out to his satisfaction with a brief but complete statement indicating how each condition has been satisfied.

**NOTE:** Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.



REVISED DRAFT PLAN OF  
**Jackson Heights**  
BEING A PROPOSED SUBDIVISION OF  
PART OF LOT 5—BLOCK 3—CONCESSION 3  
GEOGRAPHIC TOWNSHIP OF BINBROOK  
CITY OF HAMILTON  
SCALE 1:1500  
B. J. CLARKE O.L.S.

**LOT 4**  
Community Mail Box (see Plans 1 & 2)

**OWNER'S AUTHORIZATION**  
I, ROGER NASH JACKSON, CONSENT TO THE REVISIONS CONTAINED WITHIN THIS REVISED DRAFT PLAN OF SUBDIVISION AS PREPARED BY A.J. CLARKE & ASSOC. LTD.  
FEBRUARY 23, 2004  
ROGER NASH JACKSON

**OWNER'S AUTHORIZATION**  
WE, ANGLUS B. JACKSON & SONS LIMITED, CONSENT TO THE REVISIONS CONTAINED WITHIN THIS REVISED DRAFT PLAN OF SUBDIVISION AS PREPARED BY A.J. CLARKE & ASSOC. LTD.  
FEBRUARY 23, 2004  
ROGER NASH JACKSON

**OWNER'S AUTHORIZATION**  
WE, ROB-GEOFF PROPERTIES LTD., CONSENT TO THE REVISIONS CONTAINED WITHIN THIS REVISED DRAFT PLAN OF SUBDIVISION AS PREPARED BY A.J. CLARKE & ASSOC. LTD.  
FEBRUARY 23, 2004  
JOHN BRUCE ROBINSON

**NOTE:** THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.  
**METRIC:** DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

**RE: CHAPTER P. 19 R.S.O. 1990 SECTION 61(17) THE PLANNING ACT**  
A. SHOWN ON PLAN  
B. SHOWN ON PLAN  
C. SHOWN ON PLAN  
D. SEE LAND USE SCHEDULE  
E. SHOWN ON PLAN  
F. SHOWN ON PLAN  
G. SHOWN ON PLAN  
H. MUNICIPAL PIPED WATER AVAILABLE  
I. CLAY LOAM  
J. SHOWN ON PLAN  
K. MUNICIPAL SERVICES TO BE INSTALLED BY SUBDIVIDER  
L. SHOWN ON PLAN

**SURVEYOR'S CERTIFICATE:**  
I CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AS SHOWN ON THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN.  
FEBRUARY 23, 2004  
E. J. CLARKE  
ONTARIO LAND SURVEYOR

**LAND USE SCHEDULE:**  
AREA OF SUBDIVISION = 22.0 ha (54.4 ac)  
LOTS 1 TO 28, 47 TO 68, 86 TO 101 (ALL INCLUSIVE)—EXISTING SINGLE FAMILY R4-164 ZONE  
LOTS 29 TO 46, 69 TO 85 (ALL INCLUSIVE)—EXISTING RESIDENTIAL R3-163 ZONE  
LOTS 86 AND 87—EXISTING RESIDENTIAL R4-164 MODIFIED ZONE  
BLOCKS 238 AND 239—PARK-TOWN SPACE  
BLOCKS 240 AND 241—EXISTING RESIDENTIAL MULTIPLE RM2 ZONE  
BLOCKS 242 AND 243—R3-163 W/RE REMAINS  
BLOCK 244—TO BE DEVELOPED IN CONJUNCTION WITH ADJACENT LANDS

**SUBDIVISION DRAFT APPROVAL:**  
APPROVED UNDER SECTION 51 OF THE PLANNING ACT, R.S.O. 1990, P.13, AS AMENDED BY THE GENERAL MANAGER OF PLANNING AND DEVELOPMENT OF THE CITY OF HAMILTON, UNDER THE AUTHORITY OF BY-LAW 2004-177 OF THE FORMER REGIONAL MUNICIPALITY OF HAMILTON-NORTH  
THIS 23 DAY OF MARCH, 2004  
GENERAL MANAGER, PLANNING AND DEVELOPMENT  
CITY OF HAMILTON

**A. J. Clarke and Associates Ltd.**  
SURVEYORS • PLANNERS • ENGINEERS  
25 MAIN STREET WEST, SUITE 300  
HAMILTON, ONTARIO, L8P 1H1  
TEL. 905-525-8761 FAX 905-528-2269  
Internet: amh@ajclarke.com

At Table 10-10 of Jackson Township Report No. M222.dwg