

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 7
COMMITTEE DATE: August 14, 2012	
SUBJECT/REPORT NO: Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton (PED12101) (Ward 7)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Chris Bell (905) 546-2424 Ext. 1262
SIGNATURE:	

RECOMMENDATION:

- (a) That approval be given to **Amended Zoning Application ZAC-11-031, by Losani Homes Limited, Owners**, for changes in zoning from the “C” (Urban Protected Residential, Etc.) District and “AA” (Agricultural) District to the “C” (Urban Protected Residential, Etc.) District (Block 5), “C/S-1658” (Urban Protected Residential, Etc.) District, Modified, with a Special Exception (Blocks 1, 2, and 9); “R-4/S-1658” (Small Lot Single Family Dwelling) District, Modified, with a Special Exception (Blocks 4 and 6); and “RT-30/S-1658” (Street Townhouse) District, Modified, with a Special Exception (Blocks 3, 7, and 8), to permit a residential plan of subdivision with 72 single detached dwelling lots and 7 street townhouse blocks for up to 33 street townhouses, on lands located at 1531-1605 Upper Sherman Avenue, as shown on Schedule “A” of Appendix “D” to Report PED12101, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED12101, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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- (ii) That the amending By-law be added to Schedule “A”, Map No. E38d, of Zoning By-law No. 6593.
 - (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth and City of Hamilton Official Plans.
 - (iv) That upon finalization of the implementing By-law, the Eleanor Neighbourhood Plan be amended to revise the road pattern, and change the designation from “Single and Double Residential” to “Attached Housing” for Blocks 3, 7, and 8.
- (b) That approval be given to **Draft Plan of Subdivision Application 25T-201105, by Losani Homes Limited, Owners**, to establish a draft plan of subdivision, on lands located at 1531-1605 Upper Sherman Avenue, in the former City of Hamilton, as shown on Appendix “A” to Report PED12101, subject to the following conditions:
- (i) That this approval apply to 25T-200901, prepared by Armstrong Hunter and Associates, and certified by D. McLaren, O.L.S., Revision 4, dated July 4, 2012, showing 72 single detached dwelling lots (Lots 1-72), 7 street townhouse blocks (Blocks 73-79), the extension of Eaglewood Drive, Dulgaren Street and Brenda Street, the creation of 1 additional public road (Street “A”), 4 residential reserve blocks (Blocks 81-84), 1 block for a road widening (Block 85), and 5 blocks for 0.3 metre reserves (Blocks 86-90), attached as Appendix “B” to Report PED12101, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “E” to Report PED12101.
 - (ii) 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 for Lots 1-72 shall be based on 5% of the value of the lands on the day prior to the issuance of each building permit, and Townhouse Blocks 73-79 will be calculated at a rate of 1 hectare for each 300 dwelling units proposed, 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 block.
 - (iii) Acknowledgement that there will be no City share for any municipal works associated with this development.

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

EXECUTIVE SUMMARY

The purpose of these applications is to amend the City of Hamilton Zoning By-law, and for approval of a draft plan of subdivision (see Appendix “B”). The original application, which included only the lands at 1531, 1545, 1551, 1577, and 1591 Upper Sherman, was amended when the proponents were able to acquire the additional lands located at 1605 Upper Sherman. By way of these amended applications, the proponents are seeking to permit the development of the land on the east side of Upper Sherman Avenue for 72 single detached dwelling lots, 7 street townhouse blocks for up to 33 dwelling units, 4 future development blocks, and 4 additional internal roads.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement, and conform with the Growth Plan (P2G), the Hamilton-Wentworth and City of Hamilton Official Plans. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

Alternatives for Consideration - See Page 28.

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

Financial: N/A.

Staffing: N/A.

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

HISTORICAL BACKGROUND (Chronology of events)

Proposal

The subject lands are located on the east side of Upper Sherman Avenue, south of Rymal Road East. The lands are legally described as Part of Lot 8, Concession 8 (Barton), in the former City of Hamilton (see Appendix “A”).

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The applicant has submitted a plan of subdivision application, together with an application to amend the regulations of the City of Hamilton Zoning By-law, in a manner that will allow the implementation of the proposed plan of subdivision (see Appendix “B”). The following additional technical reports, plans, and studies were submitted with the applications to assist in conducting a thorough review of the development proposal:

- Planning Justification Report, prepared by Armstrong Hunter and Associates;
- Preliminary Engineering Report, prepared by S. Llewellyn & Associates;
- Geotechnical Investigation, prepared by Soil-Mat;
- Archaeological Investigation, prepared by Amick Consultants; and,
- Environmental Noise Report, prepared by Jade Acoustics.

Plan of Subdivision:

The proposed plan of subdivision (see Appendix “B”) is intended to create:

- 72 Single Detached dwelling lots (Lots 1-72);
- 7 street townhouse blocks for up to 33 dwelling units (Blocks 73-79);
- 4 Future development blocks (Blocks 81-83 and 86); and,
- 4 internal public roads (Extensions to Dulgaren Street, Eaglewood Drive and Brenda Drive; and Street “A”), and 1 block for road widening purposes (Block 85).

Access to the proposed development will be via the extension of a number of existing roads, including Eaglewood Drive, Dulgaren Street, Acadia Drive, and Brenda Street, together with the future extensions of Street “A” with lands to the south to be developed by others.

Zoning By-law Amendment:

A corresponding application to amend the City of Hamilton Zoning By-law is also required to rezone portions of the lands from the “C” (Urban Protected Residential Etc.) District and the “AA” (Agricultural) District to the standard “C” (Urban Protected Residential, Etc.) District (Block 5 on Appendix “D”), the “C” (Urban Protected Residential, Etc.) District, Modified, with a Special Exception (Blocks 1, 2, and 9 on Appendix “D”), the “R-4” (Small Lot Single Family Dwelling) District, Modified, with a Special Exception (Blocks 4 and 6 on Appendix “D”), and the “RT-30” (Street Townhouse) District, Modified, with a Special Exception (Blocks 3, 7, and 8 on Appendix “D”). Each of the residential zones will contain site-specific provisions, which are described in greater detail in the Analysis/Rationale for Recommendation section of this Report.

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Chronology

- May 20, 2011: Submission of Applications ZAC-11-031 and 25T-201105 by Losani Homes Limited.
- June 2, 2011: Applications ZAC-11-031 and 25T-201105 are deemed complete.
- June 9, 2011: Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-11-031 and 25T0211-05 to all residents within 120 metres of the subject lands.
- November 23, 2011: Applications ZAC-11-031 and 25T-201105 revised at the request of Losani Homes Limited. The revised applications included the addition of lands located at 1605 Upper Sherman Avenue and a modified layout of the draft plan of subdivision
- December 16, 2011: Circulation of REVISED Notice of Complete Application and Preliminary Circulation of Applications ZAC-11-031 and 25T-201105 to all residents within 120 metres of the subject lands.
- July 27, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Applications

Location: 1531-1605 Upper Sherman Avenue, in the former City of Hamilton
(See Appendix "A")

Owners: Losani Homes Limited

Agent: Armstrong Hunter and Associates (Steve Armstrong)

Property Size: Area: 4.53 hectares
Frontage: 158.67 metres (Upper Sherman Avenue)
Depth: Varies

Servicing: Full Municipal Servicing

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EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	“C” (Urban Protected Residential, Etc.) District, “AA” (Agricultural) District
<u>Surrounding Lands</u>		
North	Single Detached Dwellings	“C” (Urban Protected Residential, Etc.) District
South	Vacant	“G-1” (Designed Shopping Centre) District, “AA” (Agricultural) District
East	Single Detached Dwellings fronting along Eleanor Avenue	“C” (Urban Protected Residential, Etc.) District, “AA” (Agricultural) District
West	Single Detached Dwellings, Public Park	“P2” (Community Park) District, “AA” (Agricultural) District, and “C” (Urban Protected Residential, Etc.) District

POLICY IMPLICATIONS

Provincial Policy Statement:

Staff recognizes that the application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1.

However, 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 land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, **noise** and other contaminants, and minimize risk to public health and safety. Staff notes that the subject lands are intended to be developed for residential purposes, and are located adjacent to **Upper Sherman Avenue** and are approximately 180m from **Rymal Road East**. The proximity of the proposed sensitive land uses to road noise sources triggers the requirement for a noise study.

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Staff further notes that a noise study, titled *“Environmental Noise Report - Proposed Residential Development, Losani Homes - 1531, 1545, 1551, 1575, 1577, and 1591 Upper Sherman Avenue, Hamilton”*, dated May 30, 2011, and prepared by Jade Acoustics, was submitted with the original application. The noise study recommended the inclusion of a noise barrier, forced air heating, and warning clauses for certain lots within the subdivision. Staff had previously reviewed this noise study, and was satisfied with the recommendations. However, due to the proposed changes to the Draft Plan, staff requires the submission of an updated noise study based on the revised plan, as a condition of draft plan approval (see Appendix “E” - Condition 3).

In addition, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted. Staff notes that the subject lands are located within an area of archaeological potential. An Archaeological Assessment has been submitted with the application. Final clearance of the Archaeological Assessment is required from the Ministry of Culture as a condition of the Standard Form Subdivision Agreement.

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

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 indicates that some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”.

The lands are located outside of the “Built Boundary” identified in the Growth Plan and are, therefore, considered a “Greenfield Area”. It is the intent of the Growth Plan to have the entirety of the “Greenfield Area” developed to achieve density targets of not less than 50 residents and jobs combined per hectare. While the subject lands would be expected to generate 53 residents per hectare (2.65 persons/ha. for single detached dwellings and 2.87 persons/ha. for townhouses, based on 2006 census data), it is understood that said density targets for both residents and jobs are to be measured over the entire designated area. It is expected that higher densities exceeding the Growth Plan targets will be directed to appropriate areas to off-set the reduced densities on parcels, such as the subject lands where such densities may cause land use compatibility conflicts.

The application is consistent with the principles of the Growth Plan, as it proposes to build a more compact community by allowing a development which will maximize the development potential of the site.

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.

The proposed Draft Plan of Subdivision and the amendment to the Zoning By-law conform to the Hamilton-Wentworth Regional Official Plan.

New Urban Official Plan:

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011. However, it has been appealed to the Ontario Municipal Board.

The lands fall within the “Neighbourhoods” designation. The “Neighbourhoods” designation is intended to provide the opportunity for a full range of housing forms, types and tenures, including affordable housing and housing with supports. The single detached dwelling lots and street townhouse blocks proposed by the applicant are unit types considered in the “Neighbourhoods” designation and comply with the envisioned density range.

Staff is satisfied that the proposal would comply with the “Neighbourhoods” policies of the Urban Hamilton Official Plan.

City of Hamilton Official Plan:

The subject lands are designated “Residential” in the City of Hamilton Official Plan. The “Residential” designation permits a range of dwelling types and tenures, with preference being given to locating similar densities and development types together, rather than indiscriminately.

In terms of design and layout of a residential draft plan of subdivision, Section 2.1.9 of the Official Plan encourages “the design of RESIDENTIAL areas which complement the natural features of the area and utilize energy saving measures such as, but not limited to:

- i) Reduced road lengths;
- ii) Building orientation;

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- iii) Retention of existing trees and other vegetation;
- iv) Clustering of units; and,
- v) Such other matters as Council deems necessary and which are in keeping with the provisions of Sub-section C.8, Energy.”

Further according to Sub-section 7.1, consideration should also be given to achieving high standards of RESIDENTIAL amenity by the:

- “i) Provision and maintenance of adequate off-street parking;
- ii) Alteration of traffic flows;
- iii) Improvement and maintenance of street landscaping;
- iv) Acquisition, removal, or improvement of buildings or uses incompatible with a zoning district;”

Planning staff is satisfied that the Zoning By-law Amendment and draft plan of subdivision being sought by the applicant are compliant with the “Residential” and Housing policies of the City of Hamilton Official Plan. The proposal includes a variety of residential uses (i.e. single detached dwellings and street townhouse dwellings) that are located in a manner and at a density that is compatible with surrounding residential uses. Where the subject lands interface with existing development (i.e. along Upper Sherman Avenue and at the extensions of Eaglewood Drive and Dulgaren Street), the proposed subdivision and zoning regulations will require lots that are predominantly larger in size and consistent with other adjacent lots. On the internal portion of the subdivision, which will function as a separate enclave, zoning regulations will provide a range of lot sizes and unit types with a number of 10-metre wide lots and street townhouse blocks. Further, the proposed lot and road layout provides a road network that is well connected with both the arterial Upper Sherman Avenue and the local interior roads within the Eleanor Neighbourhood, and will accommodate on-street parking for in excess of 40% of the proposed residential units.

Eleanor Neighbourhood Plan:

The lands fall within the Eleanor Neighbourhood Plan (see Appendix “C”). Although the Eleanor Neighbourhood Plan is not part of the City of Hamilton Official Plan, it remains a Council direction to be considered when assessing development applications, particularly when the previously developed surrounding neighbourhood has grown substantially in accordance with the plan since its original adoption in November of 1973.

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Planning staff is of the opinion that the critical elements of the Neighbourhood Plan that are relevant to this application include:

- The predominant use of the subject lands for single detached;
- The extension of Eaglewood Drive that will allow for connectivity between the lands to the north and the lands to the south; and;
- An internal road network that allows an opportunity for the orderly and efficient use of lands not only on the subject lands, but also on the existing deep residential lots to the east, fronting onto Eleanor Drive.

Although in addition to the single detached dwelling lots a portion of the site includes street townhouses rather than “Single and Double” residential, as noted in the Neighbourhood Plan, Planning staff is satisfied that the residential unit yield will be consistent with that originally envisioned in the Neighbourhood Plan. As noted in Recommendation (a)(iv) of this Report, an amendment to the Eleanor Neighbourhood Plan is required to change the designation from “Single and Double Residential” to “Attached Housing” for the proposed townhouse blocks (Blocks 3, 7, and 8). Further analysis of this is contained in the Analysis/Rationale for Recommendation section of this Report.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Recreation Division, Community Services Department.
- Bell Canada.
- Cogeco Cable.
- Hamilton-Wentworth Separate School Board.
- Hamilton-Wentworth District School Board.
- Hydro One.

The **Traffic Engineering Division (Public Works Department)** provided comments requesting a number of conditions that have been included as Special Conditions 33 to 39 in Appendix “E”.

Forestry Division (Public Works Department) requested that a Tree Management Plan, Landscaping Plan, and Tree Preservation Plan be submitted prior to final approval. These requirements have been included as Special Condition 4 in Appendix “E”.

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Union Gas advised that easements for services may be required. The Standard Form Subdivision Agreement contains a requirement that easements be dedicated, where necessary, to public utilities such as Union Gas.

Hamilton Conservation Authority requested a number of stormwater management-related conditions that have been included as Special Conditions 40 to 42 in Appendix "E".

Canada Post requested a number of conditions that have been included as Special Conditions 43 and 44 in Appendix "E".

Public Consultation

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, a Notice of Complete Application and Preliminary Circulation of the applications was circulated to 200 residents within 120 metres of the subject property on June 9, 2011. A subsequent Notice of a Revised Application was circulated to 209 residents within 120 metres on December 16, 2011. A Public Notice Sign was also posted on the subject lands at that time. At the time of preparation of this Report, staff had received 10 pieces of correspondence in response to the Notice of Complete Application (see Appendix "F"). A full discussion of the concerns raised in the letters is found in the Analysis/Rationale for Recommendation section of this Report.

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 amended changes in zoning and draft plan of subdivision can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement, as they represent an opportunity for growth in a Settlement Area;
 - (ii) They conform to the Growth Plan, Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,

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(iv) The proposed development represents good planning by providing a compact urban form.

2. Proposed Plan of Subdivision (25T-201105):

The proposed plan of subdivision (see Appendix “B”) will consist of 72 single detached dwelling lots (Lots 1-72), 7 street townhouse blocks for up to 33 dwelling units (Blocks 73-79), 4 future development blocks (Blocks 81-83, and 86), and will be accessed by the extension of Acadia Drive, Eaglewood Drive, Dulgaren Street, and Brenda Street, together with the inclusion of a new internal Street “A”. Once further development occurs to the south, the proposed internal roads will ultimately connect to the future road.

According to the proponent’s Functional Servicing Report, there is an existing 300mm watermain on Upper Sherman Avenue, an existing 200mm watermain at the south limit of Eaglewood Drive, and an existing 150mm watermain at the south limit of Dulgaren Street. The proposed development can be serviced for water from the above referenced streets. The static pressures at the street lines are on average in the range of 82-90 psi.

There is a sufficient fire flow capacity on the above watermains; however, the proponent will be required to provide a water servicing study for the City’s review based on field information and hydraulic modelling in order to support the application. A looped network is strongly recommended for water quality and conveyance purposes using the proposed road allowance (see Appendix “E” - Condition 18).

There are existing 450mm storm sewers and 250mm sanitary sewers at the south limits of both Eaglewood Drive and Dulgaren Street. There is a 375mm storm sewer and a 300mm sanitary sewer on Upper Sherman Avenue, north of Lot 15. There is a 600mm storm sewer and 250mm sanitary sewer on Rymal Road East, however, there are no municipal storm and sanitary sewers on Upper Sherman Avenue adjacent to the subject lands with the exception of the 1500mm storm sewer, adjacent to Block 86, as noted below.

The sanitary sewer on Upper Sherman Avenue terminates in front of Municipal #1525, and would have to be extended southerly by the applicant to service the applicable portion of the subject lands. Capacity provision should be made in the extension of the Upper Sherman Avenue system for a future extension southerly to Rymal Road East.

The sanitary sewer outlet for the south easterly portion of the subject lands (towards Brenda Street) does not currently abut the subject lands.

There is also a 1500mm storm sewer located at the intersection of Upper Sherman Avenue and Acadia Drive intended to accommodate the 5 year minor flows and the 100 year major overland flows from the subject lands; however, the applicant is advised that they will be required to increase the capacity of the existing pond volume to accommodate the southerly half of the development (lands generally south of Lot 13, Block 73, Block 81, Lots 42 and 49).

Storm drainage from the subject lands is intended to drain to the stormwater quantity control facility located on the south side of Acadia Drive, west of Upper Sherman Avenue. Storm drainage from this pond ultimately drains to the centralized stormwater management quality control pond located west of the intersection of Mountain Brow Boulevard and Arbour Road.

The applicant has not clearly identified how storm drainage is being accounted for from 1591 Upper Sherman Avenue southerly towards Rymal Road East. Therefore, provision should be made in the future extension of the Upper Sherman Avenue storm sewer system for a future storm sewer extension southerly towards Rymal Road East.

Development of the subject lands should reduce long standing surface drainage problems, including localized flooding in the area of Eleanor Avenue, with the implementation of storm sewers and conveyance of major overland flows to the Acadia Drive pond.

Growth Management staff is satisfied that the lands can be adequately serviced by existing municipal services and future planned services. The timing and phasing for the installation of services not yet provided are discussed later in this Report.

3. Staff has had consideration for the criteria contained in Sub-section 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advises that:
 - (a) It complies with the Provincial Policy Statement;
 - (b) With the imposition of conditions of draft plan approval respecting phasing, it will be a logical and timely extension of existing development and services, and is in the public interest;
 - (c) It conforms with the policies of the Official Plan;
 - (d) The lands can be appropriately used for the use for which it is to be subdivided;

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- (e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system;
- (f) The dimensions and shape of the lots are appropriate;
- (g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval, and Subdivision Agreement;
- (h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval;
- (i) Adequate municipal services are available, the particulars of which will be determined as part of the standard conditions of draft plan approval and Subdivision Agreement;
- (j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision;
- (k) Public land will be conveyed to create road rights-of-way and walkways, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision;
- (l) Efforts will be made, where possible, during development and thereafter to efficiently use and conserve energy; and,
- (m) No Site Plan Control will be applied to the forms of residential development within this subdivision.

4. Eleanor Neighbourhood Plan Compliance:

The lands fall within the Eleanor Neighbourhood Plan (see Appendix “C”). Although the Eleanor Neighbourhood Plan is not part of the City of Hamilton Official Plan, it remains a Council direction to be considered when assessing development applications, particularly when the previously developed surrounding neighbourhood has grown substantially in accordance with the plan since its original adoption in November of 1973.

Planning staff is of the opinion that the critical elements of the Neighbourhood Plan that are relevant to this application include:

- The predominant use of the subject lands for single detached dwelling lots;

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- The extension of Eaglewood Drive that will allow for connectivity between the lands to the north and the lands to the south; and;
- An internal road network that allows an opportunity for the orderly and efficient use of lands, not only on the subject lands, but also on the existing deep residential lots to the east, fronting onto Eleanor Drive.

Although in addition to the single detached dwelling lots, a portion of the site includes street townhouses, rather than “Single and Double” residential as noted in the neighbourhood plan, Planning staff is satisfied that the residential unit yield will be consistent with that originally envisioned in the Neighbourhood Plan. With respect to the proposed lot fabric, staff notes that the proposed subdivision successfully transitions to the neighbourhood to the north, as larger 12.0m lots have been included in the plan consistent with the lots sizes of adjacent lots in the existing neighbourhood. In addition, larger lots have also been included along the Upper Sherman Avenue frontage in order to both reflect the existing larger lots along Upper Sherman Avenue, as well as to effectively manage the number of driveways and opportunities for off-street parking along this arterial. Further, while the road pattern within the subdivision varies from the conceptual road shown within the Eleanor Neighbourhood Plan, it will continue to allow for a continuation of a future linking road at the southerly limits of the property to facilitate a future ring road and will effectively utilize the residentially designated lands at the rear of deep lots located along Eleanor Avenue.

With respect to the extension of Eaglewood Drive, there remains an additional four separate parcels between the subject lands and the current western terminus of Eaglewood Drive (west of Eva Street) that are not subject to this application. As such, the opportunity to complete the road network through the approval of this application is not possible. Further, since it is not certain at this point where the precise location of the road extension will be situated, Planning staff has recommended placing the lands in the immediate vicinity of the future road in a non-development block (Block 84). This non-development block provides the City with certainty that the owners have fulfilled their obligation to ensure that there is an opportunity to extend a public road to connect to Eaglewood Drive at such a time as future development occurs, while at the same time, providing the owner with the opportunity to advance the remainder of their subdivision. Condition 5 on Appendix “E” further clarifies the obligations of the owner until the location of the road is determined. It should be noted that at such a time as the location of the road is identified, the remainder of the lands within Block 84 may be developed for future residential uses in accordance with the regulations of the Zoning By-law.

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It is considered that these elements of the proposed draft plan of subdivision will satisfactorily implement and secure the intent of the Eleanor Neighbourhood Plan. Approval of the application will require an amendment to the Neighbourhood Plan in order to accommodate the proposed street townhouses and a revised road pattern (see Recommendation (a)(iv)).

5. Non-Development Blocks:

As noted above, sufficient regard has been given in order to allow for the effective use of the rear of the deep lots fronting onto Eleanor Avenue in accordance with the intent of the Eleanor Neighbourhood Plan. Where land assembly will be required to facilitate the creation of lots using parts of the subject lands and the rear of the adjacent lands, the draft plan of subdivision has identified the lands requiring assembly as non-development blocks (see Blocks 81, 82, and 83 on Appendix “B”). Conditions of draft plan approval for the subdivision will stipulate that Blocks 81, 82, and 83 be assembled with adjacent lands, where possible, and that the sale of lands will be undertaken at fair market value as determined by the City’s real estate appraiser (see Appendix “E” - Conditions 6 and 7).

6. Upon review of the foregoing, Planning staff is satisfied that the proposed plan of subdivision is in conformity with the requirements of the Planning Act when implemented in accordance with the requirements of the Standard Form Subdivision Agreement and the special conditions noted above.

7. Implementation: Zoning By-law Amendment:

The applicant has requested the following modifications to City of Hamilton Zoning By-law No. 6593 to facilitate the proposed development. The requested amendments include the following changes in zoning categories:

- (a) Blocks 1 and 2 on Schedule “A” to Appendix “D” to be rezoned from the “C” (Urban Protected Residential, Etc.) District to the “C/S-1658” (Urban Protected Residential) District, Modified;
- (b) Block 3 on Schedule “A” to Appendix “D” to be rezoned from the “C” (Urban Protected Residential, Etc.) District to the “RT-30/S-1658” (Street Townhouse) District, Modified;
- (c) Block 4 on Schedule “A” to Appendix “D” to be rezoned from the “C” (Urban Protected Residential) District to the “R-4/S-1658” (Small Lot Single Family Dwelling) District, Modified;

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- (d) Block 5 on Schedule “A” to Appendix “D” to be rezoned from the “AA” (Agricultural) District to the “C”(Urban Protected Residential, Etc.) District;
- (e) Block 6 on Schedule “A” to Appendix “D” to be rezoned from the “AA” (Agricultural) District to the “R-4/S-1658” (Small Lot Single Family Dwelling) District, Modified;
- (f) Blocks 7 and 8 on Schedule “A” to Appendix “D” to be rezoned from the “AA” (Agricultural) District to the “RT-30/S-1658” (Street Townhouse) District, Modified; and,
- (g) Block 9 on Schedule “A” to Appendix “D” to be rezoned from the “AA” (Agricultural) District to the “C”/S-1658” (Urban Protected Residential, Etc.) District, Modified.

The particular land use objectives of the Zoning regulations for each new Zoning category, as well as discussion about the specific regulations and rationale, is outlined below:

Block 5 - “C” (Urban Protect Residential) District (Lots 13-18, Blocks 82, 83, and 86):

This is a standard residential zoning category that applies to all lands along the periphery of the subdivision, with the exception of the lands at the intersection of Upper Sherman Avenue and Acadia Drive that adjoin existing residential development currently zoned “C”. Applying zoning along the periphery of the subject lands that is consistent with the zoning on the adjacent lands will assist in ensuring an appropriate transition to the “R-4” zoning category applied to the internal portion of the subdivision.

Block 1 - “C/S-1658” (Urban Protected Residential) and Special Provisions (Lots 1-11 and 13):

The lots subject to this special provision will maintain the standard regulations of the “C” Zone, with the exception that double wide garages and driveways will be required.

Rationale: As street parking is not permitted along Upper Sherman Avenue, staff has required that double wide garages and driveways be provided on lots that will have access to Upper Sherman Avenue to ensure that sufficient on-site parking remains available.

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Block 2 - "C/S-1658" (Urban Protected Residential) and Special Provisions (Lot 12):

While 12 of the 13 lots fronting onto Upper Sherman will retain their current "C" zoning, Lot 12 requires an amendment to allow a lot frontage of 11.3 metres, as opposed to 12.0 metres.

Rationale: The fixed location of the northerly boundary of the subject lands, and the requirement that the Dulgaren Drive extension aligns with Acadia Drive, results in the creation of a residual block on Upper Sherman Avenue having a frontage of 23.37 metres. Rather than creating an uncharacteristically large 23.37 metre wide lot, relief is being granted to allow Lot 12 to be 0.7 metres narrower, as the resultant lot will be more in keeping with development in the area.

Blocks 4 and 6 - "R-4/S-1658" (Small Lot Single Family Dwellings) and Special Provisions (Lots 19-47 and 52-72):

These zoning regulations will apply to small lot single detached dwelling lots on the interior of the subdivision, and contain the following site-specific special provisions:

- Minimum Front Yard Setbacks of 4.5 metres to the main building and 6.0 metres to the attached garage.

Rationale: This special provision has been frequently applied in newer development throughout Hamilton as an approach to encourage a new urban form that does not result in street facades dominated by garages.

- A minimum 45% of the gross area of the front yard shall be used for landscaping area excluding concrete, asphalt, gravel, pavers, or other similar material.

Rationale: The historical standard provision has required 50% of the front yard to be used for landscaping. This 5% reduction is necessary to deal with the off-set front yard setbacks noted above to lessen garage-centric street views.

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- Minimum Interior Side Yards Setbacks of 1.2 metres on the garage side and 0.6 metres on the opposite side.

Rationale: The “R-4” zone typically requires only a 1.2 metre side yard on one side of the lot. This special provision has been included as an effort to assist in achieving the Grading Reform Policy, as approved by Council on October 26, 2011 (PED10091(d)). One concern intended to be addressed in the Grading Reform Policy is the prospect of future land owners compromising proper drainage by creating a walkway along the side of dwelling in an area otherwise used for a drainage swale. In addition to requiring split drainage for all lots with side yards of 0.6 metres or less as a condition of draft plan approval, this provision is intended to encourage any side walkways that are created in the future to be placed on the wider garage side, where access between the garage and rear yard is more likely to occur. By encouraging walkways on the wider side yard, there may be less incidents of impacts on drainage between dwellings.

Blocks 3, 7, and 8 - “RT-30” (Street Townhouses) and Special Provisions (Blocks 73-79):

These zoning regulations will apply to the seven street townhouse blocks on which 33 units are to be located, and contain the following site-specific special provisions:

- Minimum Front Yard Setbacks of 4.5 metres to the main building and 6.0 metres to the attached garage.

Rationale: This special provision has been frequently applied in newer development throughout Hamilton as an approach to encourage a new urban form that does not result on street facades dominated by garages.

- Minimum Interior Side Yards Setbacks of 1.2 metres.

Rationale: The typical “RT-30” zoning regulations have a minimum interior side yard requirement of 1.2 metres, 2.0 metres, and 2.5 metres for building heights of one, two, and three storey dwellings, respectively. This special provision has been included to allow one consistent setback, while still assisting in the achievement of the Grading Reform Policy, as approved by Council on October 26, 2011 (PED10091(d)).

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- Minimum Exterior Side Yard Setbacks of 2.4 metres within the subdivision and 5.8 metres on the exterior side yard flanking Upper Sherman Avenue.

Rationale: The standard “RT-30” zoning regulations do not have minimum exterior side yard requirements. The larger exterior side yard abutting Upper Sherman Avenue is intended to be close to the associated minimum front yard requirement for the abutting single detached dwelling lots.

- Minimum Rear Yard Setback of 7.0 metres for Blocks 72, 78, and 79.

Rationale: While the proposed street townhouses on Blocks 74-77 will have minimum 7.5 metre rear yards, Blocks 72, 78, and 79 will have minimum rear yards requirements of 7.0 metres. The 0.5 metre difference in the rear yard for Block 72 is due to an unusual rear property line angle compromising a portion of the block. While 3 of 4 units proposed for this block will have depths of 7.5 metres or greater, a small portion of the rear yard containing the angular boundary projection will be closer to 7.0 metres in depth. The 7.0 metre rear yards for Blocks 78 and 79 will abut new lots within the subdivision with lot depths of 27.15 metres to 29 metres, and will not compromise compatibility.

- Minimum Lot Area of 160 square metres.

Rationale: The standard “RT-30” zoning regulations have a minimum lot area of 180 square metres. The minimum individual lot area being sought for the street townhouse lots is a function of the depth and frontage of the lots. The depth of the lots is consistent with adjacent single-detached dwelling lots. Further, the proponent is not seeking to amend the standard 6.0 metre lot width for the proposed townhouses. Therefore, staff is satisfied that the proposed lots will be compatible with the surrounding development and have adequate setbacks for on-site parking and rear yard amenity areas.

Block 9 - “C/S-1658” (Urban Protected Residential) and Special Provisions (Lot 48):

These site-specific zoning regulations apply to one lot at the northeast corner of the intersection of Street “A” and the Brenda Street intersection, and include the following provisions:

- Minimum Front Yard Setbacks of 3.0 metres to the main building and 6.0 metres to the attached garage.

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- Minimum Side Yard Setback of not less than 3.0 metres for a yard abutting a street and an interior side yard setback of not less than 1.2 metres.

Rationale: Although this lot is adequately sized to accommodate a dwelling unit and amenity area that is consistent with other lots in the neighbourhood, it is unusually shaped and fronts a road on three sides. Standard zoning provisions identifying a typical front lot line and side lot line are not adequate to capture the unusual shape of this lot.

Staff is satisfied that the Zoning By-law Amendments, together with site-specific special provisions, are appropriate for the subject lands.

8. Staff notes that the proposed Zoning changes and draft plan of subdivision sought by the proponent are intended to implement the policies of the City of Hamilton Official Plan. As such, staff supports the proposed plan and Zoning By-law Amendment. However, a number of additional issues must still be addressed as the development proposal proceeds towards final construction, but are more appropriately addressed at later stages. Other such post-draft plan matters are identified below and include discussion about how such matters will be addressed by the proponent and the City:

Road Widening:

The existing road allowance width of the section of Upper Sherman Avenue adjacent to the subject lands varies from approximately 25.30m to 30.48m. The ultimate road allowance width for this section of Upper Sherman Avenue is 30.48m. The owner will be required to dedicate a strip of land, approximately 5.182m in width, to the City for road allowance widening purposes along the entire frontage of Upper Sherman Avenue, where applicable (see Block 85 of the Draft Plan of Subdivision - Appendix B). The Standard Form Subdivision Agreement contains provisions to ensure that all lands required to be dedicated to the City, including road widenings, are transferred prior to final approval of the plan.

Grading and Drainage on Narrow Lots:

Due to the narrow width (10m) of some of the lots within the proposed development, staff has identified issues related to surface drainage; both internal and external.

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In practice, the ability to convey surface drainage in accordance with the policy is limited given that homeowners need the space between their lots for moving back and forth and often block drainage swales with walkways, landscaping, fences, etc.

Therefore, back-to-front lot grading is not permitted on narrow width lots or lots where zero lot lines are permitted in the zoning. External surface drainage from adjacent lots should not be directed through lots with narrow widths. These engineering standards will need to be reflected in the grading plans that are required as a standard condition of draft plan approval.

Parking for Lots Fronting on Upper Sherman Avenue:

As street parking is not permitted along Upper Sherman Avenue, staff has required that double wide garages and driveways be provided on lots fronting on Upper Sherman Avenue in an effort to provide additional on-site parking (see Appendix "E" - Condition 33), to the satisfaction of the Senior Director of Growth Management. This provision has also been included in the implementing Zoning By-law, attached as Appendix "D".

Noise Impact Assessment:

According to the Ministry of the Environment's D-6 Guidelines, residential uses are considered uses that are sensitive to, and potentially negatively impacted by, nearby noise sources. Given the proximity of the residential uses to Upper Sherman and Rymal Road East, it is necessary to assess the impacts of traffic related noise on the sensitive land uses.

The Environmental Noise Report, prepared for the applicant by Jade Acoustics, recommends the inclusion of a 1.8m high noise barrier along a portion of the side and rear property line of the first unit of Block 76 to provide noise mitigation for the outdoor living area of the unit. In addition, the study recommends the inclusion of forced air heating and ducting sized to accommodate central air conditioning for Lots 1 to 15. This would allow for the addition of central air conditioning by the occupant at a later date. The addition of central air conditioning by the occupant would allow windows and doors to remain closed, thereby ensuring that Ministry of Environment indoor noise criteria would be met. Finally, the study recommends the inclusion of warning clauses to be included in offers of purchase and sale or lease agreements for Lots 1 to 15 and the first two units within Block 76. Should the proposed Draft Plan of Subdivision be approved, these recommendations will be implemented through the inclusion of an acoustical barrier for Lot 10, as shown on Figure 2 of the approved Noise

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Report, and through the inclusion of required clauses in the Subdivision Agreement (see Appendix “E” - Condition 3).

Tree Management Plan:

Urban Forestry Division staff has identified municipal tree assets adjacent to the property that will require removal as part of this development. In addition, a remnant woodlot is located on the subject lands. As such, a Tree Management Plan, prepared by a qualified Landscape Architect, will be required as Item 4 of the conditions of draft plan approval found in Appendix “E”. The Tree Management Plan will inventory all trees and identify relocation and protection opportunities. If existing trees can remain, steps will be taken to protect them during grading and construction, as per the City’s Tree Preservation and Protective Measures for Trees Affected by Construction Policy.

In addition, new street trees will be required, as per the conditions in the Standard Form Subdivision Agreement.

Decommissioning of Septic Systems:

Two existing lots fronting onto Upper Sherman Avenue were originally part and parcel with larger lots now proposed to be part of the subject subdivision. These original lots remain serviced by private septic systems that have their tile bed area partially located on the subject lands. As part of the severance of the lands at the time, easements were put in place to clarify that the septic systems could legally encroach onto the subject lands, and that the retained lands be connected to a sanitary sewer once it is extended. The owners will be required to provide sanitary service via the extension of the Upper Sherman Avenue sewer to the owners of these properties as a condition of registration of the plan. Condition 30 has been included to ensure that this decommissioning exercise and connection to the system occurs prior to registration of the plan.

9. The proponents have undertaken a Phase 1 Archaeological Assessment of the subject lands, which has identified the potential for archaeological resources to be found on site and requires the completion of a Phase 2 Assessment. Therefore, no demolition or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements. This requirement is included in the Standard Form Subdivision Agreement (Section 3.4 a) ii)).

10. While the proponent is not proposing to dedicate parkland as part of the proposed development, the proposal is consistent with the West Mountain Planning District policies with respect to adequacy of parkland. As no parkland is being dedicated, in accordance with the City's Parkland Dedication and Cash-in-Lieu of Parkland By-law, the proposed development is subject to a Cash-in-Lieu of parkland dedication payment (see Recommendation (b)(ii)).
11. Staff received 4 letters and e-mails from neighbouring residents in response to the pre-circulation of the original application on June 9, 2011. Six additional letters were received as a result of the circulation of the revised applications on December 16, 2011 (see Appendix "F"). Upon review of the various correspondence received from residents, it was identified that concerns fell into four general categories, which included: a) a subdivision layout that ensures the orderly and efficient use of surrounding lands; b) traffic and access; c) residential density concerns related to the inclusion/location of townhouse units; and, d) nuisances during construction. In addition, one resident along Upper Sherman Avenue had a specific concern about how their existing septic system may be impacted by the development.

(a) Orderly and Efficient Use of Surrounding Lands:

A number of residents within the built-up portion of the Eleanor Neighbourhood advised that they had expectations based on the conceptual layout shown within the approved Eleanor Neighbourhood Plan that certain elements would be included within the proponent's draft plan; particularly, a layout that would allow the rear portion of the abutting deep lots fronting onto Eleanor Avenue to be utilized for future residential purposes and a road connection to the stub of Eaglewood Drive to the south and west of the subject property.

In response to concerns expressed by residents as well as Planning staff during the circulation of the original proposal, the proponents submitted the amended subdivision plan and zoning application that is now the subject of this Report. The amended application includes a layout that would allow for the consolidation of the subject lands with the rear of the lots fronting onto Eleanor Avenue in order to create a number of additional residential lots.

As noted earlier in this Report, the draft plan of subdivision being sought by the proponents includes a number “Reserve Blocks” that will remain as non-development blocks to allow an opportunity for the lands to be consolidated with the lands to the east (see Appendix “B”, Blocks 81, 82, and 83). In addition, special conditions have been included to encourage meaningful negotiation to take place with the abutting owners to advance the consolidation of the lands (see Appendix “E” - Conditions 6 and 7). While it remains to be seen at this time what final unit yield may be generated when these blocks are merged with surrounding lands, the proponent’s concept illustrates the possibility of 12 additional lots becoming available. In addition, with the extension of Brenda Street to the limits of the subject lands, together with the installation of municipal services, the owners of the abutting lands at the intersection of Brenda Street and Eleanor Avenue will be able to create a number of additional residential lots fronting onto a future connection of Brenda Street to Eleanor Avenue.

With respect to the extension of Eaglewood Drive, there remains an additional four separate parcels between the subject land and the current western terminus of Eaglewood Drive (west of Eva Street) that are not subject to this application. As such, the opportunity to complete the road network through the approval of this application is not possible. Further, since it is not certain at this point where the precise location of the road extension will be situated, Planning staff has recommended placing the lands in the immediate vicinity of the future road in a non-development block (Block 84). This non-development block provides the City with certainty that the owners have fulfilled their obligation to ensure that there is an opportunity to extend a public road to connect to Eaglewood Drive at such a time as future development occurs, while at the same time, providing the owner with the opportunity to advance the remainder of their subdivision. Condition 5 on Appendix “E” further clarifies the obligations of the owner until the location of the road is determined. It should be noted that at such a time as the location of the road is identified, the remainder of the lands within Block 84 may be developed for future residential uses in accordance with the regulations of the Zoning By-law.

(b) Traffic and Access:

One resident expressed concerns that there will be only one access to Upper Sherman Avenue from the proposed Dulgaren Street extension (across from the existing Acadia Drive located on the west side of Upper Sherman Avenue), and questioned how accessible the subject lands would be in the case of an emergency. Although there is only one access

to Upper Sherman, Planning staff is satisfied that there will always remain at least one alternative means of access in the event of an emergency, as there are connections to the existing road network available at the northerly end of the site via Eaglewood Drive and Dulgaren Street extensions, and the Brenda Street extension. Also, as future development occurs to the south and east, an additional means of access will be available from the future road connection to Eaglewood Drive to the south.

(c) Density:

One resident questioned the rationale for the inclusion of townhouses into an area predominantly characterized by single detached built form, and suggests that if townhouses were to be included, that they be located closer to Upper Sherman Avenue.

In response, Planning staff notes that similar front and rear yard regulations will apply to single detached dwellings and street townhouse dwellings within the interior of the subdivision. Staff also notes that the proposed blocks abutting the rear yards of existing residential uses are small blocks of 3 or 4 units, thereby reducing their massing and visual impact.

(d) Nuisances During Construction:

One resident expressed concerns that construction vehicles will be circulating through the subdivision to the north during the construction phase. In addition, concerns were raised about the potential muddy, messy conditions around the site. In response, Planning staff noted that the owner will enter into a Subdivision Agreement with the City that will obligate the owner, among other things, to the following:

- To not use land dedicated, transferred, or vested in the City for the depositing of waste, debris, tree branches, topsoil, fill material, or refuse obtained from the development of the Land, except with the prior approval, in writing, of the City and subject to such terms as may be required by the City;
- To not cause obstructions on any City right-of-ways, easements, or streets;
- To ensure that the land and all unoccupied buildings do not become unsightly by the accumulation of garbage, debris, or builder's waste;

- To prevent earth and debris from being tracked onto streets outside the subject lands; and,
- To keep the street adjacent to which the dwelling is situate, and all streets affording access to that street, clear of earth, debris, and building materials.

(e) Impact on Existing Septic Systems:

A number of existing lots owned by others fronting onto Upper Sherman Avenue are still serviced by private septic systems. Two such lots (1561 and 1581 Upper Sherman) were severed from the lands that have ultimately been consolidated by the owner and are now subject to this application. As a result of these severances, portions of the tile beds for the septic systems are lawfully located on the subject lands and recognized in easements in favour of the abutting residential lots, and that the retained lands be connected to the future extension of sanitary sewers on Upper Sherman Avenue. The owners of one of the homes serviced by a septic system inquired to ensure that they would continue to have permission to allow their tile beds to encroach on the subject lands, or alternatively that they are given the opportunity to connect to municipal services, thereby rendering their private system unnecessary.

Planning staff can advise that the owners will be obligated to extend municipal services along Upper Sherman as part of the development of the subject lands. Said services will extend along the front of the lots currently serviced by septic systems. The owners of the two lots with septic systems encroaching on the subject lands will be connected to the sanitary sewer, and the only other owner on septic will have the opportunity to connect to the services to be installed along Upper Sherman. As noted earlier in this Report, Condition 30 of Appendix "E" obligates the owners of the subject lands to continue to allow the current lawfully encroaching septic systems to occupy their lands until the systems can be decommissioned and the existing residences are connected to full municipal services.

ALTERNATIVES FOR CONSIDERATION:

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

The subject lands are zoned “C” (Urban Protected Residential, etc.) District and “AA” (Agricultural) District in the City of Hamilton Zoning By-law No. 6593. Should the proposed change in zoning be denied, the subject lands could be developed for one single-detached dwelling unit per existing lot.

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

Skilled, Innovative, and Respectful Organization

- ◆ A culture of excellence.
- ◆ More innovation, greater teamwork, better client focus.

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.

Intergovernmental Relationships

- ◆ Maintain effective relationships with other public agencies.

Social Development

- ◆ Everyone has a home they can afford that is well maintained and safe.

Environmental Stewardship

- ◆ Natural resources are protected and enhanced.
- ◆ Aspiring to the highest environmental standards.

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Healthy Community

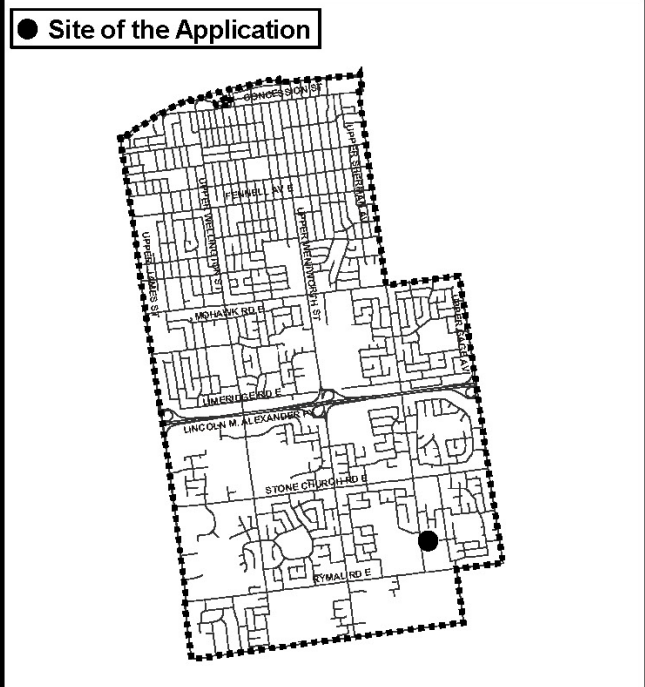
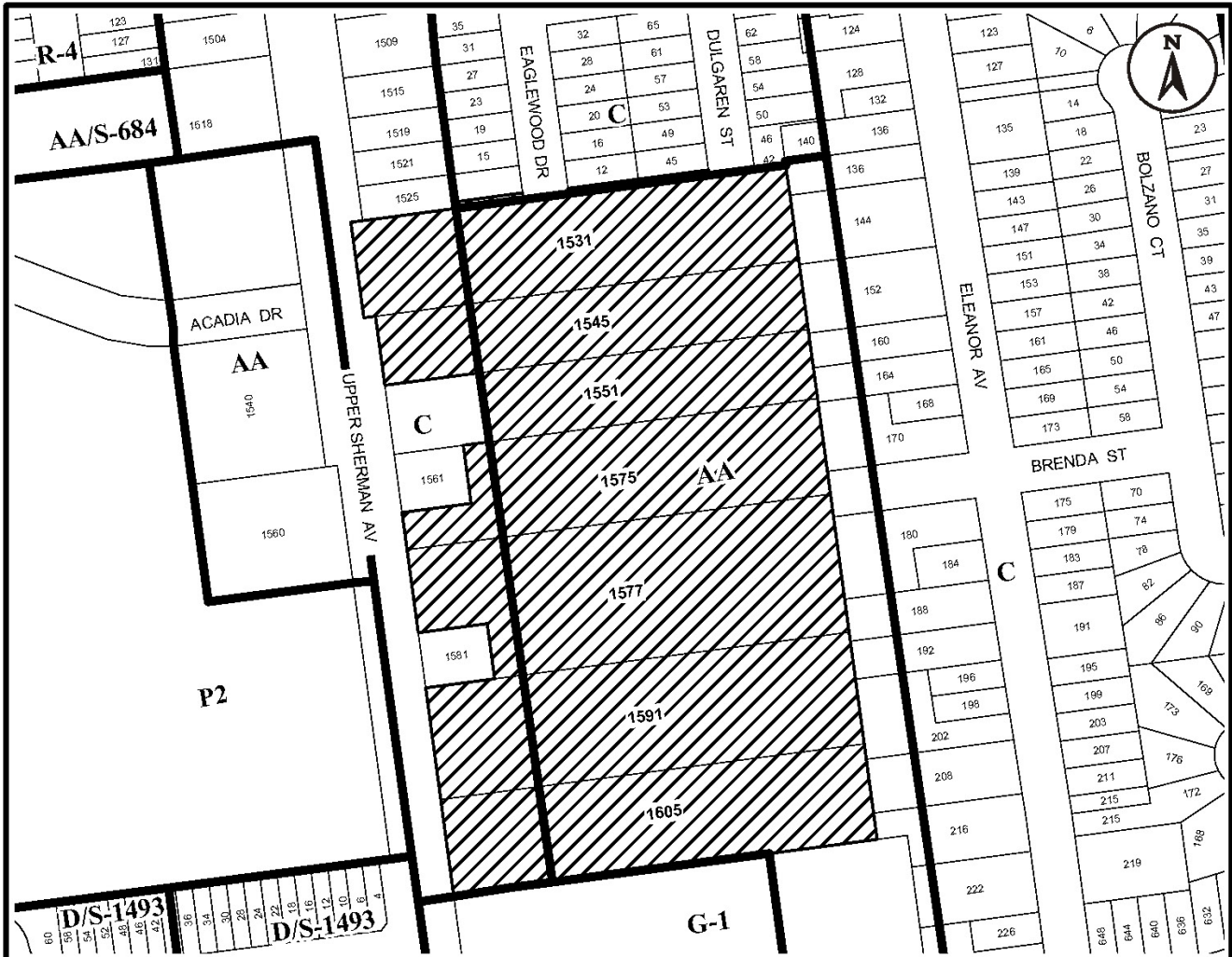
- ◆ Plan and manage the built environment.
- ◆ An engaged Citizenry.

APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Proposed Revised Plan of Subdivision
- Appendix "C": Eleanor Neighbourhood Plan
- Appendix "D": Proposed Amendment to Zoning By-law 3692-92
- Appendix "E": Special Conditions of Draft Plan of Subdivision Approval
- Appendix "F": Neighbourhood Letters

:CB

Attachs. (6)



Ward 7 Key Map N.T.S.

Location Map

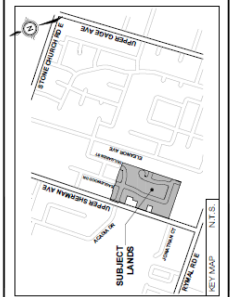
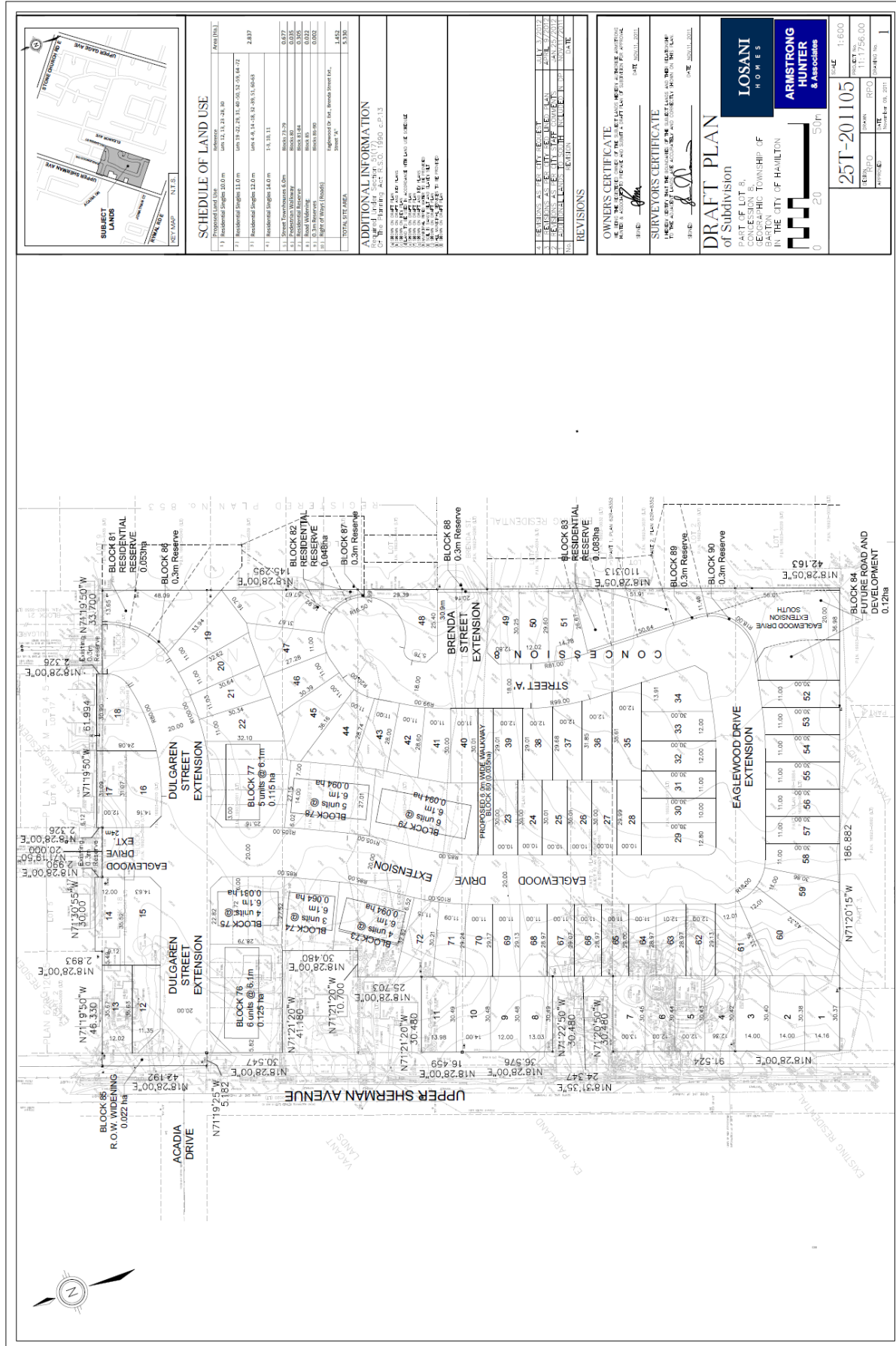
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT



File Name/Number: ZAC-11-031 & 25T201105		Date: December 2, 2011	
Appendix "A"	Scale: N.T.S.	Planner/Technician: CB / AL	

Subject Lands

	1531 - 1605 Upper Sherman Avenue
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SCHEDULE OF LAND USE

Item	Description	Area (ha)
1	Proposed Land Use	11.24
2	Residential Single 12.0m	11.24
3	Residential Single 12.0m	11.24
4	Residential Single 12.0m	11.24
5	Residential Single 12.0m	11.24
6	Residential Single 12.0m	11.24
7	Residential Single 12.0m	11.24
8	Residential Single 12.0m	11.24
9	Residential Single 12.0m	11.24
10	Residential Single 12.0m	11.24
11	Residential Single 12.0m	11.24
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85	Residential Single 12.0m	11.24
86	Residential Single 12.0m	11.24
87	Residential Single 12.0m	11.24
88	Residential Single 12.0m	11.24
89	Residential Single 12.0m	11.24
90	Residential Single 12.0m	11.24

ADDITIONAL INFORMATION

1. The proposed subdivision is shown on the attached site plan.

2. The proposed subdivision is shown on the attached site plan.

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OWNERS CERTIFICATE

I, the undersigned, being the owner of the land shown on the attached site plan, do hereby certify that the information contained therein is true and correct to the best of my knowledge and belief.

SIGNED: _____ DATE: _____

SURVEYORS CERTIFICATE

I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the information contained in the attached site plan is true and correct to the best of my knowledge and belief.

SIGNED: _____ DATE: _____

DRAFT PLAN

of Subdivision

of the Lot 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90

in the City of Hamilton

LOSANI HOMES

ARMSTRONG HUNTER & Associates

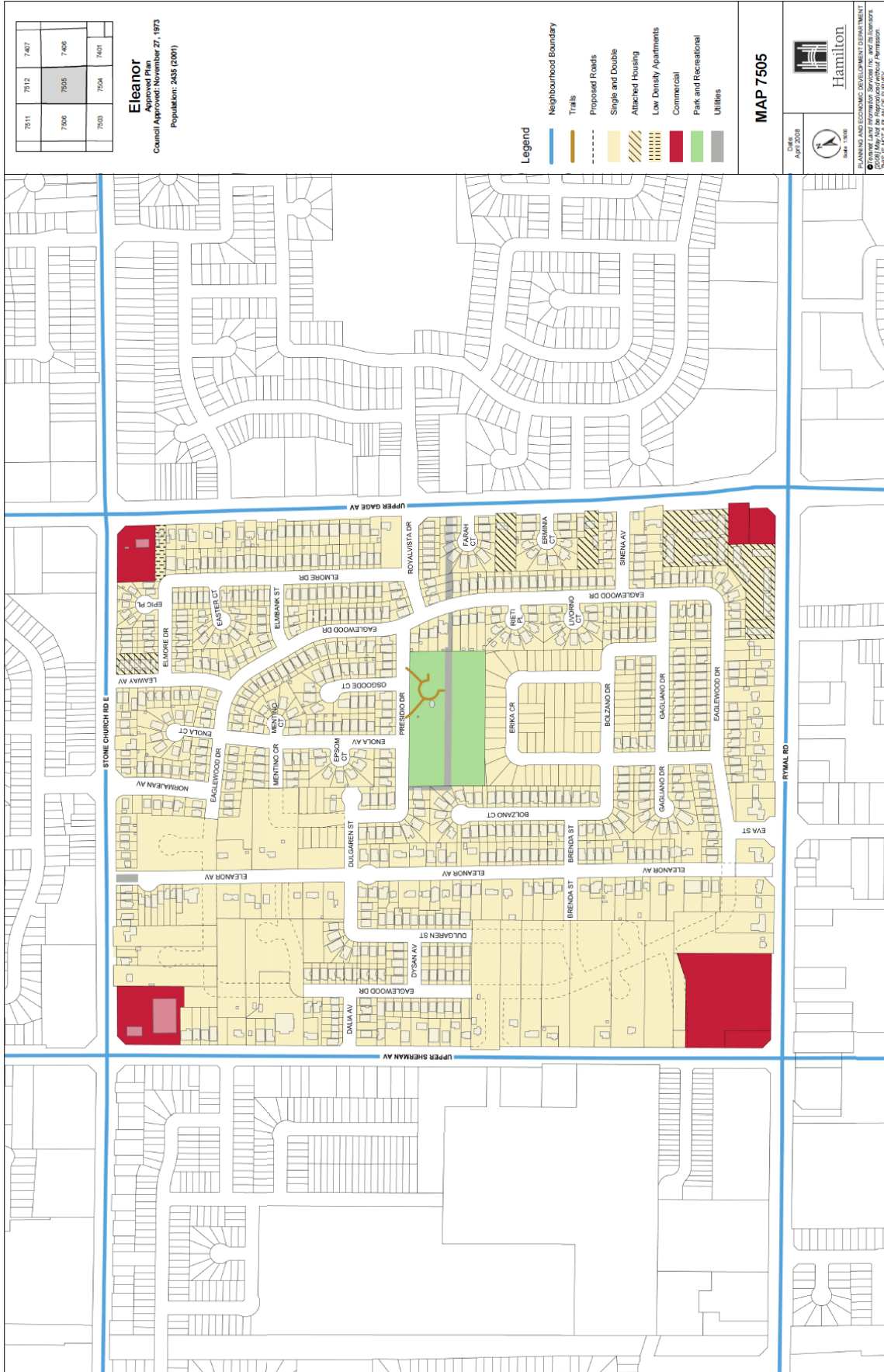
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RPO

10/20/2011



Authority: Item
Planning Committee
Report: 12- [REDACTED] (PED12101)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands Located at 1531, 1545, 1551, 1577, 1591,
and 1605 Upper Sherman Avenue**

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 municipality known as the "The Corporation of the City of Hamilton" 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

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. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton;

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

1. That Sheet No. E38d of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by changing the zoning as follows:
 - (a) That Blocks 1 and 2 be rezoned from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1658" (Urban Protected Residential Etc.) District, Modified;
 - (b) That Block 3 be rezoned from the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1658" (Street Townhouse) District, Modified;
 - (c) That Block 4 be rezoned from the "C" (Urban Protected Residential Etc.) District to the "R-4/S-1658" (Small Lot Single Family Dwelling) District, Modified;
 - (d) That Block 5 be rezoned from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, Etc.) District;
 - (e) That Block 6 be rezoned from the "AA" (Agricultural) District to the "R-4/S-1658" (Small Lot Single Family Dwelling) District, Modified;
 - (f) That Blocks 7 and 8 be rezoned from the "AA" (Agricultural) District to the "RT-30/S-1658" (Street Townhouse) District, Modified; and,
 - (g) That Block 9 be rezoned from the "AA" (Agricultural) District to the "C"/S-1658" (Urban Protected Residential, Etc.) District, Modified;

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

2. That the "C" (Urban Protected Residential, Etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block 1 be modified to include the following special requirement:
 - (a) That all garages and driveways be constructed and maintained to accommodate two parking spaces side by side.
3. That the "C" (Urban Protected Residential, Etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block 2, be modified to include the following special requirement:
 - (a) That notwithstanding Sub-section 9(4), no lot or tract of land within the "C" District for a single family dwelling shall have a width less than 11.3 metres.

4. That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Blocks 4 and 6, be modified to include the following special requirements:
 - (a) That notwithstanding Sub-section 9A(2)(b)(1)(i), a front yard having a depth of not less than 4.5 metres to the main wall of a dwelling unit; and a front yard having a depth of not less than 6.0 metres to the attached garage shall be provided and maintained.
 - (b) That notwithstanding Sub-section 9A(2)(b)(1)(ii), the following shall apply:
 - 1) In the case of an interior lot, having a side yard setback of not less than 1.2 metres on the garage side and 0.6 metres on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only, for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2metres. A 0.6 metre side yard setback shall not be permitted adjacent to any side lot line less than 1.2 metres.
 - 2) In the case of a corner lot, having a side yard setback of not less than 2.4 metres from a flankage lot line, and a side yard setback from the interior lot line of not less than 1.2 metres on the garage side and 0.6 metres on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 metres, with said maintenance easement permitting encroachment for maintenance purposes only, for no more than 0.6 metres into the side yard of the lot adjacent the yard with a side yard setback less than 1.2metres. A 0.6 metre side yard setback shall not be permitted adjacent to any side lot line less than 1.2 metres.
5. That the "RT-30" (Street Townhouse) District regulations, as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks 3, 7, and 8, be modified to include the following special requirements.
 - (a) That notwithstanding Sub-section 10F(4)(a), the following shall apply:
 - 1) A front yard having a depth of not less than 4.5 metres to the main wall of a dwelling unit; and,
 - 2) A front yard having a depth of not less than 6.0 metres to the attached garage shall be provided and maintained.
 - (b) That notwithstanding Sub-section 10F(4)(b), the minimum rear yard for Block 8 shall not be less than 7.0 metres in depth.

- (c) That notwithstanding Sub-section 10F(4)(c)(ii), the following shall apply:
 - 1) In the case of an interior lot, having a side yard setback of not less than 1.2 metres.
 - 2) In the case of a corner lot, having a side yard setback of not less than:
 - i) 5.8 metres from a flankage lot line along Upper Sherman Avenue; and,
 - ii) 2.4 metres from all other flankage lot lines.
 - (d) That notwithstanding Sub-section 10F(5)(b), there shall be a distance between buildings not exceeding two storeys in height of not less than 2.4 metres; and,
 - (e) That notwithstanding Sub-section 10F(6)(i), the minimum lot area shall not be less than 160.0 square metres for each dwelling unit.
6. That the "C" (Urban Protected Residential, Etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to Block 9, be modified to include the following special requirements:
- (a) That notwithstanding Sub-section 9(3)(i), a front yard having a depth of not less than 3.0 metres to the main wall of a dwelling unit; and a front yard having a depth of not less than 6.0 metres to the attached garage shall be provided and maintained.
 - (b) That notwithstanding Sub-section 9(3)(ii), the following shall apply:
 - 1) A side yard setback of not less than 3.0 metres for a yard abutting a street;
 - 2) An interior side yard setback of not less than 1.2 metres.
7. That notwithstanding Sub-section 18(3)(vi)(b)(iii), on any lands subject to this By-law, a canopy, cornice, eave, or gutter may project into the required side yard not more than 0.6 metres.
8. That Section 18A Parking and Loading Requirements, as contained in Zoning By-law No. 6593, applicable to the lands shown as Block 6, be further modified to include the following special requirements:

- (a) That notwithstanding Sub-section 18A(14a), that a required parking space for a single family detached dwelling shall be located in a required front yard and not less than 45% of the gross area of the front yard shall be used for landscaping area excluding concrete, asphalt, gravel, pavers, or other similar material.
9. 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 "C" (Urban Protected Residential, Etc.) District provisions, the "R-4" (Small Lot Single Family Dwelling) District provisions and the "RT-30" (Street Townhouse) District provisions, subject to the special requirements referred to in Sections 2 to 8 of this By-law.
10. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1658.
11. That Sheet No. E38d of the District Maps is amended by marking the lands referred as Blocks 1, 2, 3, 4, 6, 7, 8, and 9 in Section 1 of this By-law as S-1658.
12. 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-11-031



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. 6593

Subject Lands

1531, 1545, 1551, 1575, 1577, 1591 & 1605 Upper Sherman Avenue

-  **Block 1:** Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1658" (Urban Protected Residential, Etc.) District, Modified
-  **Block 2:** Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "C/S-1658" (Urban Protected Residential, Etc.) District, Modified
-  **Block 3:** Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "RT-30/S-1658" (Street Townhouse) District, Modified
-  **Block 4:** Change in Zoning from the "C" (Urban Protected Residential, Etc.) District to the "R-4/S-1658" (Small Lot Single Family Dwelling) District, Modified
-  **Block 5:** Change in Zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential Etc.) District
-  **Block 6:** Change in Zoning from the "AA" (Agricultural) District to the "R-4/S-1658" (Small Lot Single Family Dwelling) District, Modified
-  **Block 7:** Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1658" (Street Townhouse) District, Modified
-  **Block 8:** Change in Zoning from the "AA" (Agricultural) District to the "RT-30/S-1658" (Street Townhouse) District, Modified
-  **Block 9:** Change in Zoning from the "AA" (Agricultural) District to the "C/S-1658" (Urban Protected Residential, Etc.) District, Modified

Scale:
N.T.S.

File Name/Number:
ZAC-11-031 & 25T201105

Date:
June 27, 2012

Planner/Technician:
CB/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Special Conditions of Draft Plan of Subdivision Approval for 25T201105

Planning:

1. That this approval apply to the Plan of Subdivision 25T201105, for Losani Homes, in the City of Hamilton, Revision 4, by Armstrong Hunter and Associates, dated July 3, 2012, as red-line revised, showing 72 single detached dwelling lots (Lots 1-72), 7 Street Townhouse blocks (Blocks 73-79), the extension of Eaglewood Drive, Dulgaren Street and Brenda Street, the creation of 1 additional public road (Street "A"), 4 residential reserve blocks (Blocks 81-84), 1 block for a road widening (Block 85), and 5 Blocks for 0.3 metre reserves (Blocks 86-90).
2. That the owner shall enter into a Standard Form Subdivision Agreement with the City of Hamilton.
3. That, **prior to registration of a Subdivision Agreement by the City**, the owner/applicant shall investigate the noise levels on the site, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning. 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.
4. That, **prior to preliminary grading or servicing**, the owner shall submit a tree preservation study and plan, prepared by a certified arborist or landscape architect, for review and approval by the Director of Planning, and provide written certification from the owner's landscape architect/arborist to the Director of Planning that all measures for the protection of isolated trees, tree clusters, and woodlands, in accordance with the Detailed Tree Preservation Plan approved by the Director of Planning, have been implemented and inspected, prior to any clearing or grubbing of the lands within the draft plan.
5. That Block 84 shall be considered a non-development Block until such time the lands and cost for the extension of Eaglewood Drive through 705 Rymal Road have been secured by the City. Further that the owner agree to undertake the road extension through 705 Rymal Road if the lands and cost for the work are secured by the City prior to the start of servicing. If the owner does not proceed with the extension of Eaglewood Drive through Block 84 then he will convey the road allowance to the City forthwith upon request by the City at his sole cost.
6. That the owner agrees that Blocks 81, 82, and 83 shall be merged with the adjacent lands for the creation of residential lots, to the satisfaction of the Senior Director of Growth Management.

7. That the owner agrees, that if Blocks 81, 82, and 83 are to be conveyed to the respective adjoining land owners, that such conveyances are at a fair market value, as determined by the City's Appraiser.

Growth Management:

8. That, **prior to registration of the final plan of subdivision**, the road allowance width of Eaglewood Drive shall be established at a width of 20m from the north limit of the subdivision to the south limit of Lot 52, to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to registration of the final plan of subdivision**, 4.5m x 4.5m daylight triangles shall be established on the final plan of subdivision on Lots 15, 16, 34, 48, 49 and Blocks 75 and 77.
10. That, **prior to registration of the final plan of subdivision**, 4.5m x 4.5m daylight triangles or 4.5m radius daylights shall be established on the final plan of subdivision on Lot 29.
11. That, **prior to registration of the final plan of subdivision**, 9.0m x 9.0m daylight triangles shall be established on the final plan of subdivision at the widened intersection of Upper Sherman Avenue and the Dulgaren Street Extension.
12. That, **prior to registration of the final plan of subdivision**, Block 85 shall be dedicated to the City of Hamilton as public highway, by the owner's certificate on the final plan of subdivision, for road widening on Upper Sherman Avenue.
13. That, **prior to registration of the final plan of subdivision**, Block 80 shall be dedicated to the City of Hamilton by the owner's certificate on the final plan of subdivision, as a public walkway.
14. That, **prior to registration of the final plan of subdivision**, the owner shall pay their proportionate share for the future urbanization of Upper Sherman Avenue adjacent to Lots 1 to 13 and Block 76, based on the City's "New Roads Servicing Rate" in effect at the time of payment, to the satisfaction of the Senior Director of Growth Management.
15. That, **prior to registration of the final plan of subdivision**, the proposed Dulgaren Street Extension shall align centreline-to-centreline with Acadia Drive on the west side of Upper Sherman Avenue, to the satisfaction of the Senior Director of Growth Management.

16. That, **prior to registration of the final plan of subdivision**, the proposed Brenda Street Extension shall align centreline-to-centreline with the future Brenda Street right-of-way west of Eleanor Avenue, shown on R.P. 853, known as PIN No.16923-0285, to the satisfaction of the Senior Director of Growth Management.
17. That, **prior to registration of the final plan of subdivision**, sanitary sewers, storm sewers, watermains, and road access shall be available to service the lands of the draft plan or, alternatively, the owner shall acquire the necessary land or easements and pay the full cost, less over-sizing, to construct sanitary sewers, storm sewers, watermains, and road access to service the lands of the draft plan, to the satisfaction of the Senior Director of Growth Management.
18. That, **prior to servicing**, the owner shall prepare a Water Servicing Study demonstrating how residential and fire flow demands will be accommodated based on field information and hydraulic modeling in order to support the application, to the satisfaction of the Senior Director, Growth Management. The report shall focus on the following issues:
 - a) Tabularize the expected occupancy;
 - b) Generate water demand estimation related to close nodes;
 - c) Calculate needed fire flow (via FUS, 1999);
 - d) Provide Water Quality Plan prior to Completion of Development (interim Period) for dead end of Street "A"; and,
 - e) Utilize some 200mm watermains in proposed watermain layout, especially for the extensions of existing watermains.
19. That, **prior to servicing**, the owner shall prepare a Groundwater Study, which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns, to the satisfaction of the Senior Director of Growth Management.
20. That, **prior to servicing**, the owner shall include in the engineering design and cost estimates provision for construction of municipal sidewalks in accordance with current approved City policy.
21. That, **prior to servicing**, the owner shall include in the engineering design and cost estimates provision for replacement of the full width pavement, including the road base, as required, on Upper Sherman Avenue from the south limit of the subdivision to the north limit of the subdivision, to the satisfaction of the Senior Director of Growth Management.

22. That, **prior to servicing**, the owner shall submit a detailed Stormwater Management Report, to the satisfaction of the Senior Director of Growth Management. The report must address requirements for stormwater quantity and quality control, including conveyance of major overland flows to a suitable outlet. In addition, the report shall address the fact that in the absence of an overland flow route, the 100 year storm shall be controlled to the capacity of the pipe to which the system outlets. In the absence of actual capacity analysis, the allowable release rate of flows from the proposed development is to be determined by the original design criteria of the existing system.
23. That, **prior to servicing**, the owner shall indicate all driveway locations on the engineering drawings for all lots to the satisfaction of the Senior Director of Growth Management and that no driveway shall be located within a daylight triangle. In addition, there are to be no side-by-side driveways for Lots 1 to 13, inclusive, along Upper Sherman Avenue.
24. That, **prior to servicing**, the owner shall prepare an on-street parking plan for Dulgaren Street, Eaglewood Drive, Brenda Street, and Street "A", based on the premise of achieving on-street parking for 40% of the total units, to the satisfaction of the Senior Director of Growth Management.
25. That, **prior to servicing**, the owner shall submit a Hydrogeological Study, prepared by a qualified professional, that assesses impacts to existing and future homes, identifies any significant recharge and discharge zone, and provides recommendations to mitigate the groundwater impacts such as continuously running sump pumps, both during construction and post construction, and to undertake any remedial works, as recommended, including monitoring, to the satisfaction of the Senior Director of Growth Management.
26. That, **prior to servicing**, the owner shall include in the engineering design and cost estimates for the draft plan lands relocations, as required, of all affected utility poles, hydrants, pedestals, hydro vaults, etc., on Upper Sherman Avenue, to the satisfaction of the Senior Director of Growth Management.
27. That **prior to servicing**, the owner shall include in the engineering design and cost estimates for the draft plan lands removal of all dead or diseased trees within the City's road allowance, as required, by reconstruction on existing streets, and pay all costs for replacement of such street trees.
28. That, **prior to servicing**, the owner shall agree to provide, in writing, 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 shall 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/agent contact information so that the City can direct works be completed, as necessary.

29. That, **prior to servicing**, the owner shall include in the engineering design and cost estimates provision for construction of a 1.5m high galvanized chainlink fence along the entire north and south sides of the public walkway Block 80 and three bollards, with the centre bollard being removable, installed at each end.
30. That, **prior to registration of the final plan of subdivision** the owner shall include in the engineering design and cost estimates provision for servicing of Municipal Nos. 1561 and 1581 Upper Sherman Avenue with sanitary sewer, including decommissioning the existing septic beds, and reconnect the sanitary private drains to the proposed sanitary sewer on Upper Sherman Avenue.
31. That, **prior to registration of the final plan of subdivision**, the owner pay its proportionate share of the retrofitted stormwater management pond temporarily located on the south side of Acadia Drive.
32. That, **prior to servicing**, the owner include in the engineering design a grading plan in the vicinity of existing lots on Upper Sherman Avenue incorporating transitional grading without retaining walls while still providing the required maximum 5% grade within the rear yards of the subject lands, to the satisfaction of the Senior Director of Growth Management

Traffic:

33. That, **prior to registration of the final plan of subdivision**, the owner shall demonstrate that the lots fronting Upper Sherman Avenue (Lots 1-13) be developed to include double width garages and driveways, to the satisfaction of the Senior Director of Growth Management.
34. That, **prior to registration of the final plan of subdivision**, the driveway locations to Lots 44-48 and 59-61 shall be illustrated on engineering drawings, to the satisfaction of the Senior Director of Growth Management.
35. That, **prior to registration of the final plan of subdivision**, the driveway location for Lot 18 shall be illustrated on engineering drawings, to the satisfaction of the Senior Director of Growth Management. The placement of the driveway must consider the curvature of the roadway and location of the dwelling unit.
36. That, **prior to registration of the final plan of subdivision**, the Dulgaren Street Extension shall be shown on the final plan as one continuous roadway, and not be designated as two separate roads divided by Eaglewood Drive.
37. That, **prior to registration of the final plan of subdivision**, the owner shall provide proof that the driveways to Lot 12 and Block 76 will be located on Dulgaren Street Extension, and be situated outside of the daylight triangles required at Dulgaren Street Extension and Upper Sherman Avenue.

38. That, **prior to registration of the final plan of subdivision**, the new portion of Eaglewood Drive shall align centreline-to-centreline with Eaglewood Drive on the north side of the Dulgaren Street Extension.
39. That the owner shall construct the 'Brenda Street Extension' between Street 'A' and the east limits of the Applicant's property, to the satisfaction of the Senior Director of Growth Management.

Hamilton Conservation Authority:

40. That, **prior to registration of the final plan**, the applicant shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall include the following notes:
 - a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been re-vegetated;
 - b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;
 - c) Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - d) All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.
41. That, **prior to registration of the final plan**, the applicant shall prepare and implement a stormwater management plan for the subject property, to the satisfaction of the Senior Director of Growth management in consultation with the Hamilton Conservation Authority. The approved plan shall ensure that post development flows will equal pre-development levels, and that current Provincial drainage and stormwater quality guidelines are implemented.
42. That, **prior to registration of the final plan**, the applicant shall prepare and implement a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

Canada Post:

43. That the owner shall agree, in writing, to include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - a. That the home/business mail delivery shall be from a designated Centralized Mail Box.
 - b. That the owner shall be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales.

44. That the owner shall further agree to:
 - a. Install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the installation of Community Mail Boxes.
 - b. Identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - c. Determine the location of all centralized mail facilities, in cooperation with the Senior Director of Growth Management and Canada Post, and to post the location of these sites on appropriate maps, information boards, and plans.

Bell, Chris

From: Cheryl Lynn
Sent: Monday, June 13, 2011 8:04 AM
To: Bell, Chris
Subject: File No ZAC-11-031 & 25T-201105

Importance: High

Chris Bell:

My name is Cheryl MacLeod and I live at 713 Rymal Rd E. I received a letter this past Friday (June 10, 2011) explaining a Zoning By-Law Amendment for an approval of a draft plan of subdivision by Losani Homes located at 1531, 1545, 1551, 1575, 1577 and 1591 Upper Sherman Ave.

Although my husband and I agree to the development of homes behind us, which we have been waiting on for years, we DO NOT agree to the proposed layout of the development. The proposed layout does not include the extension of Eaglewood Drive at the bottom (connector) of Eaglewood Drive which already exist. The proposed design has taken into consideration the top end of Eaglewood which was recently developed yet the bottom of Eaglewood which has been sitting waiting for the development of extension of years is NOT taken into consideration.

If plans to redesign the bottom Eaglewood extension is NOT taken into consideration, we appose this current plan. We have been waiting for the extension of the bottom portion of Eaglewood Drive to extend to the top portion of Eaglewood extension for over 25 years now.

We would like to see a NEW site plan including the extension of Eaglewood connecting to the current (bottom) portion of Eaglewood.

If you have any further questions, please feel free to contact us.

Regards,

Cheryl and Wayne MacLeod

Bell, Chris

From: art witten
Sent: Monday, June 13, 2011 7:44 PM
To: Bell, Chris
Subject: File No: ZAC-11-031 & 25T-201105

To: Chris Bell, Senior Planner
Re: Zoning By-law Amendment Application and for approval of a Draft Plan of Subdivision by Losani Homes on lands located at 1531, 1545, 1551, 1575, 1577 = File No ZAX-11-031 & 25T-201105
From: Dr. Art Witten
164 Eleanor Ave.
Hamilton, ON
L8W 1C8

Chris.

Your letter dated June 9, 2011 causes the following response.
The lands in question, particularly located at 1551 are immediately adjacent [behind] Part 2 of Lot 6 [Registered Plan No 853 Plan 62R-8653] where I have lived since 1987 - at that time my "AA" (Agricultural) zoned area was amended to "C" (Urban Protected Residential, etc.). My lot is 202.29' long and 50.00' wide. The house is located on the front half of the lot - the expectation based on the City of Hamilton Planning and Development Department [eg. Planning Unit 7505 - page 43] information when we build in 1987- indicated a possibility for me to potentially sever my property making possible the development of a 100'x50' building lot

PROBLEM = the suggested Draft Plan of Subdivision by Losani re section 1551 would enclose [lock-in] my property not allowing the development of the potential building lot. I therefore submit my objection to the proposed Draft Plan of Subdivision by Losani as proposed and communicated in your submission received today.

Please receive this email as my objection and advise how I can further proceed with this concern.

Thank you, Art.

Bell, Chris

From: John Tedesco
Sent: Sunday, June 26, 2011 6:51 PM
To: Bell, Chris

RE: Zoning By-Law Amendment Application and for approval of a Draft Plan of Subdivision by Losani Homes on Lands Located at 1531,1545,1551,1575,1577.
File No.ZAC-11-031 & 25T-201105

Chris Bell,we have received the letter dated June 9th,2011.
The Lands in Question,located at 1575 are immediately behind our property,known as 170 Eleanor Ave,we have lived here since 1998,at which time I purchased this property with the possibility for us to potentially sever the property,resulting into two Lots.
The Problem I see is the suggested Draft Plan of Subdivision By Losani re:section 1575 would enclose and essentially lock in my property not allowing me the potential of two building lots.

To say the least,I submit my objection to the proposed Draft Plan of Subdivision by Losani as proposed.

Please advise how I can further proceed with this objection.

Thank-You

John and Mary Tedesco
170 Eleanor Ave
Hamilton,Ont
L8W1C8

Bell, Chris

From: Maan Thamir
Sent: Tuesday, June 28, 2011 10:12 PM
To: Bell, Chris
Cc: zanoob yahoo
Subject: File no : ZAC-11-031 & 25T-201105

Dear Mr Chris

Good day

After reviewing the proposed plan File no : ZAC-11-031 & 25T-201105

I do see the following

1-Close to 100 unit with only one access(Acadia) to main street (upper Sherman)???? , in Case of disaster have any thought of how the residents will leave all at once ? or Even day to day life is it too many units for only one exit to the main street ? i do suggest another exit

2-Why bring townhouses to a fully single units area that extend from upper gage to upper sherman and between Rymal rd. and stone church ? all units are single there why townhouses ...?? that will decrease the overall value of houses in this area ..or at least to be moved to the end of the lot close to upper sherman and Rymal corner where there are some new to be developed to townhouses and there are already semi/s

Please note that this area is crowded enough why add more twonhouses

Thank you for your time

Maan Thamir

Bell, Chris

From: art witten
Sent: Saturday, December 24, 2011 6:54 PM
To: Bell, Chris
Subject: ZAC-11-031 & 25T-201105

To: Chris Bell, Senior Planner

Planning and Economic Development Department
Planning Division - Development Planning - West Section
71 Main Street West, 5th Floor, Hamilton, Ontario L8P 4Y5

Re: Revised. Notice of Complete Application and Preliminary Circulation for a Zoning By-law Amendment and for approval of a Draft Plan of Subdivision by Losani Homes on lands located at 1531, 1545, 1551, 1575, 1577, 1591 and 1605 Upper Sherman Avenue, Hamilton = File No: ZAC - 11=031 & 25T-201105

AND

Zoning Amendment Application [File No. ZAC - 11-031]

AND

Subdivision Application [File No. 25T-201105]

From:
Dr Art Witten
164 Eleanor Ave.
Hamilton, ON
L8W 1C8

Dear Sir:

Similar to my communication dated June 13, 2011 the planned subdivision re lands located at 1551 adjacent to my property Part 2 Lot 6 [Registered Plan No 853 Plan 62R-8653] it again appears that the proposed plan will land lock my property. Approximately 50x100 ft of my property I've treated as a potential building lot since moving to this location in 1987. Therefore I would wish to appeal any decision made that would land lock my "back yard building lot".

I am willing to - if needed - negotiate with "Losani Homes" to facilitate a resolution to this problem.

Further, I would appreciate being able to make an oral or written submission - if needed at a public meeting - to the City of Hamilton before the By-law in question is passed. I assume I will be notified of any scheduled public meetings relevant to my concern.

Please receive this email as my written objection to the proposed Draft Plan of Subdivision by Losani Homes on lands located at 1551 - behind my property at 164 Eleanor Ave., potentially land locking my intended building lot.

Thank you, Art.

03/05/2012

Bell, Chris

From: Cheryl Lynn
Sent: Thursday, December 29, 2011 9:56 AM
To: Bell, Chris
Subject: Revised - File No ZAC-11-031 & 25T-201105
Importance: High

Dear Chris Bell:

We are the homeowners of 713 Rymal Rd E., Hamilton, Ontario and we are in receipt of a Revised Plan for file No ZAC-11-031 & 25T-201105 regarding Losani Homes.

This revised plan still does not take into consideration the existing plans of the City of Hamilton site behind us which we have been waiting for over 25 years. We have been waiting for over 25 years for the development on the extension of Eaglewood Drive to come across Eleanor Street and extend behind our house into the proposed plan which Losani Homes is planning to build. However, I see on the new proposed plan that the extension of Eaglewood Drive does not include hooking up into the existing Eaglewood drive within the Eleanor community. This will leave our property land locked!

I opposed this plan of Losani Homes. Losani Homes and the City of Hamilton should keep the existing site plan continuing on the extension of connecting the old Eaglewood Drive with the new Eaglewood Drive extension thru to the new community proposed by Losani Homes.

I would like the opportunity to explain more regarding this revised plan of Losani. I do not want my land locked! I have paid taxes for over 25 yrs waiting for the development behind us.

We do not agree with the revised proposal put forth by Losani Homes!

Regards,
Cheryl and Wayne Macleod

Begin forwarded message:

From: Cheryl Lynn <
Date: June 13, 2011 8:04:13 AM EDT
To: chris.bell@hamilton.ca
Subject: File No ZAC-11-031 & 25T-201105

Chris Bell:

My name is Cheryl MacLeod and I live at 713 Rymal Rd E. I received a letter this past Friday (June 10, 2011) explaining a Zoning By-Law Amendment for an approval of a draft plan of subdivision by Losani Homes located at 1531, 1545, 1551, 1575, 1577 and 1591 Upper Sherman Ave.

Although my husband and I agree to the development of homes behind us, which we have been waiting on for years, we DO NOT agree to the proposed layout of the development. The proposed layout does not include the extension of Eaglewood Drive at the bottom (connector) of Eaglewood Drive which already exist. The proposed design has taken into consideration the top end of Eaglewood which was recently developed yet the bottom of Eaglewood which has been sitting waiting for the development of extension of years is NOT taken into consideration.

If plans to redesign the bottom Eaglewood extension is NOT taken into consideration, we appose this current plan. We have been waiting for the extension of the bottom portion of Eaglewood Drive to extend to the top portion of Eaglewood extension for over 25 years now.

We would like to see a NEW site plan including the extension of Eaglewood connecting to the current (bottom) portion of Eaglewood.

If you have any further questions, please feel free to contact us.

Regards,

Cheryl and Wayne MacLeod

Love and Much Success!

Cheryl Lynn
Mobile and Local Internet Marketing Expert

Bell, Chris

From: art witten '
Sent: Wednesday, January 04, 2012 9:11 PM
To: Bell, Chris
Cc: Duvall, Scott
Subject: Re File No ZAC -11-031 & 25T-201105

Date: January 4, 2012

To: Chris Bell, Senior Planner
Planning and Economic Dev. Dept.

From: Dr. Art Witten, 164 Eleanor Ave., Hamilton, ON L8W 1C8

Re: Follow up after Jan 4th meeting re Zoning By-law Amendment Application File No ZAC -11-031 and approval of Draft Plan of Subdivision by Losani Homes on lands located at 1551 etc -File No 25T - 201105. [[File No. ZAC - 11=031 &25T-201105.]]

Dear Sir:

Thank you for being available on short notice for a meeting today regarding your communications dated June 9th, 2011 and December 16th 2011. This meeting helped to clarify the process in which I'm becoming involved. The intention of the Planning Department to create an orderly and efficient process to provide 'value in lot' and provide for an orderly and efficient use of the city's limited building lots, has been clarified. In fact, the change in the planned subdivision - as shown in comparing the two submissions June 9th - Dec.16th - on lands adjacent to my property Part 2 Lot 6 at 164 Eleanor shows a good intention by all those involved and is appreciated. It appears that redrawing of the subdivision 'map' will allow - subject to a needed negotiation with Losani for a small parcel - for me to access my 50x100 ft 'building lot'. At present only this small parcel of land stops me from having direct road access, thus keeping me from being land-locked. Chris your suggestion to contact Ryan Oosterhoff at Losani Homes is appreciated and initial contact has been made.

However, as a home owner who has previously been granted a building permit for 164 Eleanor [1989 and for an addition in 2008] and having successfully met all expectations and requirements - I would presently prefer to have direct road access to my 'building lot' and have the option to be personally responsible for servicing a lot and building a new home. I look forward to further communication with Losani Homes [Ryan Oosterhoff] to resolve this matter.

A question for the Planning and Economic Development Department that remains is the following; Why is the 1987 plan [City of Hamilton, Eleanor Zoning - Planning unit no 7505 pg 43 and Block 182 {ZA-87-110}] showing a Dulgaren Street extending North-South running directly behind my property, parallel to Eleanor Ave. not maintained in the Losani Homes Draft Plan of the Subdivision? That would give everyone on Eleanor adjacent to the planned subdivision road access to approximately 50x100 lots - a most efficient use of available residential "C-Zoning"? I look forward to receiving a copy of the staff report related to this matter prior to the public meeting to be held by the Planning Committee of City Council.

03/05/2012

I hope this communication and any needed negotiation with Losani Homes will result in me being able to access my anticipated 50x100 "building lot" at 164 Eleanor and fore-go the problem of land-locking some of the city's limited building lots.

Thank you for your continued attention to this matter.

Art

cc Councillor Scott Duvall, Ward 7.

03/05/2012

Bell, Chris

From: Vicky Rigby
Sent: Tuesday, January 10, 2012 7:46 PM
To: Bell, Chris
Subject: File No. ZAC-11-031 & 25T-201105

Mr Bell

I spoke to you by phone a couple of months ago. We live on Upper Sherman Ave. We have a few questions regarding the future development of our neighbourhood. The property around us has been surveyed and the questions we have are regarding sewers. There are a few houses on the street that still run on a septic system not sewers. In the deed for our property it states that we have right of easement for septic tank purposes over some of the land directly behind our home. Will sewers be coming down Upper Sherman before the new development starts? If not what does this mean for the land behind our home? Will this hold up the builders plans? Is there an option to buy some of the property behind our home where our weeping tile lies? We do have concerns about any heavy equipment or digging damaging our septic bed during the construction of the new survey. We look forward to the next planning meeting.

Thank you Vicky Rigby

Bell, Chris

From: John Tedesco
Sent: Thursday, January 12, 2012 5:56 PM
To: Bell, Chris
Subject: RE:ZAC-11-031 & 25T-201105

TO: Chris Bell

RE: Revised,notice of complete applications and Preliminary Circulation for a Zoning By-law amendment and for Approval of a Draft Plan of Subdivision By Losani Homes on Lands Located at 1531,1545,1551,1575,1577,1591, and 1605 Upper Sherman,Hamilton.

Dear Sir,

After meeting with you on January 3/2012 ,I went over the application carefully and although I do no have objection to development,I need to fully understand the position I'm going to be in. Your Letter of December 16,2011 under "Purpose and Effect of REVISED Application"indicates 2 Future Development Blocks (Blocks 86,87),this concerns me as I would be interested in developing 2 potential building lots fronting on Brenda St. extension,and would not want to be in a position where I would be waiting a long period of time to do this.I would need to know the definition of Future,and what Block 86 would entail. Although you indicated to me that the sewers and water (Services)would be on the Brenda St.extension. I would appreciate being involved with the process,Public meeting,ANY additional information regarding the proposed Draft Plan of the Subdivision.

Thank-You

John and Mary Tedesco
170 Eleanor Ave
Hamilton,Ont.
L8W1C8

Bell, Chris

From: Italo Di Pietro
Sent: Friday, January 13, 2012 9:27 PM
To: Bell, Chris
Cc: vinced@angelicahomes.com; e@evolucia.ca
Subject: FILE NO. ZAC-11-031 & 25T-201105

Re: Subdivision by Losani Homes

I'm the property owner of 1551 Upper Sherman Avenue. The purpose of this letter is to provide feedback on the proposed zoning by-law amendment and subdivision plan proposed by Losani Homes.

My home at 1551 Upper Sherman Ave is a single family bungalow. The existing conditions provide ample space and separation from other homes and this is why I purchased the property. I fully understand that development and infilling is necessary and part of the City's growth strategy and I have no objections to that. However, I would like to express my strong opposition to this revised proposal by Losani Homes. In the neighbourhood plan that I'm familiar with, the street patterns, lot orientation and size was dramatically different than what is being proposed. The neighborhood plan showed all single family lots, approximately 40' x 100' flanking and backing onto the home at 1551 Upper Sherman. This latest proposal shows dramatic changes and intensification around the complete perimeter of my home with 4 townhouse blocks being proposed. It is my belief that if this plan is approved, it will negatively impact the value of my single family property and that is simply not fair. I would be willing to support block 77, 78 and 79 but I think that 76 should be single family homes.

Unrelated to the zoning but very important to me I have two questions that I would request a response to. When this subdivision proceeds, will the City require the developer to construct a wooden visual barrier fence around the perimeter of my home?

Presently on the north side of my home there is a ditch. Will the City ensure that all the drainage issues are resolved by the developer so that it does not negatively impact my property?

Thank you for the opportunity to comment on this proposal by Losani Homes.

Italo Di Pietro
7 Torino Drive
Hamilton, ON
L9B1Y4