

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: September 18, 2012	
SUBJECT/REPORT NO: Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Greg Macdonald (905) 546-2424 Ext. 4283
SIGNATURE:	

RECOMMENDATION:

That approval be given to **Amended Zoning Application ZAC-11-022, by 1794757 Ontario Inc., c/o Matthew Manzella, Owner**, for a change in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Single Residential "R1" Zone to the Multiple Residential "RM3-44" Zone, with a Special Exception, in order to permit 6 single detached dwellings on a condominium roadway, as shown on Appendix "A" to Report PED12169, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED12169, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and the Stoney Creek Official Plan.

EXECUTIVE SUMMARY

The purpose of this application is to amend the Stoney Creek Zoning By-law in order to permit the development of the property at 455 Jones Road (Stoney Creek) (see Appendix “A”) for 6 single detached dwellings in a “Dwelling Groups” form of development (see Appendix “C” for a preliminary site plan of the proposed development).

The proposal has merit and can be supported as the application is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan, the Hamilton-Wentworth Official Plan, the Stoney Creek Official Plan, the Ministry-Approved Urban Hamilton Official Plan, and Bayview Neighbourhood Plan. The proposed development would allow for the appropriate intensification of a vacant property on the periphery of the neighbourhood at the corner of a local and collector road, with a density and built form compatible with the existing range of land uses in the immediate neighbourhood.

Alternatives for Consideration - See Page 20.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

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

HISTORICAL BACKGROUND

Proposal

The applicant has applied to rezone the lands from the Single Residential “R1” Zone to the Multiple Residential “RM3-44” Zone, in order to permit 6 single detached dwellings in a “Dwelling Groups” form of development, as shown on the location map (see Appendix “A”) and preliminary site plan (see Appendix “C”).

The applicant has requested a number of modifications in order to implement the development proposal including:

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Modifications to be Less Restrictive:

- Decrease the minimum required lot area from 4,000 sq. m to 2,600 sq. m;
- Decrease the minimum required lot frontage from 50m to 34m;
- Decrease the minimum front yard from 7.5m to 6.0m; decrease the southerly side yard from 7.5m to 6.0m; and decrease the westerly rear yard from 7.5m to 5.0m;
- Decrease in minimum landscaped open space from 50 percent to 43 percent;
- Decrease in the minimum distance between buildings on the same lot from 3m between end walls to 1.5m between end walls;
- Decrease in the minimum landscaped strip from 4.5m to 4.0m along the front lot line, and elimination of the requirement for a landscaped strip along the southerly lot line;
- Parking spaces shall be located 1.0m from the northerly side lot line, whereas a 3m setback is required; and,
- A porch is permitted to encroach 2m instead of 1.5m into the required front yard.

Modifications to be More Restrictive:

- Modify the definition of “Dwelling Groups” to include single detached dwellings;
- Modify permitted uses so that only a maximum of 6 single detached dwellings as part of a “Dwelling Group” would be permitted on the property. This would preclude townhouses, apartments, and maisonettes from being permitted;
- Increase in the amount of required parking from 1.75 spaces and 0.35 visitor spaces per dwelling unit to 2 spaces and 0.8 visitor spaces per unit;
- Decrease in the maximum height from 11.0m to 9.2m; and,
- No windows to be permitted on the westerly most end elevation of the westerly most building above the 1st storey level.

The proposed modifications are discussed in the Analysis/Rationale for Recommendation section of this Report.

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Chronology:

March 3, 2010: Development Review Committee Meeting for Formal Consultation Application FC-10-003.

May 18, 2011: Zoning Application ZAC-11-022 is deemed complete for proposed development of 8 townhouse units.

May 27, 2011: Circulation of Notice of Complete Application for Zoning Application ZAC-11-022 to all residents within 120m of the subject lands.

February 6, 2012: Neighbourhood Meeting held to discuss Zoning Application ZAC-11-022 at the Stoney Creek Municipal Centre to present modified proposal of 8 townhouse units as a result of comments received from local residents.

April 18, 2012: Applicant requests that the Planning Division not bring forward a staff report for the proposed 8 townhouse development to the intended May 15, 2012, Planning Committee Public Meeting, and that the proposal be modified to 6 single detached dwellings instead, to address further comments and concerns from local residents aired at the February 2012, Neighbourhood Meeting.

August 31, 2012: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Applications:

Location: 455 Jones Road (Stoney Creek)

Owner/Applicant: Matthew Manzella

Agent: Greg Poole & Associates

Property Description: Area: 0.266 hectares
Frontage: 34m
Depth: 80m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Single Residential "R1" Zone
<u>Surrounding Lands:</u>		
North	Single Detached Dwelling	Single Residential "R1" Zone
South	Municipal Sidewalk and Bike Path and North Service Road	Single Residential "R1" Zone
East	Single Detached Dwellings and Townhouses	Single Residential "R3" Zone, Rural Residential "RR" Zone and Multiple Residential "RM3" Zone
West	Single Detached Dwellings	Single Residential "R3-4" Zone

POLICY IMPLICATIONS

Provincial Policy Statement:

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in Settlement Areas 1.1.3.1. It also implements Policies 1.1.3.2, 1.1.3.4, and 1.4.3 with respect to promotion of densities, which efficiently use land and resources and appropriate intensification and re-development.

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. The subject lands are intended to be developed for residential purposes and are located adjacent to the North Service Road, approximately 60m from the Queen Elizabeth Way (QEW). The proximity of the proposed sensitive land use to road noise sources triggers the requirement for a noise study. A noise study has been submitted and approved, indicating that the proposed

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development is feasible from a noise perspective, as mitigation can be provided to meet Ministry of Environment Noise Guidelines. Implementation of the recommendations will be undertaken at the Site Plan Control stage of development, and includes construction of any necessary noise barrier and other mitigation measures.

Policy 2.6.2 has also been addressed. A Stage 1-2 Archaeological Report has been submitted to the City of Hamilton and Ministry of Tourism and Culture. The Report has been reviewed by the City of Hamilton and, while the Provincial interest has yet to be signed off by the Ministry, staff concurs with the recommendations made in the Report, and the archaeology condition for the subject application has been met. The lands are now considered free from further archaeological concern.

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

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

The subject lands are located within a built-up area, as defined by Places to Grow. Policy 2.2.3.1 states that by the year 2015, and for each year thereafter, a minimum of 40% of all residential development occurring annually within each upper- and single-tier municipality will be within the built-up area. The proposal also implements Policy 2.2.2.1 with respect to directing new growth to the built-up areas through intensification. Therefore, the proposal conforms to the policies contained in the Places to Grow Plan, in that the proposal provides for intensification and re-development within the built-up area, as defined by the Places to Grow Plan.

Hamilton-Wentworth Official Plan:

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

In addition, Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and re-development. An Archaeological Assessment has been approved, concluding that the subject lands should be considered free from further archaeological concern.

Therefore, based on the above, the proposal conforms with the Hamilton-Wentworth Official Plan.

Stoney Creek Official Plan:

The subject lands are designated “Residential” on Schedule “A” - General Land Use Plan, and identified as “Lakeshore Protection Area” on Schedule “B” - Stoney Creek Open Spaces and Natural Heritage System in the Stoney Creek Official Plan. The following policies, among others, are applicable to the subject lands:

- “A.1.2.1 The primary uses permitted in areas designated on Schedule "A" as RESIDENTIAL shall be for dwellings. The location and type of residential densities within these areas, however, shall conform with the relevant Secondary Plan provisions, as specified under this Sub-section, Sub-section A.13, F.3, and other relevant policies of this Plan.
- A.1.2.9 Council shall encourage the provision of a full range of housing types and prices throughout the municipality and, where appropriate, residential intensification will be encouraged subject to Policies A.1.2.18, A.1.2.20, A.1.2.21, A.1.2.21, and other policies of the Plan.
- A.1.2.12 The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:
- a) LOW DENSITY - approximately 1 to 29 units per Net Residential Hectare. This designation permits predominantly single family detached, duplex, and semi-detached dwellings. These types of dwellings are to be generally located at the interior of Residential Neighbourhoods adjacent to local roads.
- A.1.2.19 In the development of new residential areas, and as far as practical in the infilling or re-development of established areas, Council may undertake or require the following in order to achieve high standards of residential amenity:
- a) Provision and maintenance of adequate off-street parking;
 - b) Provision, improvement and/or maintenance of on-site landscaping; and,
 - c) The provision and maintenance of adequate separation distances, and the placement of buffering features between residential uses of differing densities, as well as other land uses.
- A.1.2.20 Council shall ensure that the local residential environment is of a condition and variety satisfactory to meet the changing needs of area residents. Accordingly, Council shall:

- c) Require appropriate measures to attenuate the effects of noise in accordance with Guidelines on Noise and New Residential Development Adjacent to Freeways; and visual intrusion or other undesirable effects on new residential development adjacent to freeways, inter-regional highways, arterial roads, railways, and other environmentally incompatible land uses in consultation with the Ministry of the Environment.

A.1.2.27 In the evaluation of residential development or re-development proposals, adequate provisions for noise attenuation features, to the satisfaction of the Ministry of the Environment, may be required.

D.3.1.2.13 New private roads shall not be established unless such are contained within a plan of condominium registered under the Condominium Act. The long term goal of Council shall be the incorporation of all private roads into the Public Road System after they have been widened and upgraded to Municipal standards. However, prior to such improvements, there has to be a demand to upgrade the road in either a request for new development, a petition from the residents, or as a requirement of the Municipality. If the road is to be upgraded by private initiative, all costs are to be borne by the proponents.”

Based on the above, the proposed development would conform to the policies of the “Residential” designation, as single detached dwellings are permitted within the designation; the neighbourhood already contains a mix of housing types and densities, including both block (standard form condominium) townhouses, street townhouses, semi-detached dwellings, and single detached dwellings on various sized lots; and the design of the development is planned to be compatible with the Jones Road streetscape. While the subject property is not located within a Secondary Plan, the proposed density of approximately 22.5 units/ha would comply with the maximum density provisions for low density residential uses within the Stoney Creek Official Plan (maximum 30 units/ha).

The development is on the periphery of the neighbourhood, adjacent to a collector road and in a similar location as townhouse developments in Stoney Creek, north of the Queen Elizabeth Way (QEW). Adequate landscaping, noise attenuation, and on-site parking in excess of the Zoning By-law are provided. There is no conflict with the “Lakeshore Protection Area” policies, as the property is not located adjacent to or in close proximity to Lake Ontario. The proposed development will be a condominium and, therefore, the internal driveway will be a private internal roadway registered under the Condominium Act.

Urban Hamilton Official Plan

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

The new Urban Hamilton Official Plan designates the subject lands as “Neighbourhoods” on Schedule “E-1” Urban Land Use designations. The “Neighbourhoods” designation permits a range of residential uses that are compatible with the existing character of established neighbourhoods. These policies require that low density residential uses be at a net residential density of not more than 60 units per hectare. The proposal is at a density of 22.5 units per hectare, which would conform to the Urban Hamilton Official Plan. The proposal conforms to the other low density residential policies with respect to the location, scale, and design of the development.

Bayview Neighbourhood Plan

The subject lands are designated “Low Density Residential” in the Bayview Neighbourhood Plan. As the lands are being developed for single detached dwellings, the proposal would conform with and implement the Bayview Neighbourhood Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Horizon Utilities.
- Bell Canada.
- Hamilton Conservation Authority.

The following Departments and Agencies submitted the following comments:

Forestry and Horticulture Section (Public Works Department) has advised that there are no municipal trees being impacted, and that a small number of on-site trees may be impacted, which could be mitigated through on-site plantings and street tree plantings at the Site Plan Control stage of development.

Operations and Waste Management Division (Public Works Department) has advised that the property is eligible for weekly collection of garbage, organics, recyclable material, and leaf and yard waste through the City of Hamilton, subject to compliance with specifications indicated by the Waste Management Division and subject to compliance with the City's Solid Waste Management By-law 09-067. This matter will be further reviewed through the subsequent Site Plan Control process.

Traffic Engineering Section (Public Works Department) has advised that maneuvering for large trucks on site is limited, and that sufficient visitor parking be provided. Truck maneuvering will be addressed at the Site Plan Control stage of development, and there is additional space for possible turnaround areas. The proposal exceeds Zoning By-law requirements for visitor parking spaces. If the proposal cannot meet standards for municipal collection, then private collection, using smaller vehicles, would be required.

Rapid Transit (Public Works Department) has advised that the B-Line may be extended to Fifty Road in the long term (more than 25 years), and that this development would bring additional units close to this extension. Rapid Transit supports the development.

Infrastructure and Source Water Planning Section (Public Works Department) has advised that Stormwater Management must be addressed at the construction phase of the project (through Site Plan Control).

Ministry of Transportation (MTO) has advised that at the Site Plan Control stage of development, land use permits will be required, and that the MTO has no concerns with the setbacks of the development or with the location of the noise attenuation barrier.

Hamilton Municipal Parking System has advised that parking requirements should be met on-site, and that garages should be suitably dimensioned to accommodate parking. In this regard, the proposal exceeds Zoning By-law requirements for on-site parking, and no encroachments into the parking spaces in attached garages are proposed.

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and Council's Public Participation Policy, Notices of Complete Application and Preliminary Circulation were circulated to 101 property owners and tenants within 120m of the subject property on June 3, 2011, requesting public input on the application. A Public Notice sign was also posted on the property on May 27, 2011, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. A Neighbourhood Information Meeting was also held on February 6, 2012, attended by approximately 25 persons. To date, 3 letters and 2 petitions (signed by 21 and 53 residents, respectively, although some residents did sign both petitions, and the petition includes a number of signatories

from the same addresses) have been submitted. Concerns raised include the height of the development, engineering and grading, size and cost of the units, landscaping, visitor parking, built form, and density. These concerns are addressed in the Analysis/Rationale for Recommendation section of this Report. The public comments are attached as Appendix “F”.

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan (Growth Plan for the Greater Golden Horseshoe);
 - (ii) It conforms to the Hamilton-Wentworth Official Plan; the “Residential” designation in the Stoney Creek Official Plan; the “Neighbourhoods” designation of the new Urban Hamilton Official Plan; and the “Low Density Residential” designation in the Bayview Neighbourhood Plan; and,
 - (iii) The proposed development is compatible with and complementary to existing development in the immediate area, and is an example of appropriate intensification on the periphery of the neighbourhood that provides an appropriate transition to lower density residential uses to the north.

2. The proposed development consists of 6 single detached dwellings, proposed to be developed as Standard Form Condominium tenure. When the Zoning Application was first submitted and circulated, the proposal consisted of 8 2-storey (9.2m tall) townhouse units in 1 building, with a 3m rear yard setback and 6 visitor parking spaces located between 1m and 2.45m from the northerly side yard (see Appendix “E”). This original proposal was revised as a result of comments received from neighbouring property owners (to be further discussed below), including the following revisions (see revised Site Plan - Appendix “D”):
 - In order to provide more landscaping and buffering along the northerly property line, the number of visitor parking spaces was reduced to 5 from 6, to allow bump-out landscaped areas and more landscaping;
 - The location of the buildings was shifted such that the rear yard setback was increased to 5m from 3m, and the front yard setback was reduced from 8m to 6m;
 - The building was broken into two 4-unit buildings with a 1.2m setback between buildings to decrease massing;

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- The height of the buildings was decreased such that end units were proposed as 1½-storeys; and,
- No windows on the upper floor were proposed on the westerly unit abutting the properties to the rear to eliminate overview of existing rear yards.

This revised proposal was presented to the neighbourhood at a Neighbourhood Meeting in February, 2012. While some of the changes, such as increased landscaping, setbacks, and splitting the 8 units into 2 4-unit buildings were well received, generally the public was not receptive to the proposed development, as many neighbours did not desire townhouses at this location and were still concerned about the built form, density, quality of the development, and overflow parking potential. As a result of this meeting, the applicant has further revised the proposal to that which is proposed for approval as part of this Report (see Appendix “C”), including the following changes:

- Change in built form and reduction in density from 8 townhouse units (in 2 buildings) to 6 single detached dwellings;
- Increase in on-site parking through the provision of double-car garages and driveways; and,
- Further increase in separation between units from 1.2m to 1.5m.

In addition to the above noted changes, all of the past revisions to the original proposal are also included in the final proposed development, except that all units are 2-storeys in height, with a restriction to a maximum 9.2m building height.

3. In order to implement the development, as proposed on the preliminary site plan (see Appendix “C”), and to implement zoning restrictions needed to incorporate design changes proposed by the applicant, a number of zoning modifications are required. A review of the required modifications is as follows:

Modification to Dwelling Groups Definition and Permitted Uses:

The revised proposal consists of 6 single detached dwellings. The “RM3” Zone does not permit single detached dwellings. The zones that do permit single detached dwellings are all structured to permit only 1 single detached dwelling per lot, whereas the proposed form of development is most similar to that of a “Dwelling Group”, which is permitted in the proposed “RM3” Zone. However, the definition of “Dwelling Group” only includes a group of more than one maisonette, townhouse, apartment, or any combination thereof. Therefore, the implementing By-law must be modified to include single detached dwellings within this

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definition. In addition, to ensure that development of the property will only be for single detached dwellings, the implementing By-law will only permit a maximum of 6 single detached dwellings as part of a “Dwelling Group”. This would preclude townhouses, maisonettes, and apartment units from being permitted on the property.

Setback Modifications:

The applicant has requested a rear yard setback of 5m, whereas 7.5m is required. As noted above, the proposal was revised, and the proposed rear yard setback increased from 3m to 5m. This setback can be supported as the orientation of the rear building faces the north and this setback functions as a side yard, not a rear yard. The applicant has also proposed that all buildings will only be 2-storeys in height (maximum 9.2m), whereas an 11m height is normally permitted. This reduction in height, and the accompanying elimination of windows above the first storey, would eliminate any impacts from the setback. Landscaping is proposed within the 5m rear yard.

A southerly side yard setback of 6m is proposed, whereas 7.5m is required. This setback can be supported as the subject lands abut a 7m wide strip of municipally owned lands adjacent to the North Service Road containing a sidewalk and bike path. In addition, a 4.0m high noise wall is to be constructed along the southerly lot line. The reduction is minor, and there are no impacts to abutting properties. A minimum 4.5m rear yard amenity area per dwelling unit is also proposed, as required in the parent “RM3” Zone. This amenity area will be over 10m wide.

The applicant is proposing a 6m front yard setback from Jones Road, whereas 7.5m is proposed. This setback reduction can be supported as it would bring the required setback for the easterly single detached dwelling in line with the required setback for the existing single detached dwellings on Jones Road zoned “R1”, “R2”, “R3”, and “R4”, which require a minimum 6m front yard setback (one existing dwelling zoned “RR” requires a 10m setback). Together with the proposed wrap-around porch, this would provide a front façade more in keeping with the existing Jones Road streetscape. Therefore, staff supports the proposed modification.

Lot Area Modification:

The Multiple Residential “RM3” Zone requires a minimum lot area of 4,000 sq. m, whereas the subject lands have a lot area of 2,600 sq. m. This modification can be supported as the preliminary site plan (see Appendix “C”) shows that the property is suitably sized to accommodate 6 single detached dwellings with sufficient open space, parking, landscaping, and setbacks to achieve good urban

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design. With a lot area of 2,600 sq. m, this equates to 433 sq. m per dwelling unit, the same as a typical 15m wide lot for a single detached dwelling. The proposal conforms to the maximum density requirement of the Zoning By-law, which permits a maximum of 40 units per hectare (which would have allowed for 10 dwelling units based on the existing lot size, whereas only 6 units are proposed). The 2,600 sq. m of lot area also reflects an existing situation.

Lot Frontage Modification:

The existing lot has approximately 34m of frontage on Jones Road, whereas 50m is required. This reduction in frontage can be supported because it reflects an existing situation, and the site plan (see Appendix "C") shows that the proposed 6 units can comfortably fit onto a lot with this width. Based on the concept plan, the dwelling units will average at least 230 sq. m (2,475 sq. ft.), and there is still room for a minimum 15m northerly side yard setback abutting the existing lot containing a single detached dwelling. The design of the development contemplates a wrap-around porch to reflect the front elevation of adjacent dwellings.

Modification for Landscaped Open Space:

The proposed development provides 43% landscaped open space, whereas 50% landscaped open space is required. This reduction can be supported as the reduction is minor. It is also, partially, the result of the applicant providing parking in excess of the Zoning By-law requirements, both for visitor parking and the proposed double-car garages and driveways for each unit, which are proposed in order to address concerns from surrounding residents. A 5m wide landscaped area is provided at the rear of the property, and a 6m landscaped area is provided at the front. Additional landscaping is provided in private amenity areas and in landscaped areas abutting the visitor parking. As ample landscaping and buffering is provided, the reduction in the percentage of landscaped area does not impact the design of the proposal. A minor reduction in the requirement for a landscaped strip abutting Jones Road from 4.5m to 4.0m is also proposed in order to allow for a 2m wide wrap-around porch. This reduction can be supported as it implements a design element to improve the Jones Road streetscape. Finally, the requirement for a landscaped strip along the southerly lot line, and between a privacy area and a lot line, can be eliminated, as this area would be screened from view by the noise barrier and not visible. The area will still be landscaped, but not as a specific landscape strip, as there would be no benefit to the North Service Road streetscape. Street tree plantings along North Service Road in front of the noise barrier will be required through the subsequent Site Plan Control stage of development.

Other Modifications:

A small number of other miscellaneous modifications are needed in order to implement specific design elements proposed by the applicants, including:

- A 1.5m setback between the buildings is proposed, whereas 3m is required;
- Visitor parking spaces at certain locations are 1m from the northerly lot line, whereas a 3m setback is required; and,
- A porch is to encroach 2m instead of 1.5m into the required front yard.

A typical street oriented subdivision containing single detached dwellings would require between 2m and 2.5m between end walls; the purpose of which is to allow access to the rear yard on each owner's property, to provide room to maintain the side wall, and to provide any necessary drainage swales. The proposed 1.5m setback between the buildings is sufficient to allow maintenance of the side walls and drainage swales, and to provide access to the rear amenity areas, while still splitting up the massing of the building. The proposed standard form condominium tenure would ensure the Condominium Corporation will be responsible for maintenance of the drainage swales and building façades, and eliminate the need for fencing between the units. Therefore, the modification can be supported.

The Development Engineering Section has advised that a more detailed review of lot grading and drainage in this area would be undertaken at the Site Plan Control stage of development, and that depending on this review, an increase to 1.8m between walls may be required. This would only necessitate a 15cm decrease in each side of the dwelling, which could be accommodated in the building design without impacting any of the front and rear yard setbacks.

The actual setback between parking and the northerly lot line varies, and for most of the northerly side yard, 3m is maintained, which would be implemented through the future Site Plan Control process along with new fencing and landscaping along the northerly side yard. An existing deciduous hedge along a portion of the northerly property line and a cedar hedge on another portion of the northerly property line provide further existing screening. Finally, the provision for a 0.5m increase in the porch encroachment into the front yard can be supported, as it aids in achieving an improved façade design element facing Jones Road to achieve a greater integration of the development into the characteristic of Jones Road.

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Required Restrictive Zoning Provisions:

As noted above, the applicant has provided some minor design changes in order to address neighbourhood concerns. In order to ensure that these elements are incorporated into the future site plan submission, the Zoning By-law must incorporate the following provisions, which are more restrictive than the Zoning By-law would normally require:

- A restriction on the maximum number of dwelling units to 6, whereas based on the density regulations of the “RM3” Zone, up to 10 dwelling units could have been permitted, and a modification so that only single detached dwellings as part of a “Dwelling Group” shall be permitted;
 - The “RM3” Zone permits a maximum height of 11m. The implementing By-law will restrict the maximum height to 9.2m;
 - The implementing By-law restricts window locations on the westerly most unit to the first storey in response to overview and privacy impacts; and,
 - 5 visitor parking spaces will be required instead of the 3 spaces required by the Zoning By-law.
4. The Public Consultation section of this Report noted that 3 letters and 2 petitions were received from area residents. In addition, a Neighbourhood Information Meeting was held on February 6, 2012. The letter writers, petition signatories, and meeting attendees generally expressed concerns regarding the height of the development, engineering and grading, the size and cost of the units, landscaping, visitor parking, built form, and density (see Appendix “F”). As noted in Section 2 of the Analysis/Rationale for Recommendation section of this Report, the applicant has made changes to the proposed development in order to address many of the concerns. A review of the concerns from the public is discussed below.

Building Height:

Concerns were raised by the owners whose properties back onto the subject lands from Cove Crescent (see Appendix “A”) respecting the height of the development resulting in overview and loss of privacy in their rear yards. Other area residents had more general concerns with respect to the height of the development in the context of the neighbourhood character.

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With regard to the general neighbourhood concern over height, a review of the existing dwellings along Jones Road and Cove Crescent indicates that heights of 1½-storeys and 2-storeys are the norm. While the existing dwelling to the north on Jones Road and the 2 dwellings on the opposite side of Jones Road are single storey, these units abut either other 2-storey single detached dwellings or 2-storey townhouses. The single detached dwellings on Cove Crescent that back onto the subject lands are 2-storeys in height, and also face the side of a 2-storey townhouse. Therefore, a 2-storey height is in keeping with the neighbourhood character. The applicant has proposed a restriction in height to 9.2m maximum (less than the 11m permitted) to lessen the visual impact of the development.

Engineering and Grading:

Some of the abutting property owners have expressed concerns with respect to grading and drainage, and possible impacts on abutting properties. In addition, concerns have been raised that the property will be raised with fill, both exasperating the impact of height and drainage runoff. A preliminary grading plan submitted as part of the Functional Servicing Report shows that the site is proposed to not be substantially raised and will be generally at the same level as surrounding properties. The Development Engineering Section has no concerns that the proposed development would impact on surrounding properties. The detailed grading, site servicing, erosion, and sediment control and stormwater management plans will be reviewed and approved through the subsequent Site Plan Control process. It is policy that no drainage be directed onto abutting properties.

Unit Size and Cost:

Residents have expressed concerns that the proposed units will be small, inexpensively constructed, and priced at the lower end of the continuum of house prices. The proposed units are wide (over 10m) and, while their depth is only 10.82m, this still results in approximate unit sizes of almost 2,500 sq. ft. The proposed unit sizes are consistent with single detached dwellings recently constructed in the immediate area, and are the size of a dwelling commonly found on 12m wide or larger lots. Therefore, there is no evidence that possible sale prices would be uncharacteristically low. Unit prices cannot be regulated by the Planning Act.

SUBJECT: Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169) (Ward 11) - Page 18 of 21

Landscaping:

Comments have been received that the majority of the property will be hard surfaced with insufficient landscaping. The Zoning By-law requires 50% of the lot to be landscaped, while the applicants have proposed 43%. This reduction partially reflects that the applicant has proposed parking spaces in excess of the Zoning By-law requirement for both visitor spaces and private spaces through the provision of double-car driveways to access double-car garages. This revision was made specifically to address neighbourhood concerns. A preliminary landscape plan (see Page 2 of Appendix "D"), which was the landscape plan for the previous 8 unit (2 building) townhouse design, and which will form the basis for a future new landscape plan for the single detached dwellings proposal, provides for substantial landscaping that will be secured through the Site Plan Control process. This proposed landscaping includes buffer plantings along the north and rear property lines, street tree plantings, and other on-site plantings to beautify the site.

Parking:

Many neighbouring property owners expressed concerns that insufficient on-site parking has been provided. The Zoning By-law for "Dwelling Groups" requires each unit to have 1.75 parking spaces (which is being increased to 2 spaces in the proposed By-law). The proposed development provides these parking spaces through the double-car garages. Additional parking is provided in front of the garages. No reductions or encroachments are proposed into these parking spaces. The Zoning By-law also requires an additional 0.35 units of visitor parking for each dwelling unit. A 6-unit development would, therefore, require 3 visitor parking spaces. The applicant is proposing 5 visitor parking spaces, which would be 0.83 spaces per unit instead of 0.35, a requirement for which is also included in the implementing By-law. It should be noted that for single detached dwellings the normal parking requirement is for 2 spaces, with a tandem arrangement permitted. Including the tandem spaces, the proposed development actually provided a total of 4.83 spaces per unit, more than double the amount of parking required for standard single detached dwellings.

Density and Built Form:

One of the primary neighbourhood concerns was that the proposed density is too high (i.e. too many units are proposed on too small a property) and would result in too many townhouses in the neighbourhood, resulting in other similar applications being submitted and approved.

SUBJECT: Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169) (Ward 11) - Page 19 of 21

This concern has primarily been addressed through the most recent revision to only permit a maximum of 6 single detached dwellings instead of 8 townhouse dwellings. The By-law would, therefore, preclude townhouses, maisonettes, and apartments from being permitted.

With respect to density, while the subject property is smaller and narrower than the "RM3" Zone provisions require, this is reflected in the unit yield in that only 6 units are proposed. The maximum density of the proposed "RM3" Zone is 40 units per hectare, and the applicant is only proposing 22.5 units per hectare (6 units instead of 10 units). Further, the Stoney Creek Official Plan requires low density residential developments to be at a maximum of 30 units per hectare. The proposed development is at 22.5 units per hectare, which is less than the minimum required density. The new Urban Hamilton Official Plan requires low density residential uses to be not greater than a density of 60 units per hectare. The proposed density is more than twice below the permitted maximum density. The proposed development provides all required parking, sufficient landscaping, appropriate setbacks, and a height less than permitted. Therefore, the proposal is not over-intensification.

With regard to built form, a review of the existing and proposed developments in the residential corridor surrounding the development was undertaken between Fruitland Road to the west and McNeilly Road to the east. Along this stretch of land, the land use along the properties abutting North Service Road are almost exclusively townhouses (combination of street and block townhouses), except for areas for parkland and other open space areas, local commercial uses, and the existing dwelling on the opposite side of Jones Road and at the rear on Copes Lane (see air photo - Appendix "G"). This is because the Official Plans direct such development predominantly to the periphery of the neighbourhood and along major roads. The originally proposed townhouse development would have continued this established land use pattern, and the proposed 6-unit single detached dwelling proposal is compatible with surrounding uses. The interior of the neighbourhood, toward Lake Ontario, remains predominantly lower density development with some newer developments containing a mix of single detached, semi-detached, and street townhouses.

With regard to development precedent, there is little undeveloped land left in the area indicated on Appendix "G" that is not currently either under construction, at pre-development stages, or subject to Planning Act applications. The rest of Jones Road has been developed in the relatively near term with single detached dwellings, and it is unlikely these would be demolished for new infill development of either single detached or semi-detached dwellings or townhouses, especially as the depth of the properties are much less than the subject lands. The property immediately to the north of the subject property does have the same depth, but has only 23m to 25m of width, which would be insufficient to allow for

SUBJECT: Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169) (Ward 11) - Page 20 of 21

a similar development. The applicant was unsuccessful in purchasing the property to the north.

5. Single detached dwellings as part of a “Dwelling Group” and consisting of multiple units on one property are considered “Innovative Housing” pursuant to the Site Plan Control By-law and, therefore, are subject to Site Plan Control. Matters such as grading, drainage, servicing, landscaping, visitor parking, access driveway layout, fencing, noise barrier implementation, and architectural design will be addressed through the Site Plan Control stage of development.
6. The applicant has indicated that the proposed development would be a Standard Form Condominium, whereby the Condominium Corporation will be responsible for maintenance of all external aspects of the development. This will necessitate an application for a Draft Plan of Condominium, which will be reviewed by the Planning and Economic Development Department. This type of Condominium does not require public notification. Confirmation of the condominium unit layout, implementation of any necessary noise warning clauses, and any special provisions for landscaping and noise barrier maintenance will be undertaken through this process.

ALTERNATIVES FOR CONSIDERATION:

If the application is denied, the lands could be developed in accordance with the current Single Residential “R1” Zone provisions, which would permit a single detached dwelling.

CORPORATE STRATEGIC PLAN

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

Financial Sustainability

- ◆ Effective and sustainable Growth Management.
- ◆ Generate assessment growth/non-tax revenues.

Social Development

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

Healthy Community

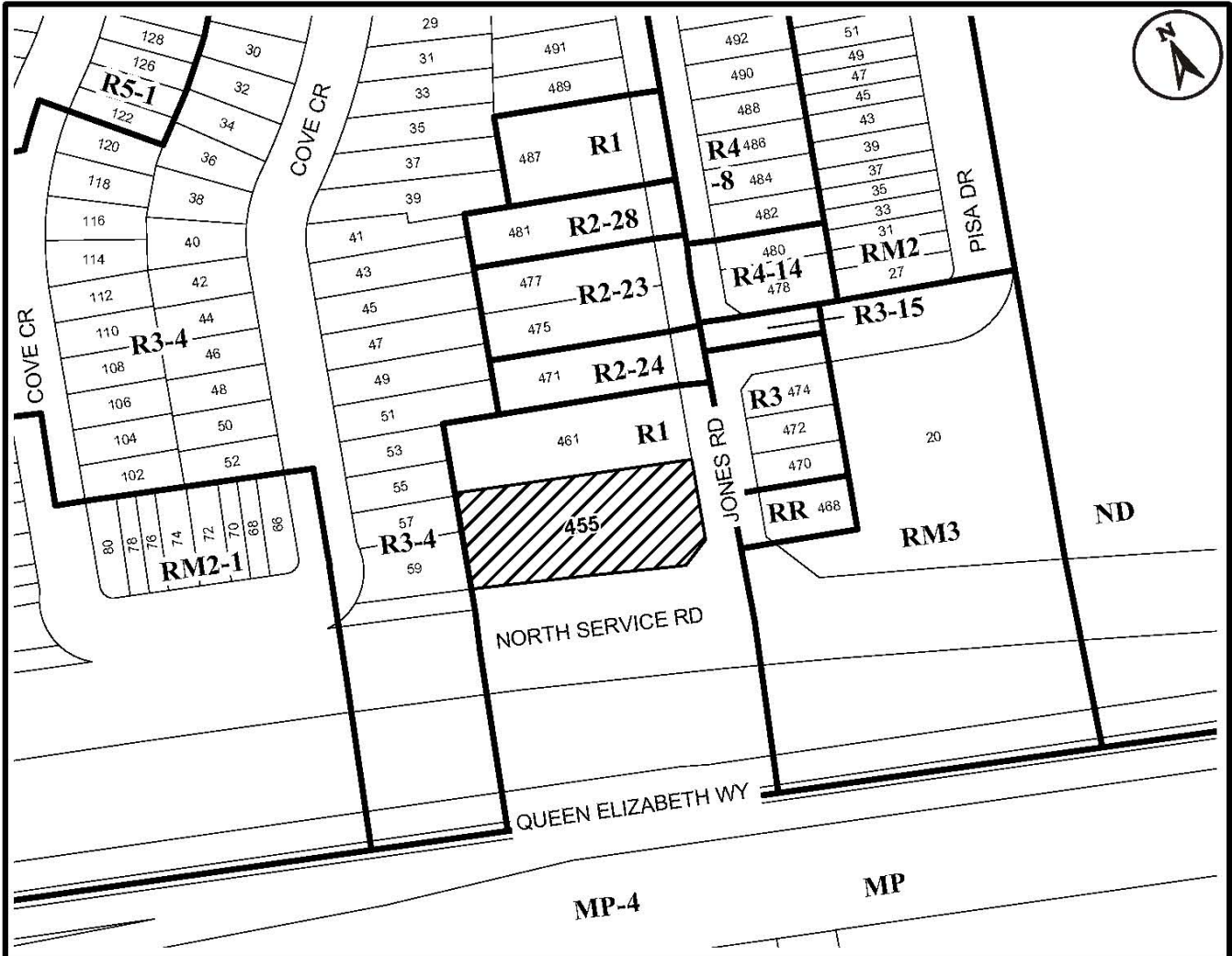
- ◆ Plan and manage the built environment.

SUBJECT: Application for an Amendment to Stoney Creek Zoning By-law No. 3692-92 for the Property Located at 455 Jones Road (Stoney Creek) (PED12169) (Ward 11) - Page 21 of 21

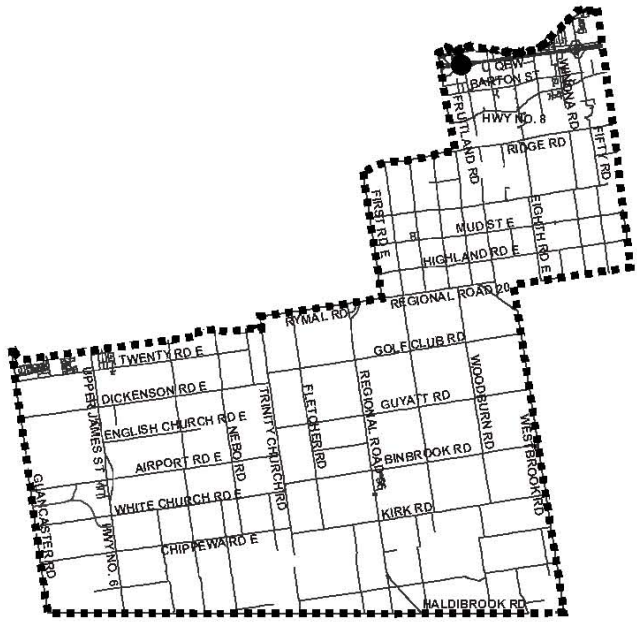
APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Proposed Site Plan (6 Single Detached Dwellings)
- Appendix "D": Previously Revised Site Plan (8 Townhouses in Two Buildings)
- Appendix "E": Original Proposed Site Plan (8 Townhouses in One Building)
- Appendix "F": Public Comments
- Appendix "G": Neighbourhood Air Photo

:GM
Attachs. (7)



● Site of the Application



Ward 11 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-11-022

Date:
March 21, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GM/KA

Subject Property

455 Jones Road, Stoney Creek



Change in Zoning from the Single Residential "R1" Zone to the Multiple Residential "RM3-44" Zone

Authority: Item [REDACTED]
Planning Committee
Report 12-[REDACTED] (PED12169)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 455 Jones Road

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

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

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

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

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

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan) approved by the Minister under the Planning Act on May 12, 1986;

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

1. That Map No. 2 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended by changing the zoning from the Single Residential “R1” Zone to the Multiple Residential “RM3-44” Zone, Modified, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.
2. That Sub-section 6.10.7, “Special Exemptions”, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption “RM3-44”, as follows:

“RM3-44” - 455 Jones Road, Schedule “A”, Map No. 2

- (a) Notwithstanding the definition of “Dwelling Group” in Part 2, Definitions, of Zoning By-law No. 3692-92, on those lands zoned “RM3-44” by this By-law, a “Dwelling Group” is permitted to consist of a maximum of 6 single detached dwellings.
- (b) Notwithstanding the provisions of Sub-section 6.10.2 “Permitted Uses For Each Lot”, Paragraphs (a), (b), (c), (d), (f), (h), (j), and Sub-section 1., 3., and 4. of Paragraph (m) of Section 6.10.3 “Zone Regulations”, of Zoning By-law No. 3692-92, on those lands zoned “RM3-44” by this By-law, only a “Dwelling Group” consisting of a maximum of 6 single detached dwellings shall be permitted subject to the following:

- | | | | |
|-----|--|---|----------------------|
| (a) | Minimum Lot Area | - | 2,600 square metres. |
| (b) | Minimum Lot Frontage | - | 34 metres. |
| (c) | Minimum Front Yard | - | 6.0 metres. |
| (d) | Minimum Side Yard for Dwelling Groups | - | 6.0 metres. |
| (f) | Minimum Rear Yard for Dwelling Groups | - | 5.0 metres. |
| (h) | Minimum Distance Between Buildings on the Same Lot | - | 1.5 metres. |
| (j) | Maximum Building Height | - | 9.2 metres. |
| (m) | Minimum Landscaped Open Space: | | |

1. Not less than 43% of the lot area for dwelling groups shall be landscaped, including privacy areas.

3. A landscaped strip shall not be required between a privacy area and the southerly side lot line.
 4. A landscaped strip having a minimum width of 4.0 metres shall be provided and thereafter maintained adjacent to the front lot line, except for points of ingress and egress, and no landscaped strip shall be required along the southerly side lot line.
- (c) Notwithstanding the provisions of Sub-section 1. of Paragraph (a), Paragraphs (b) and (d) of Section 6.10.5 "Regulations For Parking", of Zoning By-law No. 3692-92, on those lands zoned "RM3-44" by this By-law, the following shall apply:
- (a) Minimum Number of Parking Spaces
 4. 2 parking spaces and 0.8 visitor parking spaces for each dwelling unit. Tandem parking is permitted for non-visitor parking spaces.
 - (b) No common parking space shall be located closer than 3 metres from a zone for single detached, semi-detached, or duplex dwellings, except that common parking spaces are permitted to be located a minimum of 1 metre from the northerly side lot line.
 - (d) Where the required minimum number of parking spaces is four or more, no parking space shall be provided closer than 3 metres to any lot line, except that common parking spaces are permitted to be located a minimum of 1 metre from the northerly side lot line.
- (d) Notwithstanding the provisions of Paragraph (d) of Section 4.19.1 "YARD ENCROACHMENTS - General Application", of Zoning By-law No. 3692-92, on those lands zoned "RM3-44" by this By-law, the following shall apply:
- (d) Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may project into any required front yard 2.0 metres. The remainder of the provisions of Sub-section 4.19.1(d) shall apply.
 - (e) No windows shall be permitted on the westerly most end elevation of the westerly most building above the 1st storey level."
3. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential "RM3" Zone provisions, subject to the special requirements referred to in Section 2.
 4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

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

R. Bratina
Mayor

R. Caterini
Clerk

ZAC-11-022



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

 Mayor


 Clerk

Schedule "A"

Map Forming Part of
 By-Law No. 12-____

to Amend By-law No. 3692-92

Subject Property
 455 Jones Road, Stoney Creek

 Change in Zoning from the Single Residential "R1" Zone to the Multiple Residential "RM3-44" Zone

Scale:
 N.T.S.

File Name/Number:
 ZAC-11-022

Date:
 Aug. 9, 2012

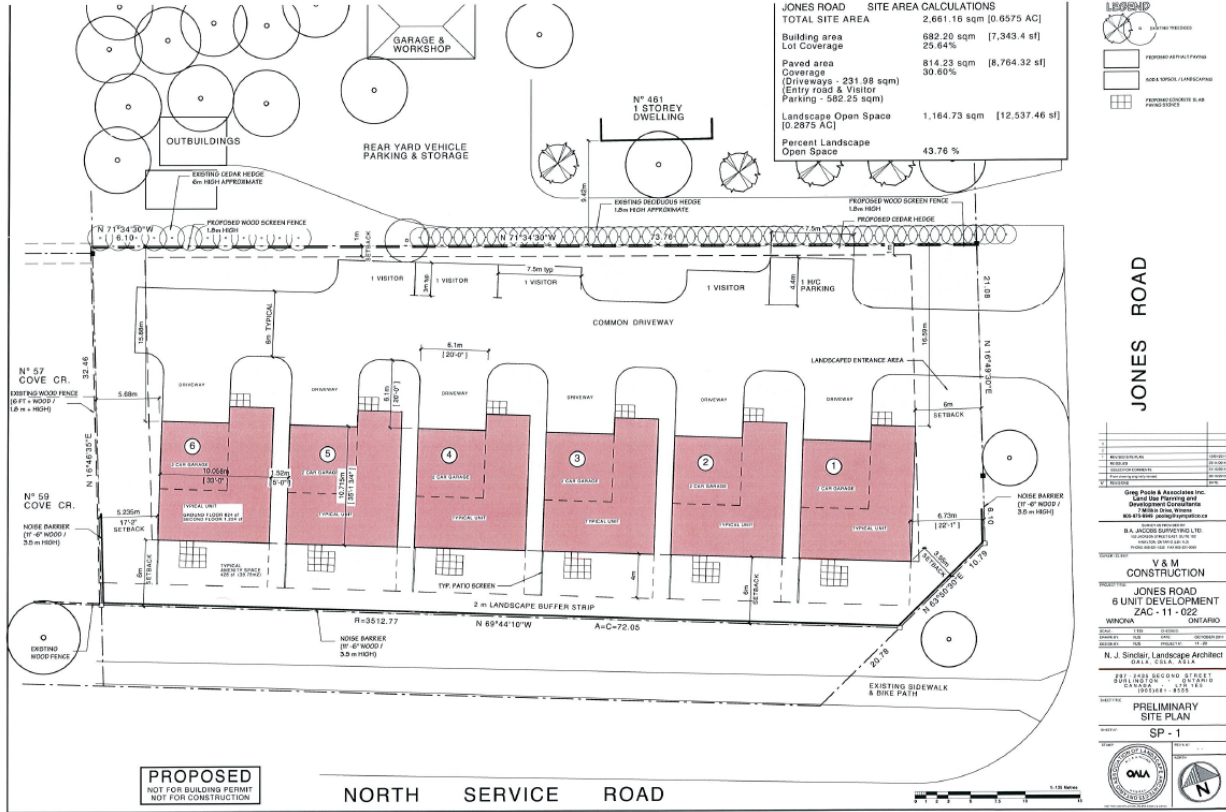
Planner/Technician:
 GM/AL



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Appendix "C" to Report PED12169 (Page 1 of 3)





North Elevation Unit 1



North Elevation A Typical Unit

V & M CONSTRUCTION - JONES ROAD SINGLES - WINONA, ON

APRIL 27, 2012 3/16"=1'-0"

Artist's Concept



West Elevation-Unit 6

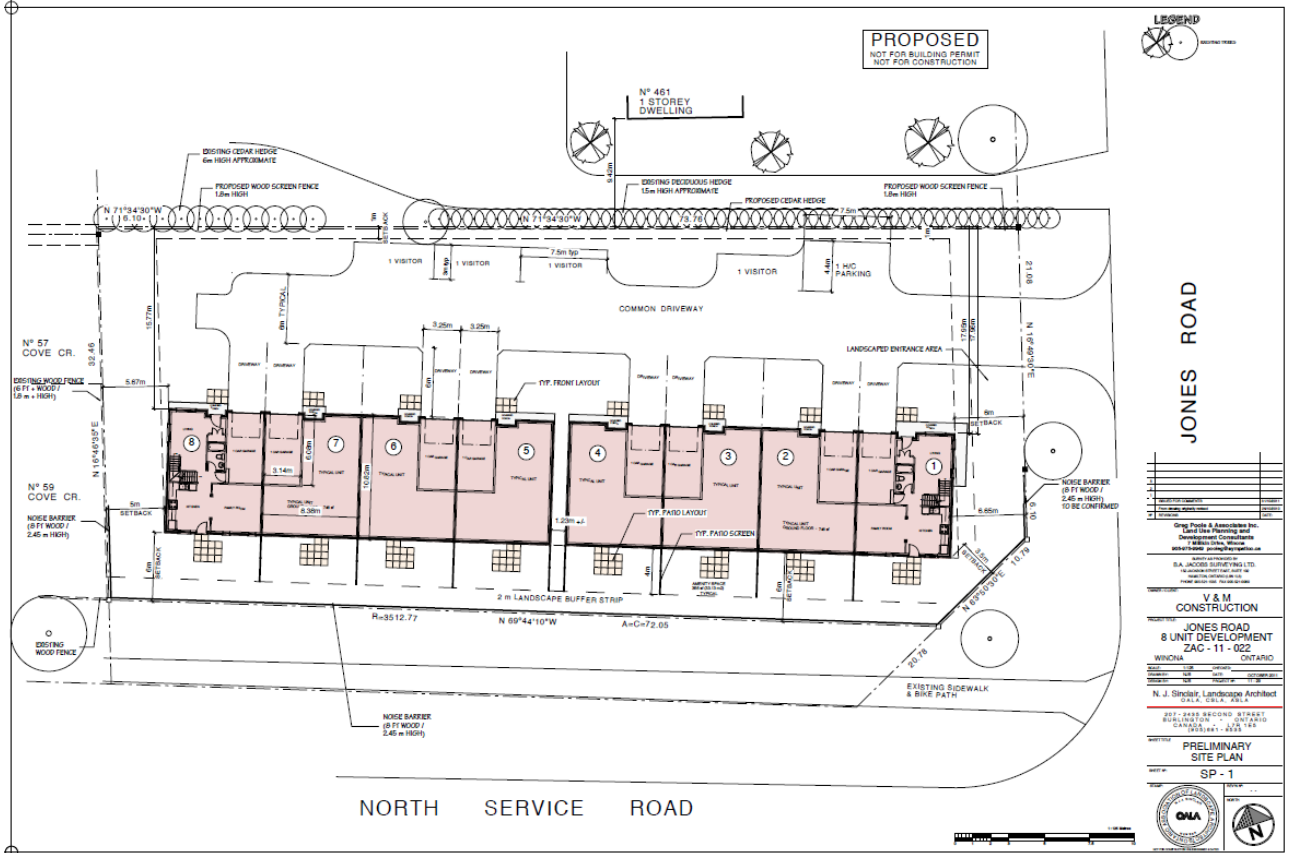


East Elevation-Unit 1

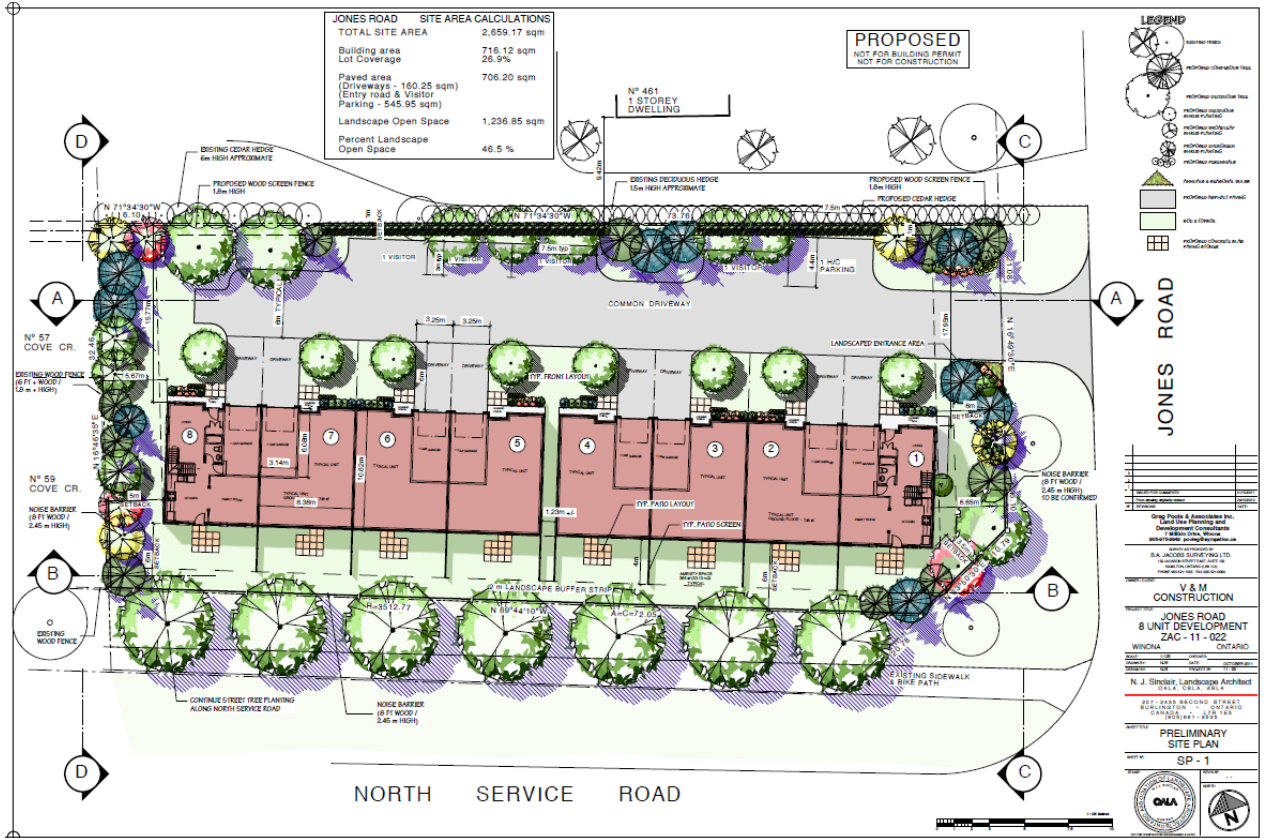
**V & M CONSTRUCTION -
JONES ROAD SINGLES - WINONA**

May 2, 2012

NOT FOR CONSTRUCTION PURPOSES



Appendix "D" to Report PED12169 (Page 2 of 3)



Block A

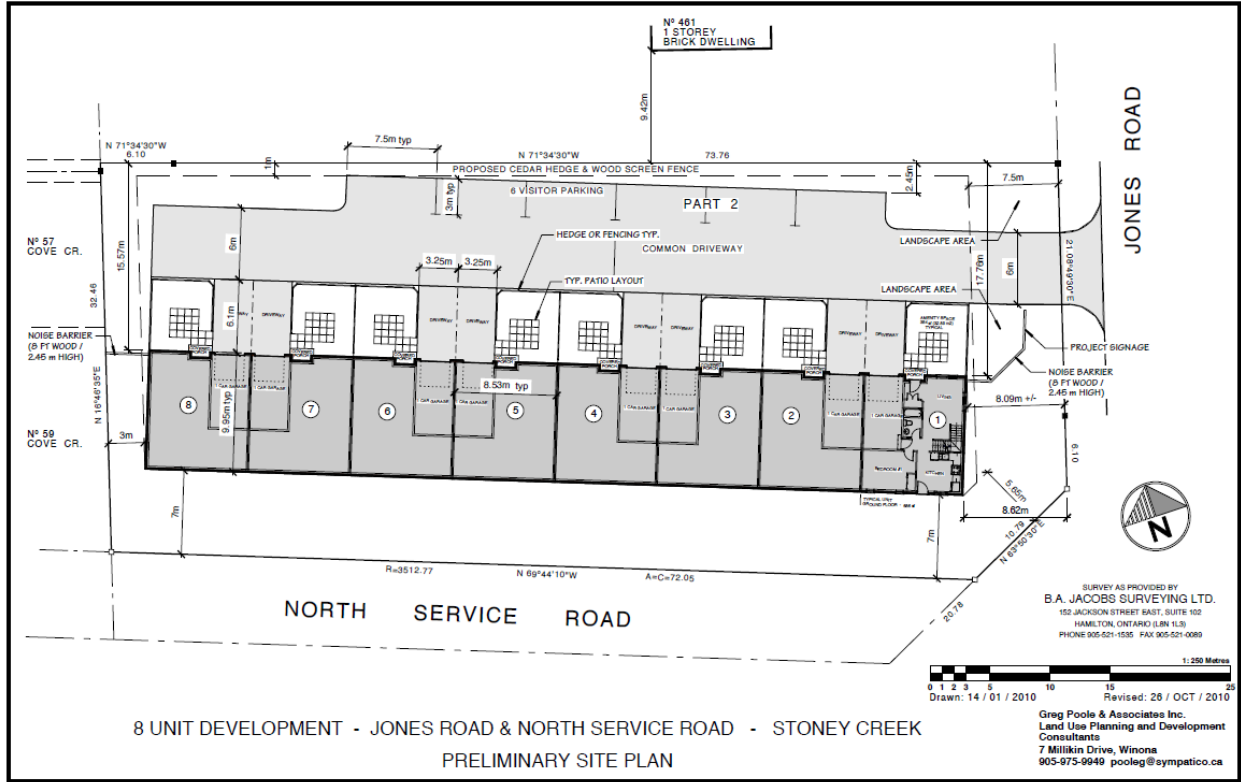


North Elevation

*V & M CONSTRUCTION -
JONES ROAD TOWNS - WINONA*

October 19, 2011

NOT FOR CONSTRUCTION PURPOSES



Appendix "E" to Report PED12169 (Page 2 of 2)



Appendix "F" to Report PED12169 (Page 1 of 14)

June 9, 2011

Greg Macdonald
City of Hamilton
Planning and Development Department
Planning Division – Development Planning
71 Mains Street West, 5th Floor
Hamilton, ON L8P 4Y5
Greg.macdonald@hamilton.ca

File No: ZAC-11-022 on lands located at 455 Jones Road, Stoney Creek

Greg:

Please be advised that my husband and I (Mark and Zena Thomas) are completely opposed to the re-zoning of the land at 455 Jones Road from residential for single family dwellings to residential for townhomes. This piece of land is directly behind our house and will have a HUGE impact on our property, privacy and home value.

I have listed below some of our concerns....

1. The piece of land is small and can barely sustain 2 single houses – now they want to put 8 townhomes on the lot
2. Based on the size of the lot, the townhomes will have to be very small which esthetically does not match our neighborhood of larger homes.
3. Our survey is currently designed in a "meandering" format which purposely decreases the number of houses that were allowed to be built
4. For the past several months the builder had been dumping landfill. This means that they plan on building the townhomes very high and will tower well above our home (especially since our property goes down at the back for drainage reasons. This means we will be sitting on our deck at grass level looking out at the basement of the townhouse with 2 more stories towering way above us (thus allowing the residents to look directly into our home)
5. Because the townhomes will be built sideways to maximize the number of units they can put in we will be looking out all day at a massive brick wall.
6. The current fence will not be sufficient to place any privacy between us.
7. Because of the landfill being brought in to elevate the land above ours, it will result in flooding to our property
8. The wall of the townhome behind us is ONLY 3m away from our fence and the front of the townhomes are only 7m from the sidewalk (if you continue up and down North Service Road you will see that NO properties are this close to the Service Road – they are ALL set well back from the road. So what is being built does not match with anything that currently exists in the area.
9. The plan shows that these units are going to be very small which means that they will be inexpensive. The average price for a home in our survey is \$400,000.00. This means that we will be getting in low valued homes and lower income families in a survey that has prided itself on being the opposite.
10. No provisions have been made for any fences or landscaping around the property.
11. 8 townhomes means that there could be in excess of 16 vehicles parked in a very small confined area which will present excessive traffic noise.

12. To date the owner has made no attempt to cleanup/keep clean the piece of land that they own which leads one to believe that they are not high end builders.

13. We recently had the same problem at the end of our street where the houses were built too high and the residents on Waterbeach Crescent are having the same issues of height.

14. We currently have a huge amount of natural wildlife that visits and this will be destroyed.

This is our short list, I know there are more issues but trying to come up with them on the spot is difficult. At the end of the day, it was zones for single family homes. Any change to this will completely destroy what the original owner tried to achieve – a quiet and peaceful neighborhood where people can come home at night and relax in a quiet setting. All of this is being removed. Properties are being built that do not blend in with what is already there and it will be an unsightly mess when completed.

But most in important, it will greatly affect downwards the value of the existing properties.

Sincerely,

Mark and Zena Thomas
59 Cove Crescent
Stoney Creek, ON L8E 5A3

Main St. West. 5th Floor
Hamilton, ON
L8P 4Y5

JUL 21 2011

Attn: Greg Macdonald
Planning & Economic Dev.

June 15, 2011

File # ZAC-11-022 Zoning By-Law Amendment Application

Dear Mr. Macdonald,

I wish to object to the proposed change in zoning at 455 Jones Road, Stoney Creek.

The zone has previously been addressed and in order to conform with the rest of the homes on Jones Road it was changed to residential single detached dwellings.

Our property abuts the north side of 455 Jones Road. I feel this development would have a significant impact on the value and future sale ability of our property.

The proposed road along our south property line and eight townhouses would face our property. Both the homes (owners) and their vehicles would have a direct impact on our quality of life.

If necessary, at what point during the process do I apply for an OMB hearing?

Are you aware there is an existing French Drain installed on the land in question?

This drain is critical in helping to prevent my property from flooding. The drain runs from west to east along the entire north side of 455 Jones Road and is legally connected to the city sewer system.

Two weeks ago the owner arranged for more illegal dumping of fill on 455 Jones Road. Because the ground was so wet the dump trucks did not use the depressed curb to access the property, instead they jumped the curb in line with the French drain and two dump trucks got stuck in the mud on top of the drain. Both trucks sank approximately two feet in the mud. I have no idea as to how much damage may have been done to this drainage system. The owner has since had a Bobcat come in and simply fill the ruts in above the drain. I feel the area should be dug up and the drain inspected for damage.

If this zoning change is approved it would make sense to me to insist it be done in a manner so that in the future the land at 461 Jones Road could be developed in the same fashion. The main concern would be that a proper road be constructed to service homes on both the south 461 and the north 455 sides of the proposed road.

Sincerely,



Al Clark
461 Jones Road
Stoney Creek, ON.

From: Steve Stavrianos
Sent: Monday, June 20, 2011 12:01 PM
To: Macdonald, Greg
Cc:
Subject: 455 Jones Road
Hello Greg,

Thank you for the phone call today. This letter is to inform you of the opposition proposed to more townhouses to the address at 455 Jones Road in Stoney Creek/Winona. I currently live at 514 Jones Rd and am opposed to more rows of town homes on Jones road and especially on that particular high traffic corner.

I feel that there are already more than enough town homes in that particular area, and many more are currently being built than I could ever imagine. Some new ones just started to spring up all along the North service road including Oasis which just started, and the proposed additional Decenzo development and more town homes.

The same concern has been discussed in nearly every neighbor on Jones road and especially those of us that have homes on Pisa, Jones, and other home owners in that area. Please keep us informed and in the mean time I will have a petition drawn up and signed by as many neighbors in that area as I can. We do feel that town homes have there place, but not every place in lower Stoney Creek and especially on one of the only streets left without a town house on it.

Thank you,

P.S. Can you please tell me who the owner of that property is please, assuming that this is public information.

RECEIVED JUL - 6 2011

THE PETITION OF OPPOSING CONSTRUCTION OF TOWN HOMES ON 455 JONES ROAD!

Petition for: 455 Jones Road (Property 1794757)

Addressed to: The City of Hamilton

We, the undersigned, would like to bring to your attention our opposition to the proposed changes to 455 Jones Road in Lower Stoncy Creek.

This petition is to inform you of our opposition to the proposed development of townhouses at 455 Jones Road in Stoncy Creek/Winton.

We feel that there are already more than enough town homes in this particular area, and many more are currently being built along the North Service Road. Some new ones just started to spring up all along the North service Road including, Oasis which just started, and the proposed additional Decasia Development of approximately 32 town homes in the Pina and Galileo area.

The same concern has been discussed with those of us that have homes on Cove, Jones, and other homeowners in the area.

Agreed Upon by the following Signers

Print Name	Address	Phone #	Signature
Steve & Angela Stavrianes Courtneve	514 Jones Rd	466-822- 905-643-9489 289	
Jeremy McPherson	512 Jones Rd.	656-0270	
IVANKA VUKADIN	503 Jones Rd.	643-6925	Ivanka Vukadin
Robert Murray	493 Jones Road	643 0812	Robert Murray
S. J.	482 Jones Rd	643-6884	
Paul Molnar	515 Jones Rd.	643-3275	Paul Molnar
Eric Betsch	484 Jones Rd.	643-1280	Eric Betsch
Fernando Lopez	486 JONES RD	643-8669	FERNANDO LOPEZ
D. Wilton	480 Jones	649-0695	D. Wilton
Alan	478 Jones	643-0032	
Nikola Bani	470 Jones	928-6435	

Print Name	Address	Phone #	Signature
MIKE DALY	497 JONES RD	905-643-9745	M. Daly
Laura Malakoski	1 Water beach Dr.	(905) 643-9763	Laura Malakoski
Marco D. Marco	3 Water beach Dr.	(905) 643-1091	Marco D. Marco
LAUREY GRET WEBER	7 Water beach Dr	643-3717	Laurey Greth Weber
ERIC COOPER	29 Cove Cres	643-8193	Eric Cooper
Gregory Todd	51 Cove Cres	643-1028	Gregory Todd
MARSHAL DONALD	41 COVE CR	643-4559	Marshal Donald
Rob Maric	505 Jones Rd.	643-6429	Rob Maric
Brodyet Smiran	510 Jones Rd	289 649 0094	Brodyet Smiran
V. Kagianis	508 Jones	289-649 0052	V. Kagianis

RECEIVED JUN 17 2011

To: *The Planning and Economic Development Dep. of the City of Hamilton.*

From: *Residents of Cove Crescent, Jones Rd., and Waterbeach Street*

Reg: *This letter is in regards to the zoning by-law amendment from 1794757 Ontario Incorporated, lands located at 455 Jones Rd Stoney Creek.*

Attention: *Greg Macdonald*

Mr. Macdonald,

Please be advised that we the residents of the affected area of the proposed development have received your letter dated May 27th, 2011.

Discussions of this proposal with numerous residents along Cove, Cres., Jones Rd. and Waterbeach St., have generated the following concerns regarding the potential impact.

List of Concerns

➤ **Elevation**

Basement Elevation - We the residents have noticed that land fill has been brought in to the site. Based on this practice will the basement elevation be raised and if so how much? Also has the contractor obtained a fill permit from the city to proceed with this process? A copy of the grading plan was not provided to the residents for review.

Top of Ridge (Overall height of proposed unit) - Please provide the residents with the overall height of the new development. Based on past practice of this developer, units have been built relatively high to not blend in well with the existing sightlines. Will these units be two stories in height with a raised first floor or will they be two and a half story units?

➤ **Grading**

Residents on Cove Cres located on the east side of the road allowance have rear lot catch basins which drain southerly towards North Service Rd. Based on the design provided for this development, this development may have a direct impact on the ability to allow proper drainage for these homes. There has been no flooding issues up to date and the concern is after the proposed units are placed, flooding may occur. Please provide assurances this will not be an issue in the future. Also please provide details if the proposed unit's drainage has been designed to tie into the existing storm outfall.

➤ **Size and Cost of Units**

Based on the footprint design provided through the mail out, we as a group feel these units will be approx **1400 square feet, maximum**. Current real estate values dictate that these units will sell for no more than \$250,000, which falls drastically under the average price of homes in the area of \$350,000. Please provide the exact size of these units and the projected selling cost for each unit. Home value trends will either flat line or decrease based on this new development. There is no justification to place that many units in such a small lot, other than to maximize the profit margin for this site. This is again the same scenario, to build as much as possible in a small location and then move on to another location, leaving the residents to deal with another set back

➤ **Site Cosmetics or Landscaping**

Preliminary sight plan notes include 8 foot sound barriers (wood), that will enclose landscaped areas in the front of the units facing Jones Road, which we believe will be a large eye sore to the neighborhood. We ask that the builder provide details of all landscaping, to not only provide beautification but also to increase the values of the homes. There also are plans to construct a wood fence or shrubs on the north side of the proposed development. Again the details of both the height, style of fence, or height of shrubs was not provided. Small shrubs will take years to mature, causing serious sight line issues to the existing neighbors.

➤ **Visitor Parking**

The provided design shows 6 visitor parking spots for this new development. Based on the design of 8 units we feel this to be inadequate and will cause parking issues on Jones Rd. and Cove Cres. At this time there is no parking allowed on Jones Road. Has the contractor applied to have the parking by-law changed for Jones Road thru the Councillor? Please provide details of revised parking showing a minimum of 8 spots, 1 for each unit. As we are aware there is no transit to our community at this time, so the need for additional parking must be looked at for both the residents and visitors.

➤ **Alternative Suggestions for this Site**

After discussing this site plan being zoned with many residents of the neighborhood, the residents would prefer this location to continue as single family dwelling.

However they are aware of the fact that this large residential lot can be developed in a different manner, our first suggestion would be to re-develop this lot as two semi's or four single homes. This will maximize the profit for this site; provide a higher selling cost per unit, lowering the sightlines of the townhouse unit, creating a more cosmetically pleasing view with the existing homes in the area.

In order to get 8 units into this small space, the builder will be erecting "barrack style" townhouses which are not architecturally appealing. Pervious builders from the 1990's all have done an excellent job to maintain the uniqueness of this community. We need to continue with this philosophy and have the builder design and build fewer homes with a larger footprint that fit into the style of the community

In closing we are looking forward to meeting with the builder of this site and the City of Hamilton staff to discuss our concerns. Attached is a list of signatures of the residents who have concerns with the proposed development.

Yours truly,

Residents of Cove Crescent, Jones Rd., and Waterbeach Street

➤ Councillor B Johnson- Ward 11, City of Hamilton

Signatures

Name	Address
Dorlene Sordoli	471 Jones Rd. St. Cr. L8E 5C3
Luigi Sordoli	471 Jones Rd. St. Cr. L8E 5C3
James Batchelor	491 Jones Rd. St. Cr. L8E 5C3
Mike [unclear]	495 Jones Rd L8E 5C3
Mike [unclear]	497 Jones Rd L8E 5C3
Rose Peters	477 Jones Rd L8E 5C3

Yours truly,

Residents of Cove Crescent, Jones Rd., and Waterbeach Street

➤ Councillor B Johnson- Ward 11, City of Hamilton

Signatures

Name	Address
KEN & SHARON CHARTRAND	50 COVE CR.
Ray Dwyer	48 Cove Cr
Henry & Maggie Tomale	46 COVE Cr.
Chris & Joe Kelzierski	42 Cove Cr.
Non & Chris Amulinski	40 COVE CR.
Heather Dwyer	38 COVE CR.
P. Guello	30 COVE Cr.
Ruth Angelin	28 ✓ ✓
Lidia Barsalona	24 COVE CRES.
R. V. V.	22 COVE CRES.
C. Miller	25 COVE CRES.
Kordian Urbanow	490 JONES RD
Greg Weber	7 WATERBEACH DR.
Laurie J. Hewer-Weber	7 WATERBEACH DR.

Yours truly,

Residents of Cove Crescent, Jones Rd., and Waterbeach Street

► Councillor B Johnson- Ward 11, City of Hamilton

Signatures

Name	Address
Kory Todd	51 Cove Cres. Storey Creek
Gleni Sapota	45 Cove Cres. Storey Creek
Mark Thomas	59 Cove Cres
Zeana Thomas	59 Cove Cres
JASPA HARRIS	43 COVE CRES
Vin Vroman	57 Cove Crescent
M. Yammer	57 Cove Cres.
Jim Baird	55 Cove Cres.
[Signature]	49 Cove Cres
[Signature]	49 Cove Cres
Helena Velaz	47 Cove Cres.
MARSHAL DODD	41 Cove Cres
Mark Kurzak	39 Cove Cres.
SUSAN SCHRATTENHOUZER	39 Cove Cres
Ron Potkin	37 Cove Cres.
Shayne Jovanovic	31 Cove Cres.
[Signature]	27 Cove Cres

Yours truly,

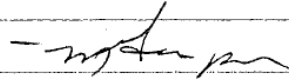
Residents of Cove Crescent, Jones Rd., and Waterbeach Street

➤ Councillor B Johnson- Ward 11, City of Hamilton

Signatures

Name	Address
Irene & Mark Dziaba (Dull Dull)	33 Cove Crescent
ROSEANN RUGGIERI	474 JONES ROAD
Victor Kolchov	482 JONES R.d.
Eric & Joy Betsch	484 Jones Rd.
DONNA & FERNANDO MACIEL	486 JONES RD
Justin Maciel	486 Jones RD.
MARCO VARGOC	488 JONES RD
ANA ROZMAN	27 Cove Crescent
Mirko & Danica Vrgoc	494 Jones Rd.
DEBBIE & ROB DUNN	492 JONES RD.
Mirko Vrgoc	494 JONES RD
Frank Finckh	498 Jones Rd
Dianne Willem	480 Jones Rd.
Zag Zalka	478 Jones Rd

MARIA GASPARI



5 WATERBEACH DR

STONEY CREEK ON

Eva DiMasco

3 Waterbeach Dr.

Stoney Creek, ON L8E 5A4

