

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: July 9, 2013	
SUBJECT/REPORT NO: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium for Lands Located at 528 Jones Road (Stoney Creek) (PED13117) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Greg Macdonald (905) 546-2424 Ext. 4283
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Zoning By-law Application ZAC-11-080, by Village Estate Group, c/o Janusz Pawlikowski (Owner)**, for changes in zoning from the Rural Residential “RR” Zone to the Single Residential “R2-62” Zone, with a Special Exception (Block “1”), and the Conservation/Hazard Land (P5) Zone (Block “2”) in order to permit the development of 20 lots for single detached dwellings, in accordance with a proposed Draft Plan of Subdivision and Condominium, “Waves” (25T-201110 and 25CDM-201116), for lands located at 528 Jones Road (Stoney Creek), as shown on Appendix “A” to Report PED13117, on the following basis:
- (i) That the draft By-laws, attached as Appendices “B” and “C” to Report PED13117, which have 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, attached as Appendix “B” to Report PED13117, be added to Map No. “2” of former City of Stoney Creek Zoning By-law No. 3692-92;
 - (iii) That the amending By-law, attached as Appendix “C” to Report PED13117, be added to Map Nos. 1101 and 1150 of Schedule “A” of City of Hamilton Zoning By-law No. 05-200;
 - (iv) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Stoney Creek Official Plan.
- (b) That approval be given to **Draft Plan of Subdivision Application 25T-201110, by Village Estate Group, c/o Janusz Pawlikowski (Owner)**, to establish a Draft Plan of Subdivision, known as “Waves”, on lands located at 528 Jones Road (Stoney Creek), as shown on Appendix “A” to Report PED13117, subject to the following conditions:
- (i) That this approval apply to “Waves”, 25T-201110, prepared by IBI Group, and certified by Edward J. Grenkie, OLS, dated December 8, 2011, showing 20 lots for single detached dwellings and shoreline open space (Lots 1-20), 1 block for a Common Element Condominium roadway, entrance feature, landscape features and tree protection area (Block 21), and 1 block for a Common Element Condominium landscaping feature (Block 22), attached as Appendix “D” to Report PED13117, 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 PED13117;
 - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, and will be calculated in accordance with the City’s Parkland Dedication By-law, and shall be based on the value of the lands on the day prior to the issuance of each Building Permit at a parkland dedication ratio of 5%;

It should also be noted that landscaping features proposed at the terminus of Jones Road on municipal lands, as per Condition No. 15 on Appendix “E”, shall not be considered as a contribution towards the required Parkland Dedication requirement noted above;
 - (iii) Acknowledgement that there will be no City share for any municipal works associated with this development;

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

- (c) That approval be given to **Draft Plan of Condominium Application 25CDM-201116, by Village Estate Group, c/o Janusz Pawlikowski (Owner)**, to establish a draft plan of condominium (Common Elements Condominium) known as "Waves", on lands located at 528 Jones Road (Stoney Creek), as shown on Appendix "A" to Report PED13117, subject to the following conditions:
- (i) That this approval apply to "Waves", 25CDM-201116, prepared by IBI Group, and certified by Edward J. Grenkie, OLS, dated December 8, 2011, showing two Common Element Condominium blocks (Blocks 21 and 22). Block "21" is for a Common Element Condominium roadway, entrance feature, landscape features and tree protection area, and Block "22" is for a Common Element Condominium landscaping feature, attached as Appendix "F" to Report PED13117;
 - (ii) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No's. 3692-92 and 05-200, as amended;
 - (iii) That the owner shall apply for and receive final approval of a Site Plan Control Application, and that the final plan of condominium shall comply, in all respects, with said final approved Site Plan, to the satisfaction of the Director of Planning;
 - (iv) That the owner shall register Draft Plan of Subdivision 25T-201110, "Waves", to the satisfaction of the Director of Planning;
 - (v) That the owner shall include the following warning clause in the Condominium Approval Agreement and Condominium Agreement and all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:
 - (1) Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road;
 - (2) The portion of the rear of Lots 1-6 abutting Lake Ontario, zoned Conservation/Hazard Land (P5) Zone, constitutes a shoreline protection/erosion control area, and shall not be used for any buildings, structures, or swimming pools, and no changes to grading shall be permitted.

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- (vi) That the owner shall agree to include on all offers of purchase and sale, a statement that advises the purchaser:
 - (1) That the home/business mail delivery will be from a designated Centralized Mail Box;
 - (2) That the developers/owners will be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

- (vii) That the owner shall agree to:
 - (1) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision;
 - (2) 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 placement of Community Mail Boxes;
 - (3) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase;
 - (4) Determine the location of all centralized mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific Centralized Mail Facility locations.

- (viii) That the owner shall provide the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information;

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- (ix) That the owner/developer shall provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited;
- (x) That the Condominium Agreement shall contain wording noting the requirement that the Condominium Corporation is responsible for maintaining the shoreline improvements as approved by the Ministry of Natural Resources through Permit SLT 694, including maintenance of the access maintenance easement, to the satisfaction of the Director of Planning;
- (xi) That prior to registration, the owner shall agree to establish an appropriate easement, in favour of the future Condominium Corporation, to allow access to the shoreline improvements over the rear of the single detached dwellings that are tied parcels to the Common Element Condominium, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority;
- (xii) That the Plan of Condominium be revised to incorporate the required 4.57m by 4.57m daylight triangle at the intersection of Jones Road and Copes Lane, to the satisfaction of the Senior Director of Growth Management;
- (xiii) That the owner shall agree to choose a street name from the Stoney Creek pre-approved street names list or submit a name for approval, prior to registration, to the satisfaction of the Director of Planning;
- (xiv) That the owner/applicant shall agree to follow the City of Hamilton Standards for Street Name Signs on Private and Condominium Lanes Policy, including the construction, installation, and maintenance of such signs, to the satisfaction of the Director of Planning;
- (xv) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold townhouse dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
- (xvi) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

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- (d) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] to amend Schedule B - Natural Heritage System to delete the “Linkages” designation from the subject lands, attached as Appendix “G” to Report PED13117; to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 528 Jones Road (Stoney Creek), as shown on Appendix “A” to Report PED13117;
- (e) That upon finalization of the implementing By-law, that the portion of the subject lands within the Trillium Neighbourhood Plan that are designated “Water Treatment Pond” shall be redesignated to “Low Density Residential”.

EXECUTIVE SUMMARY

The purpose of the applications are to amend Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200, and for approval of a Draft Plan of Subdivision and Draft Plan of Common Element Condominium to permit the development of 20 lots for single detached dwellings, with most having frontage on a proposed condominium road (see Appendix “D” for the proposed Draft Plan of Subdivision and Appendix “F” for the proposed Draft Plan of Condominium). The property contains a single detached dwelling, which is in the process of being demolished. The proposed development generally complies with the proposed Single Residential “R2” Zone (a portion of the property consisting of a shoreline protection area and a tree preservation area will be zoned Conservation/Hazard Land (P5) Zone), except for minor modifications to lot frontage, lot area, lot coverage, and some setbacks. The modifications are mostly needed to implement design aspects to allow for Common Element Condominium features along the public road and the Common Element Condominium tree preservation area, and due to the irregular shape of certain lots.

The proposal can be supported, as it consistent with the Provincial Policy Statement, and conforms to Places to Grow, the Hamilton-Wentworth Official Plan, and implements the “Residential” and “Low Density Residential” designations of the Stoney Creek Official Plan at a density permitted within these designations. It also provides shoreline improvements and the related required shoreline protection/erosion control area. Public waterfront access is proposed via a landscaped feature to be constructed at the terminus of Jones Road, and an existing hedge row along the easterly property line is also being maintained. Decorative fencing and landscaping is proposed along portions of Copes Lane and Jones Road.

Alternatives for Consideration - See Page 24.

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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, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium.

HISTORICAL BACKGROUND (Chronology of events)

Proposal:

The applicant has applied to change the zoning from the Rural Residential “RR” Zone to the Single Residential “R2-62” Zone (Block 1) and the Conservation/Hazard Land (P5) Zone (Block 2) (see Appendix “A”). The applicant has also applied for a Draft Plan of Subdivision and Draft Plan of Common Element Condominium (see Appendices “D” and “F”, respectively) in order to create 20 lots for single detached dwellings (Lots 1-20), mostly fronting onto a Common Element Condominium road and for other common element components such as fencing, landscaping, and tree preservation (Blocks 21 and 22).

In order to implement the proposal, a small number of zoning modifications have been requested by the applicant to address lot frontage, lot area, and setbacks, mostly due to how the Common Element Condominium components are proposed to be incorporated into the development and due to the related irregular shape of a small number of the lots. These modifications include permitting lot frontage to be on a private condominium driveway, reductions in the lot frontage and rear yard setbacks only for the lots abutting Common Element Condominium landscaping or tree preservation features, a reduced lot area requirement, and a zoning clarification that a 7.5m setback must still be provided from the Conservation/Hazard Land (P5) Zoning along Lake Ontario.

Chronology:

September 25, 2010: Development Review Committee Meeting for Formal Consultation Application FC-10-074.

December 23, 2011: Zoning Application ZAC-11-080, Subdivision Application 25T-201110, and Condominium Application 25CDM-201116 are deemed complete.

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- February 6, 2012: Public Notice sign erected on the subject lands.
- February 10, 2012: Notice of Complete Application and Preliminary Circulation for Zoning Application ZAC-11-080, Subdivision Application 25T-201110, and Condominium Application 25CDM-201116 sent to all property owners and residents within 120m of the subject lands.
- January 18, 2013: Ministry of Natural Resources issued work permit for the shoreline improvements (Permit SLT 694).
- June 21, 2013: Circulation of Notice of Public Meeting to all residents within 120m of the subject lands.

Details of Submitted Applications:

- Location:** 528 Jones Road (Stoney Creek)
Owner/Applicant: Village Estate Group (c/o Janusz Pawlikowski)
Applicant: IBI Group
- Property Description:** Area: 1.474 hectares
Frontage: 102m (along Copes Lane)
Depth: 148.2m (along easterly property line)
- Servicing:** Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling (in process of being demolished)	Rural Residential "RR" Zone
<u>Surrounding Lands:</u>		
North	Lake Ontario	N/A
South	Single Detached Dwellings (under construction on opposite side of Copes Lane)	Single Residential "R2-50" Zone and Single Residential "R3" Zone

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East	Single Detached Dwelling	Rural Residential “RR” Zone
West	Single Detached Dwellings (opposite side of Jones Road)	Single Residential “R1” Zone and Single Residential “R2” Zone

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

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 redevelopment.

Additionally, Policy 2.6.2 requires that development and site alteration shall only be permitted on lands containing archaeological resources or areas of archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site. A Stage 1 and 2 Archaeological Report was submitted to the Ministry of Tourism and Culture and the City of Hamilton. Upon review, City staff concurs with the findings of the Report, and the Provincial interest has, therefore, been satisfied.

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

The subject lands are located within a designated Greenfield area, as defined by Places to Grow. Policy 2.2.7.1 states that development will be designed to contribute to complete communities; to create densities and an urban form that support walking; and, that provides a diverse mix of land uses. Policy 2.2.7.2 also requires a minimum density target not less than 50 residents per hectare (but measured over the entire designated Greenfield area of Hamilton). When excluding the shoreline protection area planned to be zoned Conservation/Hazard Land (P5) Zone, the proposed density meets the growth target. Proposed sidewalks in the development link to existing municipal sidewalks, and the proposed landscaping feature at the terminus of Jones Road provides public waterfront access.

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

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. A compact urban form should also be promoted.

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

Stoney Creek Official Plan:

The subject lands are designated “Residential” on Schedule “A” - General Land Use Plan, “Low Density Residential” on Schedule “A4” - Urban Lakeshore Area Secondary Plan, and “Lakeshore Protection Area” on Schedule “B” - Stoney Creek Open Spaces and Natural Environment System. 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, 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 redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of residential amenity:

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- 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.13.4.4 All development within the Lakeshore Area must be in keeping with the objective of protecting the shoreline against flooding and erosion. In this regard, when waterfront properties are developed or redeveloped, onshore protection structures, designed by a competent professional, shall be required to combat erosion in accordance with the provisions of Sub-section B.3 of this Plan. On existing lots, individual homeowners shall be encouraged to construct onshore protection when applying for Building Permits.

B.3.2.3 Council and/or the Committee of Adjustment shall require, in conjunction with new development, adequate shoreline protection for the preservation of the Lakeshore environment against erosion or pollution, to the satisfaction of the Ministry of the Environment and the Ministry of Natural Resources.

B.3.2.7 In order to create an open space effect along the shoreline and minimize risks to life, property damage, social disruption, and adverse environmental impacts, a portion of the land extending from the high water mark, in addition to any requested shore protection works, is to be used only for water oriented recreational facilities, open space uses, private recreational uses, or similar uses. Accordingly, the implementing Zoning By-law shall establish a minimum set back from the top of bank for low density residential and accessory uses. A minimum setback of approximately 30m shall be provided for all other uses where shoreline protection works have been installed. In circumstances involving existing development, the redevelopment of existing lots, and new development on existing lots of record, which are appropriately zoned and where shoreline protection works are not installed, the minimum setback shall be as above or as determined in consultation with the appropriate authority, but in no case, be less than 100 times the average annual erosion rate for the area.

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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.”

The proposed subdivision is permitted in the “Residential” and “Low Density Residential” designations, which permit single detached dwellings at a maximum density of 29 units per net hectare. The proposed density is approximately 14 units per hectare, which would conform to the maximum permitted density. The proposed lot sizes are compatible with surrounding, low density residential development, and provide a gradation in density to the slightly higher density developments to the south. It also provides for protection of the shoreline from flooding and erosion, as the Ministry of Natural Resources has approved the proposed shoreline protection works. This implements policies requiring shoreline protection within the Urban Lakeshore Area Secondary Plan and the “Lakeshore Protection Area” designation on Schedule “B”. The implementing By-law establishes an appropriate setback from the shoreline through the establishment of Conservation/Hazard Land (P5) Zoning, and an additional 7.5m rear yard setback from the (P5) Zone. The new private road will be a condominium road, which implements Policy D.3.1.2.13.

Based on the above, the proposed development would conform to the policies of the Stoney Creek Official Plan.

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, “Low Density Residential 2b” on Map B.7.3-1, the Urban Lakeshore Area Secondary Plan, and “Linkages” on Schedule “B” - Natural Heritage System.

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The proposed development implements the “Neighbourhoods” and “Low Density Residential 2b” designations, as single detached dwellings are permitted and the proposed density conforms with the maximum permitted residential density of 29 units per hectare. However, a redesignation to delete the “Linkages” designation on Schedule “B” is required, as that natural feature no longer exists on the subject lands.

As the new Urban Hamilton Official Plan has been appealed to the Ontario Municipal Board (OMB), the applicant is currently unable to amend it as it is not in force and effect. Therefore, the proposed amendment to the Urban Hamilton Official Plan (see Appendix “G”) will be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, and following such final decision, the Planning and Economic Development Department will hold a Public Meeting, pursuant to the provisions of the Planning Act, to consider the proposed Urban Hamilton Official Plan Amendment.

Neighbourhood Plan:

The subject property is designated “Low Density Residential” and “Water Treatment Pond” within the Trillium Neighbourhood Plan. A redesignation of the portion of the property designated “Water Treatment Pond” to “Low Density Residential” is required in order to implement the proposal. This can be supported, as a stormwater management pond is no longer required on the subject lands.

RELEVANT CONSULTATION

The following Departments and Agencies had no Comments or Objections:

- Taxation Division, Corporate Services Department.
- Environment and Sustainable Infrastructure Division, Public Works Department.
- Horizon Utilities.
- Hydro One.

The following Departments and Agencies submitted the following comments:

Forestry and Horticulture Section (Public Works Department) has advised that there is a substantial amount of street trees within the road allowances, and a Tree Management Plan will be required. Standard Form Subdivision Agreement Section 5.10, “Tree Management Plan/Tree Preservation Enhancement Plan”, provides the requirement to submit for approval of a tree preservation plan.

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Strategic Planning Section (Public Works Department) has advised that the development is eligible for curb side collection of municipal waste and recycling. The proposed development is planned to accommodate garbage trucks operating in a forward manner through the development.

Public Works has also advised that there is no concern with the proposed development, that there are a number of parks in the vicinity to serve the new residents (Trillium Park and Waterford Park), and that Cash-in-Lieu of Parkland will be payable at the Building Permit stage (see Recommendation (b)(ii)).

Traffic Engineering Section (Public Works Department) has advised that the proposed design is acceptable, and commented on ensuring sufficient driveway width at the property line, which is being provided. The previously proposed island on the Jones Road access driveway is no longer proposed. Suggestions were also made to revise the location of certain driveway locations. Final driveway locations will be established through the subdivision condition clearance review, as well as through the required Site Plan Control Application, and the applicants are amenable to negotiate final driveway locations. Discussions with Traffic Engineering Section staff post receipt of their comments have occurred, and the proposed design may be acceptable. However, it is possible that driveway locations may alter the final design and location of some of the Common Element Condominium landscaping features. Therefore, a condition requiring that the final subdivision and condominium designs incorporate the final approved driveway locations is included as Condition No. 9 on Appendix "E".

Hamilton Municipal Parking System has no concerns with the development as long as parking in accordance with the Zoning By-law is provided, and has suggested that a wider internal driveway to accommodate street parking on the private road, or separate visitor parking, be provided. In this regard, the proposal meets and exceeds parking requirements and provides street parking (see Parking Plan - Appendix "K"), approval of which will be finalized through Condition No. 16 on Appendix "E". Further discussion of the parking issue is provided in the Analysis/Rationale for Recommendation section of the staff Report, as the applicant is proposing, at a minimum, that double-car garages and driveways be provided in order to ensure that at least 4 off-street parking spaces are provided per lot.

Hamilton Conservation Authority has reviewed and approved the technical drawings for the shoreline improvement works, and has no concerns so long as permits from the Ministry of Natural Resources are obtained. In this regard, the permit has been obtained. See Appendix "H" for a drawing showing the approved shoreline improvement works. The Hamilton Conservation Authority has also approved the erosion hazard limit (as indicated by the proposed (P5) Zoning limits) and requested conditions of approval for erosion and sediment control, lot grading, and stormwater

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management plan approval. These conditions are already included in the Standard Form Subdivision Agreement, in Section 3, "Prior to Preliminary Grading", and Section 4, "Prior to Servicing".

Union Gas Limited has requested that the owner/developer provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for provision of gas services for this project, in a form satisfactory to Union Gas Limited. Section 1.21 of the Standard Form Subdivision Agreement, "Utility Installations", addresses the above requirement, and a similar condition is contained in the proposed Draft Plan of Condominium approval as Recommendation (c)(ix).

Canada Post has provided standard comments advising of the requirement for mail delivery to be from a centralized mail box and advising of requirements for advising purchasers of this, working with the City of Hamilton in finalizing the mail box location, construction of the pads, and notifying the purchasers of the location of the mail box. Standard Form Subdivision Agreement Section 1.22, "Canada Post", and Section 4.5, "Billboard Signs", addresses most of these matters, with the remaining requirements of Canada Post included as Condition Nos. 17, 18(a), and 18(b) on Appendix "E". Similar conditions are contained in the proposed Draft Plan of Condominium approval as Recommendations (c)(vi) and (c)(vii).

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation were circulated to 58 property owners and tenants within 120m of the subject property on February 10, 2012, requesting public input on the application. A Public Notice sign was also posted on the property on February 6, 2012, and Notice of the Public Meeting was given in accordance with the requirements of the Planning Act. To date, 5 letters have been received (see Appendix "I"). Two of the letters only requested to be notified of the future Public Meeting. The other 3 letters (1 from the developer constructing the subdivision on the south side of Copes Lane) expressed concerns about traffic, loss of vegetation, size of the lots/density, and financial cost sharing for the construction of Copes Lane. A discussion of these matters is included below in the Analysis/Rationale for Recommendation section of this Report.

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

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- (ii) It conforms to the Hamilton-Wentworth Official Plan;
 - (iii) It conforms with and implements the “Residential” and “Low Density Residential” designations of the Stoney Creek Official Plan and the “Low Density Residential” designation of the Trillium Neighbourhood Plan; and,
 - (iv) The proposal is compatible with the scale and density of existing and planned surrounding residential development; provides adequate parking; includes required shoreline improvements; provides for the retention of a hedge row; includes proposed public waterfront access at the terminus of Jones Road; and through proposed common element landscaping features on Copes Lane and Jones Road, an attractive streetscape.
2. The proposed development constitutes removal of the existing single detached dwelling, shoreline improvements, and 20 lots for single detached dwellings, most of which will front onto a Common Element Condominium road. The condominium road would bisect the property linking Jones Road to Copes Lane. The applications submitted would rezone the lands to a new residential zone that would permit single detached dwellings at the proposed density, a Draft Plan of Subdivision, “Waves” to create the individual lots and other parcels of land, and a Draft Plan of Common Element Condominium to establish condominium tenure over the private road, a 3m wide tree preservation area along the east property line (to preserve a hedge row) and other common element landscaping/streetscape features on Copes Lane and Jones Road.
- Each single detached dwelling would have at a minimum a double-car garage/driveway. Additional street parking is proposed on Copes Lane and Jones Road (up to 12 parking spaces). In addition to the preservation of the existing hedge row along the easterly property line, additional landscaping is proposed on private property in the front and rear yards of the new lots, and street trees in the Jones Road and Copes Lane road allowances. The applicant is also proposing to create a landscaped public amenity area that would allow waterfront access at the terminus of Jones Road. This is needed, as it would also be utilized for maintenance access to the shoreline improvement area through a proposed easement at the rear of Lots 1 - 6. Appendix “J” is the preliminary landscape plan showing the proposed landscaped features.
3. The applicants have already received final approval from the Ministry of Natural Resources (Permit No. SLT 694) to construct the required shoreline improvements. The Hamilton Conservation Authority and the Planning and Economic Development Department (Engineering Approvals Section) have also provided input on and approval over the design. The Engineering Approval

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Section was particularly involved, as some of the shoreline improvements are over municipal land where Jones Road terminates at Lake Ontario. While the shoreline improvements are required before any development of the subject lands can proceed, they are not strictly speaking related to the specifics of the residential development. Shoreline improvement would have been required for any new development of the lands, regardless of land use or density. Therefore, the shoreline improvements can proceed no matter the final decision on the subject application. Appendix "H" is the approved plan for the shoreline improvements.

The future Condominium Corporation is responsible for maintenance of the shoreline improvements at the rear of Lots 1 - 6 and an easement across these lots to ensure access is shown on the subdivision plan. In addition, the Hamilton Conservation Authority has reviewed and approved the required buffer area from the Lake Ontario shoreline (erosion protection area). This portion of the rear of Lots 1 - 6 is being zoned Conservation/Hazard Land (P5) Zone to ensure it is not developed. A warning clause to that effect is also required to be included with purchase and sale agreements and as part of the subdivision and condominium agreements. A number of conditions of approval pertain to implementation of the shoreline improvement works, related maintenance access easements, and warning clauses, and are included as Condition Nos. 2, 6, 7, and 18(d) on Appendix "E", and through Recommendations (c)(v)(2), (c)(x), and (c)(xi) for the approval of the proposed Draft Plan of Condominium.

4. The proposed single detached dwellings do not require visitor parking in the Zoning By-law. Visitor parking is required for block townhouse developments, but not for street townhouses or single detached dwellings. However, for new subdivisions, it is a general objective that street parking be provided for 40% of the lots. In this regard, the applicant has provided a parking plan (see Appendix "K"). This plan shows up to 12 on-street parking spaces combined between Copes Lane and Jones Road, exceeding the 40% on-street parking guideline, which would equate to 8 on-street parking spaces being needed. Despite the Zoning By-law not requiring visitor parking, many similar developments for freehold single detached, semi-detached, or townhouses on a condominium road often do provide some visitor parking as part of the common-element condominium. This development, however, does not.

However, the proposed development consists entirely of single detached dwellings, all on large lots with minimum widths of 14.1m, but with many lots having lot frontage/widths of 16m and 17m. The parking plan (see Appendix "K") thus shows that, at a minimum, all of the lots provide 2-car garages and driveway widths. Six of the proposed lots even have 3-car garages and driveway widths.

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Therefore, at a minimum, 4 parking spaces per lot are provided (6 per lot for the 3-car garage lots). This far exceeds parking requirements in the Zoning By-law that requires 2 parking spaces per unit and, therefore, staff is satisfied that the proposed on-street parking, combined with the extra on-site parking spaces on each lot, is sufficient to accommodate expected visitor parking demands.

5. Generally, single detached dwellings are not subject to Site Plan Control, in accordance with Sub-section 8.1 of Site Plan Control By-law No. 03-294. However, Sub-section 9.4 notes that single detached dwellings forming part of an innovative house grouping, or development proposing to locate multiple single detached dwellings on a single property, are subject to Site Plan Control. Therefore, as all of the proposed 20 lots will be tied parcels of land to the proposed Common Element Condominium (even the lots that front onto public roads, not the private road), the entire development is subject to Site Plan Control. Matters such as grading, drainage, servicing, landscaping, private driveway locations, fencing, and architectural design will be addressed at the Site Plan stage of development. Finalization of the required Site Plan Control Application is also a proposed condition of approval for the Common Element Condominium Application through Recommendation (c)(iii) and as a condition of approval of the Draft Plan of Subdivision through Condition No. 19 on Appendix "E".
6. Schedule B - Natural Heritage System of the Urban Hamilton Official Plan designates a portion (mostly the southerly portion) of the subject lands as "Linkages". The plan notes that Linkages are remnant natural areas within the landscape that connect Core Areas. In this regard, the subject lands were identified by the City of Hamilton, through the establishment of the environmental designations in the Urban Hamilton Official Plan, as the southerly portion of the lands did contain treed areas. This treed area does not physically or directly abut or connect any Core Natural Areas. However, it was identified as a Linkage by the City of Hamilton as a likely stepping stone for migratory birds as they migrate along Lake Ontario (for example, as a foraging area between longer stops at Confederation Park and Fifty Point).

The Linkage Assessment, prepared by Colville Consulting Inc., concluded that no threatened or endangered species were observed; that the site supported very limited numbers of migratory songbirds; that the property does not meet criteria to be considered significant wildlife habitat; and, therefore, that the subject property does not function as a Linkage area. In this regard, staff was desirous of a certain amount of the vegetative area of the subject property being retained. However, since that time, the main treed area on the property was removed. The removal of on-site (private property) vegetation did not conflict with any municipal

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tree removal or protection By-law, and no tree preservation plan had yet been approved. No vegetation on municipal property was impacted.

A hedgerow along the easterly property line that contains some natural habitat was retained and is planned to be preserved. Additional plantings, both on private and public property, are also proposed to mitigate the removal of the trees, including landscaping and plantings as part of a landscaping feature at the terminus of Jones Road. As the Linkage no longer exists on the subject property, and since the Linkage policies in the Urban Hamilton Official Plan are not yet in effect, it would be appropriate to remove the “Linkages” designation from Schedule B of the Urban Hamilton Official Plan through Recommendation (d) of this Report (see Appendix “G”), and to work to ensure full preservation of the hedgerow and appropriate plantings on both public and private property. Appendix “J” is the preliminary, proposed landscape plan. Review and approval of the landscaping in the road allowance area and on the private property will be done through the future Site Plan Control stage of development. Condition of Approval Nos. 8 and 15 of Appendix “E” address the requirement for the applicant to receive final approval of the design of the landscape feature at the terminus of Jones Road and to secure its construction and financing. The Standard Form Subdivision Agreement, as well as a future condition of approval on the Site Plan Control Application, will also require submission and approval of a Tree Preservation Plan.

7. In order to implement the development, as proposed, on the Draft Plan of Subdivision and Condominium (see Appendices “D” and “F”, respectively), a number of zoning modifications are mostly required to reflect the condominium tenure; varied lot sizes in the development; and to address the interface between the lots and the common element features. A review of the required modifications is as follows:

Modification to Permit Frontage on a Condominium Road:

A Common Element Condominium road shall be deemed to be a street. This modification is a technicality in order for freehold single detached dwellings to have frontage onto a private road instead of a public road. It should be noted, however, that some of the units still have frontage on a public road (Jones Road).

Minimum Lot Area:

Proposed lot sizes vary from approximately 380 sq. m. to more than 668 sq. m. (not including the (P5) Zone portions of some of the lots). The Single Residential “R2” Zone requires a minimum 460 sq. m. of lot area. Approximately half of the

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proposed lots comply with the minimum “R2” Zone lot area requirements, and most of the lots that don’t comply are less than 10 sq. m. from complying. The reason for the modification is that common element landscaping and tree preservation areas, that in a regular subdivision would have formed part of the lot area, will be owned by the Condominium Corporation, not individual property owners. If these areas had been included within the individual lots, only one lot would not have complied. In addition, all of the proposed lots exceed the minimum lot area requirement in the Single Residential “R3” Zone, which requires a minimum lot area of 370 sq. m. A minimum lot area of 380 sq. m. is proposed and can be supported for the above noted reasons.

Minimum Lot Frontage:

The “R2” Zone requires a minimum 15m lot frontage. Proposed lot widths vary from 14.1m to 17m. However, due to the irregular shape of certain lots and because 3 lots with frontage onto Jones Road contain Common Element Condominium blocks along the street, these lots, while all wider than 14m, technically have less lot frontage. Therefore, to address the irregular shape of the lots, it is proposed that the amending By-law measure frontage by using the width of the lot measured 7.5m from the front lot line. That way, one unifying minimum 12m lot frontage can be implemented to cover all of the non-conforming lots. It should be stressed though, that of the lots being created, using this technique of measuring lot frontage, only one lot would have 12m of frontage; one lot would have 13m of frontage, 7 lots would have approximately 14m of frontage; 8 lots would have approximately 16m of frontage; and 3 lots would have approximately 17m of frontage.

Minimum Rear Yard:

The “R2” Zone requires a minimum 7.5m rear yard. All of the proposed lots for single detached dwellings will provide this setback, except for Lots 6 - 10 (see Appendix “D”). There is an existing hedge row in a north-south orientation at the easterly limits of these lots. Instead of including the hedge row as part of each privately owned lot, it has been incorporated into a tree preservation area that will form part of the Common Element Condominium. There will still be a 7.5m setback from the rear of the dwelling to the easterly lot line of 528 Jones Road, but of this 7.5m setback, 4.5m will be owned by individual property owners and 3.0m by the Condominium Corporation as part of the tree preservation area. The minimum 4.5m rear yard is still sufficient for some amenity areas, such as patios and decks.

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Lot 6 (see Appendix “D”) is somewhat different and also needs a modification to the rear yard setback due to the irregular shape of the lot, the easterly lot line (rear yard) functions as a side yard, whereas the 7.5m rear yard amenity area will be oriented toward Lake Ontario. Providing the minimum 1.25m side yard setback in lieu of a rear yard setback is sufficient in that area as there is still an additional 3m tree preservation area. The existing dwelling to the east abuts this lot with its side façade, so there is no overview or privacy impact being created. Finally, Lots 1 - 6 also abut the Conservation/Hazard Land (P5) Zone established to protect the erosion control area along Lake Ontario. As the (P5) Zone cannot be used for accessory structures, pools, decks, or other types of formal recreational uses, to ensure these lots still have 7.5m of rear yard amenity, the Site-Specific By-law requires a 7.5m setback from this boundary.

Maximum Lot Coverage:

The “R2” Zone permits maximum lot coverage of 40%. The proposed development provides average lot coverage of 50%, but this excludes both the shoreline protection area and the Common Element Condominium components, and if these areas were included, the overall lot coverage for the subdivision would be very close to 40%. However, as a small number of the lots have reduced yards, as the landscaping feature and tree protection common element blocks do not form part of these lots, they have greater lot coverage of up to 62%. A modification to permit maximum lot coverage of 62% can be supported, as the increase is a technicality due to the common element landscaping features and tree protection areas not forming part of the individual lots. In addition, setback regulations already ensure that overbuilding will not occur and, therefore, the actual overage coverage of lots by the dwellings will be substantially less. In addition, the applicants have submitted a Stormwater Management Report noting that stormwater management can be adequately addressed for this development. Final approval of this Report is Condition of Approval No. 14 on Appendix “E”.

Minimum Side Yard:

All of the proposed lots provide the required minimum 1.25m side yard setback. The applicant has requested that the 3 southerly most lots (Lots 10, 11, and 20) have flexibility to provide a 0.6m southerly side yard setback. While a 14m wide lot is large enough that 1.25m setbacks could be provided on both sides, a 0.6m side yard allows greater design flexibility. In this regard, the southerly side yard abuts a 3m wide landscaped Common Elements Condominium feature so the dwelling will still be setback at least 3.6m from the Copes Lane Road allowance. Therefore, the reduction, only for these 3 lots, can be supported, as the intent of

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the By-law is still being maintained. It also should be noted that the reduced side yard will not be on the side of the dwelling containing the attached garage (garages will be on the north side of the lot). Therefore, engineering guidelines requiring a 1.2m side yard abutting an attached garage are still being maintained.

8. The Public Consultation section of this Report noted that 5 letters were received from area residents (2 of which were just requests to be notified of the decision and Public Meeting information). The 3 letters expressed concerns about traffic, loss of vegetation, size of the lots/density, and financial cost sharing for the construction of Copes Lane (see Appendix "1"). A review of the comments from the public is discussed below.

Traffic and Parking:

One local resident expressed concerns that the proposal would generate too much traffic onto Jones Road, which could create a safety hazard, while another wrote that insufficient parking is provided. With regard to parking, the Hamilton Municipal Parking System did not express concerns about the total amount of parking provided so long as it meets Zoning By-law requirements. The application provides a minimum of double the number of required parking spaces, and exceeds the guideline for new subdivisions to provide street parking for 40% of the lots. With regard to traffic, the proposed development is at a very low density of 14 units per hectare, and all of the lots are at least 14m wide (although some lots based on technical definitions for lot frontage have less frontage).

The Public Works Department (Traffic Engineering Section) did not identify any traffic related issues with the proposed development, and a recent traffic study (which was reviewed and approved by the City), completed for a proposed development at Jones Road and the North Service Road, noted no traffic issues due to volume on Jones Road or turning issues with Jones Road at the intersection with North Service Road. The proposal will complete sidewalks on the east side of Jones Road linking into the development to aid in improving pedestrian safety. This will link to sidewalks recently constructed on the south side of Copes Lane.

Lot Size/Density/Character:

Three letters expressed concerns that the proposed development's density is too high and the lot sizes created too small to fit in with the established character along Jones Road and in the neighbourhood. Jones Road already contains a mix of residential zoning and lot sizes, which include a substantial number of

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dwellings that are 12m wide. Landscaping and fencing features within the Common Elements Condominium will also add interest and break up the Jones Road streetscape in front of the proposed development.

The new lots for single dwellings on the south side of Copes Lane are 16m wide, with modifications, to permit reduced front yard setbacks to 4.5m and increased lot coverage to 50%. While the lots within the proposed development on the north side of Jones Road are 14m wide, they are oriented toward the condominium road or Jones Road and, therefore, there is no impact on the Copes Lane streetscape character. Other recent new developments in the immediate, surrounding area include street townhouses and semi-detached dwellings (on a condominium road). The proposed development also provides the required front yard setback, rear yard setback (the reduced rear yard only applies to 3 lots and is a technicality as the 3m tree preservation area is part of the Common Element Condominium instead of being part of the private lot). There is no modification proposed to increase height of the dwellings. Even the proposed lot coverage increase will still result in an average lot coverage of 50%, consistent with surrounding new developments.

The proposed density is only 14 units per hectare, an extremely low density form of development, which is actually at a lower gross residential density than the 16m wide single detached dwellings to the south. Finally, while lands immediately to the east on the north side of Copes Lane constitute remnant, large lot Rural Residential “RR” Zone properties, the Trillium Neighbourhood Plan does plan for the future extension of Aquamarine Drive further to the west, with a link to Copes Lane, which would bring new lots for single or semi-detached dwellings. Therefore, staff is satisfied that the proposed development is not over-intensification and fits the surrounding neighbourhood and streetscape character.

Impact on Vegetation:

One property owner wrote that they are concerned with the destruction of green space on the property. In this regard, all of the existing land use policy documents in effect designate the lands for residential development of single detached dwellings (Stoney Creek Official Plan, Urban Lakeshore Area Secondary Plan, and the Trillium Neighbourhood Plan). There is no open space designation on the subject lands. Unfortunately, the applicant removed the majority of the private vegetation on the subject property but, as noted above, the “Linkages” designation in the Urban Hamilton Official Plan is not in effect and there is no By-law in place to regulate the removal of the vegetation. However, through negotiations with the applicant, the hedge row along the easterly

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property line has been preserved, and a substantial amount of landscaping can be secured through the Site Plan Control process, including plantings as part of a landscaping feature at the terminus of Jones Road.

Cost Sharing for the Construction of Copes Lane:

The developer of the lands to the south of the subject lands noted that should the application be approved, then payment for their proportionate share of the urbanization of Copes Lane must be included. This requirement is included as Condition No. 5 on Appendix "E".

9. Recommendation (c) of this Report provides the approval and required conditions of approval for the proposed Draft Plan of Common Element Condominium. These include standard conditions pertaining to Canada Post centralized mailbox facilities, provisions for utilities (telecommunication and gas), warning clauses pertaining to snow removal, a warning clause regarding the shoreline protection area, provision for the easement to access the shoreline improvements, confirmation that the Condominium Corporation will be maintaining the shoreline improvement works, to implement municipal requirements for street naming, and to enter into the required Development Agreement.
10. In addition to certain special Conditions of Approval for the Draft Plan of Subdivision that have been highlighted throughout the Report, a number of other site-specific subdivision conditions are also included in Appendix "E". These other conditions apply to requirements for a drainage easement in favour of the Condominium Corporation across the private lots that front the condominium road, dedication of a daylight triangle to the City of Hamilton, relocation of impacted utilities; construction of a storm sewer outlet, urbanization of Jones Road, submission of a Geotechnical Report, Hydrogeological Report, Dust Control Plan, Water Servicing Assessment and Stormwater Management Plans, and to implement municipal requirements for street naming. Special Conditions of Approval Nos. 1, 3, 4, 6, 8, 10, 11, 12, 13, 14, 20, and 21, respectively, on Appendix "E" cover these above noted matters.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the lands could be developed in accordance with the current Rural Residential "RR" Zone provisions, which also permit a single detached dwelling, but other applications for Consent or Subdivision would be required to permit more than one dwelling.

SUBJECT: Applications for a Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Common Element Condominium for Lands Located at 528 Jones Road (Stoney Creek) (PED13117) (Ward 11) - Page 25 of 25

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

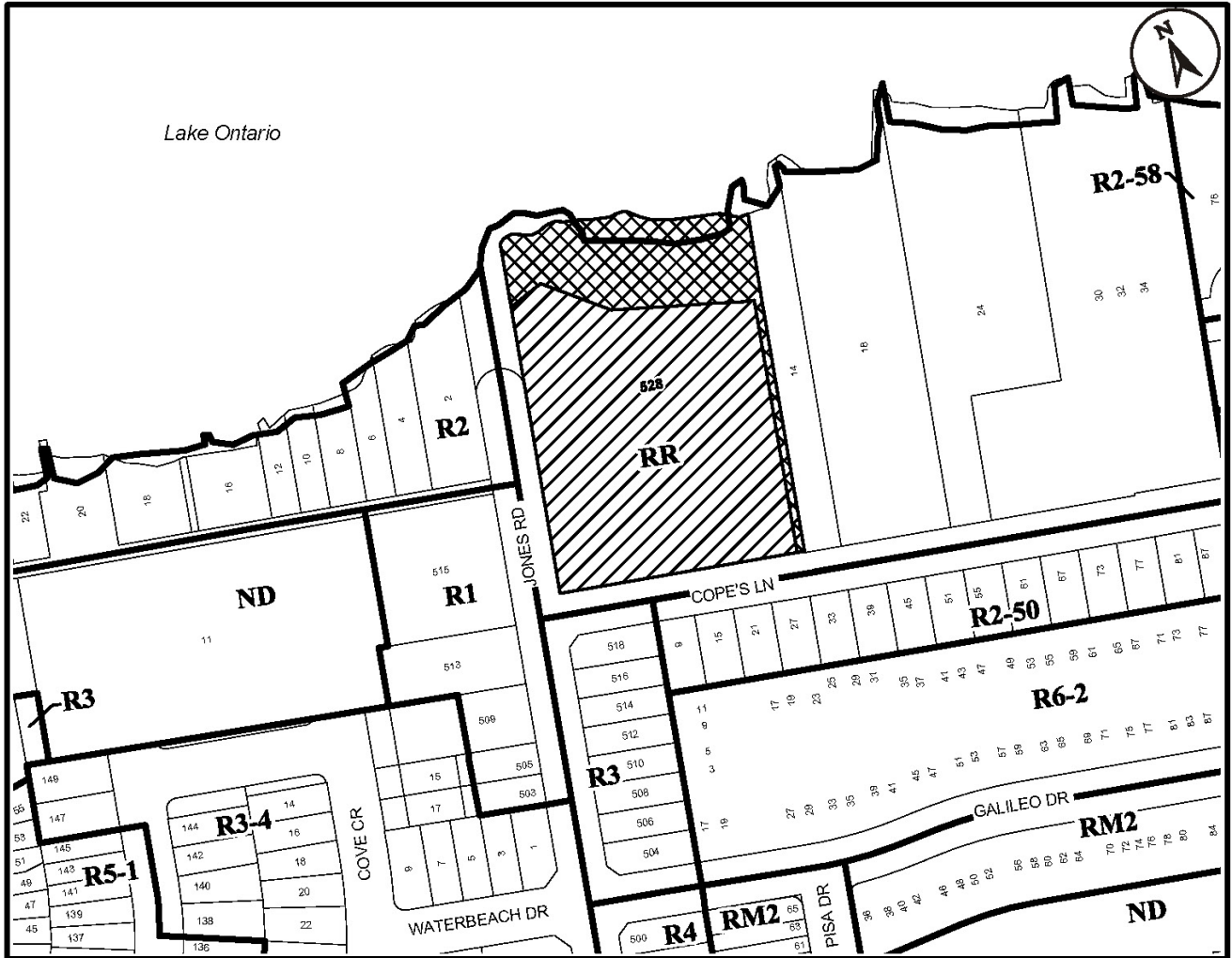
1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES / SCHEDULES

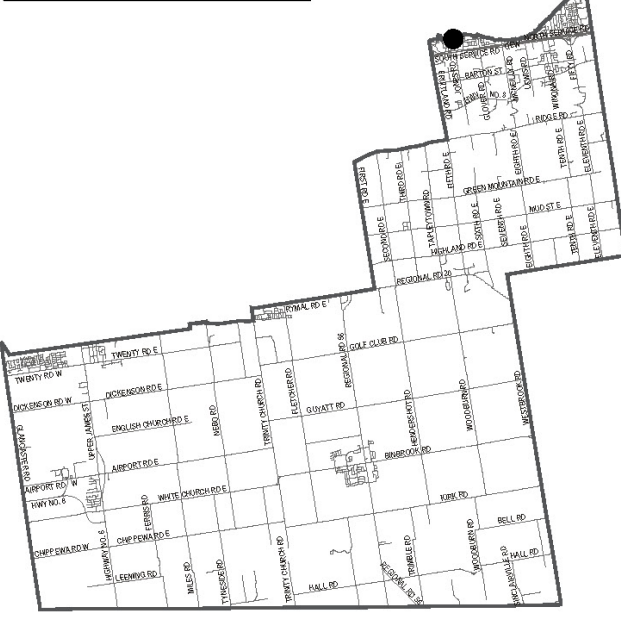
- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law Amendment (Zoning By-law No. 3692-92)
- Appendix “C”: Draft Zoning By-law Amendment (Zoning By-law No. 05-200)
- Appendix “D”: Proposed Draft Plan of Subdivision
- Appendix “E”: Special Conditions for Draft Plan of Subdivision Approval
- Appendix “F”: Proposed Draft Plan of Condominium
- Appendix “G” Official Plan Amendment to the Urban Hamilton Official Plan
- Appendix “H”: Approved Shoreline Improvement Works
- Appendix “I”: Public Comments
- Appendix “J”: Preliminary Landscape Plan
- Appendix “K”: Preliminary Parking Plan

:GM

Attachs. (11)



● Site of the Application



Ward 11 Key Map

N.T.S.



Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-11-080, 25T-201110, 25CDM-201116

Date:
Apr. 26, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
GM/DB

Subject Property

528 Jones Road, Stoney Creek

Change in Zoning from the Rural Residential "RR" Zone to the:



Block 1: Single Residential "R2-62" Zone, Modified; and,



Block 2: Conservation / Hazard Land (P5) Zone.

Authority: Item [REDACTED]
Planning Committee
Report: 13-[REDACTED] (PED13117)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 528 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 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2013, 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 (the Official Plan of the former City of Stoney Creek);

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 from the Rural Residential "RR" Zone to the Single Residential "R2-62" 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 6.3.7, "Special Exemptions", of Section 6.3 Single Residential "R2" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption "R2-62", as follows:

"R2-62" - 528 Jones Road, Schedule "A", Map No. 2

For the purpose of this By-law, a Common Element Condominium road shall be deemed to be a street.

Notwithstanding the provisions of Paragraphs (a), (b), (d), (e), and (g) of Section 6.3.7 "Zone Regulations", on those lands zoned "R2-62" by this By-law, the following shall apply:

- | | | | |
|-----|----------------------|---|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (a) | Minimum Lot Area | - | 380 sq. m. |
| (b) | Minimum Lot Frontage | - | 12m measured 7.5m from the front lot line. |
| (d) | Minimum Side Yard | - | 1.25m, except 0.6m where a southerly side yard abuts a common element condominium block that abuts Copes Lane. A 0.6m minimum side yard shall only be permitted on the side of the dwelling that does not contain an attached garage. |
| (e) | Minimum Rear Yard | - | 7.5m, except as provided in Clauses 1, 2, and 3 below:

(1) On a lot that abuts Lake Ontario, a minimum 7.5m setback shall be provided and maintained from a Conservation/Hazard Land (P5) Zone that is not a common element condominium block; |

- (2) On a lot that abuts Lake Ontario and also abuts a common element condominium block along a rear lot line, a minimum rear yard of 1.25m shall be provided and maintained; and,
- (3) On a lot that does not abut Lake Ontario, but does abut a common element condominium block along a rear lot line, a minimum rear yard of 4.5m shall be provided and maintained.

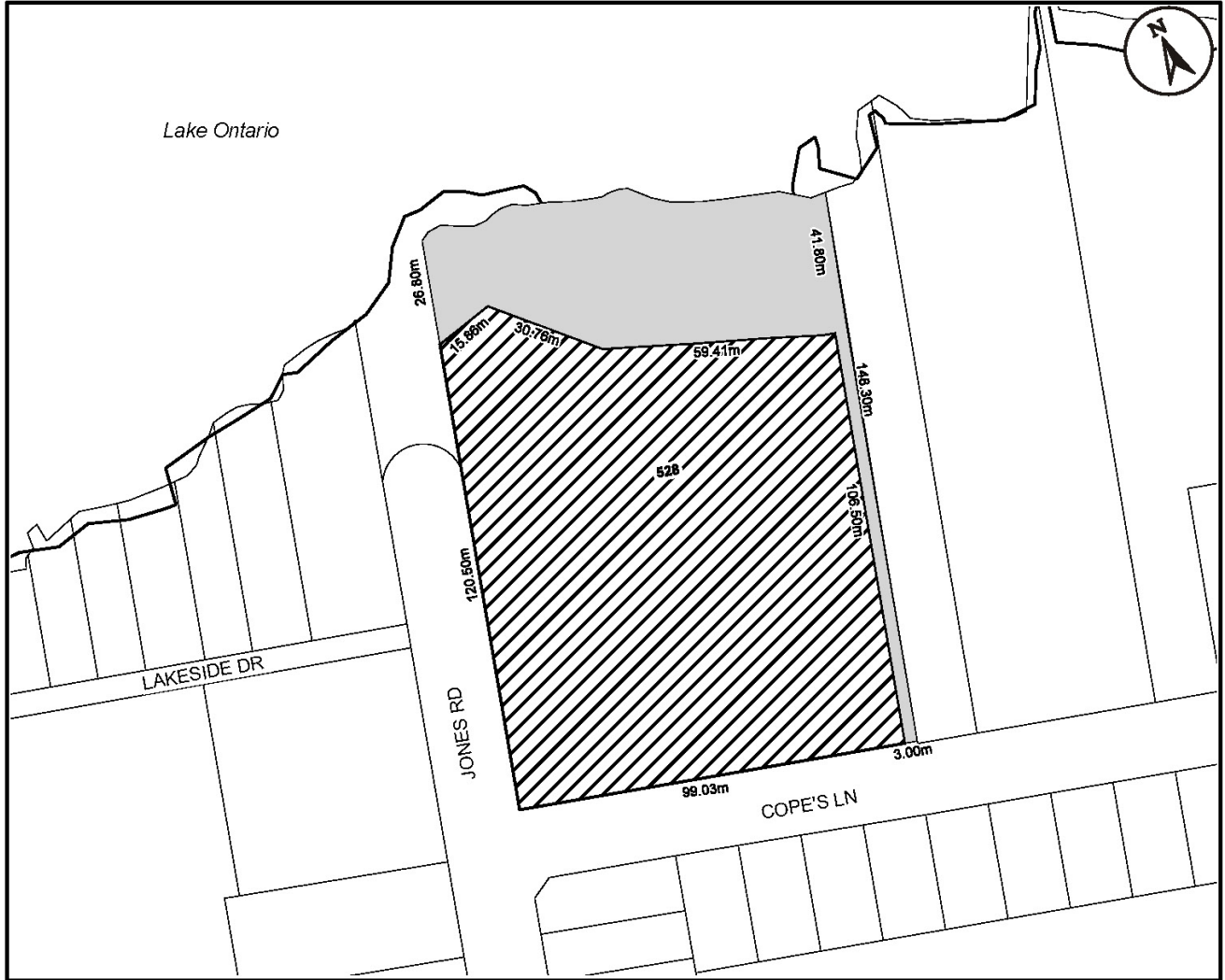
(g) Maximum Lot Coverage - 62 percent.

- 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 "R2" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
- 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], 2013.

R. Bratina
Mayor

Rose Caterini
Clerk



This is Schedule "A" to By-law No. 13-

Passed the day of, 2013

Mayor

Clerk


Schedule "A"


Map Forming Part of
By-law No. 13-_____

to Amend By-law No. 3692-92

Subject Property

528 Jones Road, Stoney Creek

 Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R2-62" Zone.

 Refer to Zoning By-law No. 05-200

Scale: N.T.S.	File Name/Number: ZAC-11-080, 25T-201110, 25CDM-201116
Date: April 26, 2013	Planner/Technician: GM/DB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Authority: Item [REDACTED]
Planning Committee
Report: 13-[REDACTED] (PED13117)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW No. [REDACTED]

**To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 528 Jones Road (Stoney Creek)**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with zoning throughout the City;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 13-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2013, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former City of Stoney Creek);

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

1. That Map Nos. 1101 and 1150 of Schedule "A" to Zoning By-law No. 05-200 is amended by incorporating the Conservation/Hazard Land (P5) Zone, on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. 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.
3. That this By-law No. [REDACTED] shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, either upon the date of passage of this By-law or as otherwise provided by the said Sub-section.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2013.

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-11-080 / 25T-201110 / 25CDM-201116



This is Schedule "A" to By-law No. 13-

Passed the day of, 2013

Mayor


Clerk


Schedule "A"

Map Forming Part of
By-law No. 13-_____

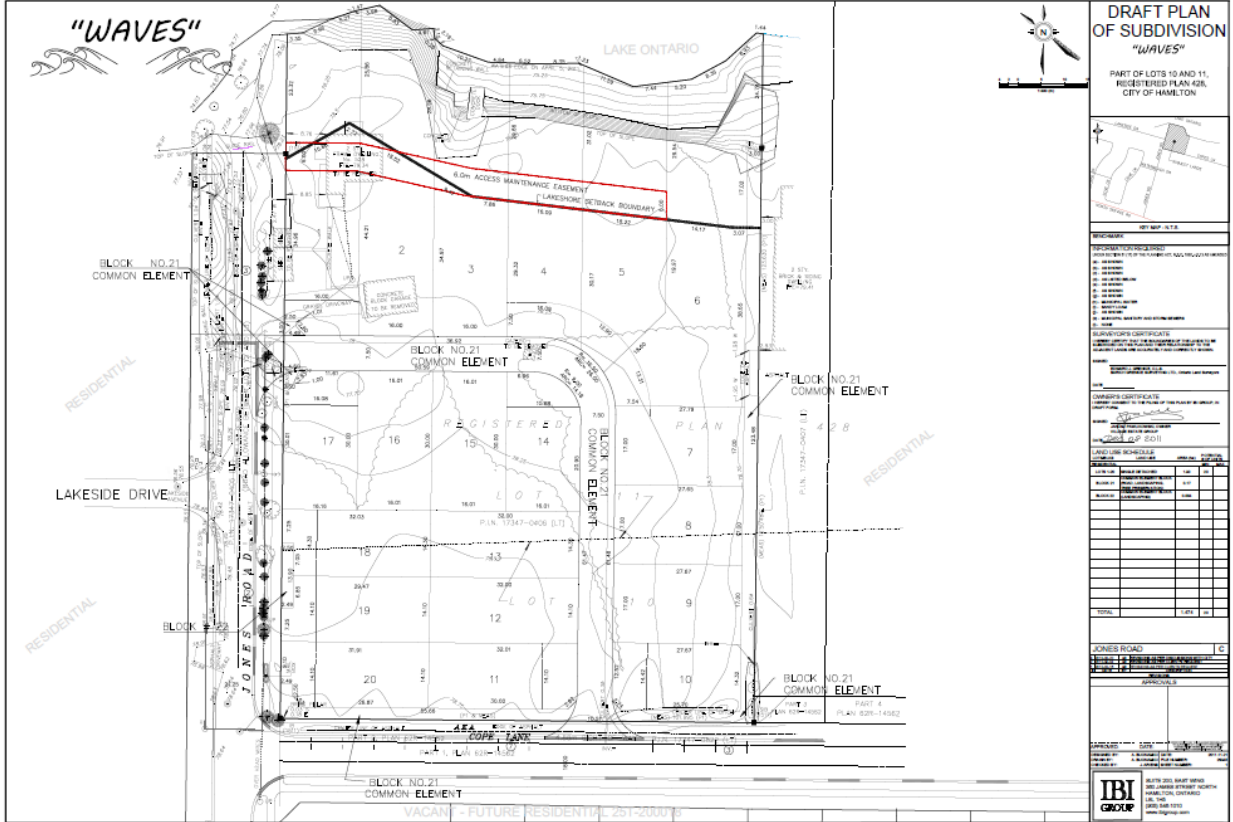
to Amend By-law No. 05-200
Map 1101 & 1150

Subject Property
528 Jones Road, Stoney Creek

 Lands to be Zoned Conservation/Hazard Land (P5) Zone

 Refer to Zoning By-law No. 3692-92

Scale: N.T.S.	File Name/Number: ZAC-11-080, 25T-201110, 25CDM-201116	 Hamilton
Date: April 26, 2013	Planner/Technician: GM/DB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		



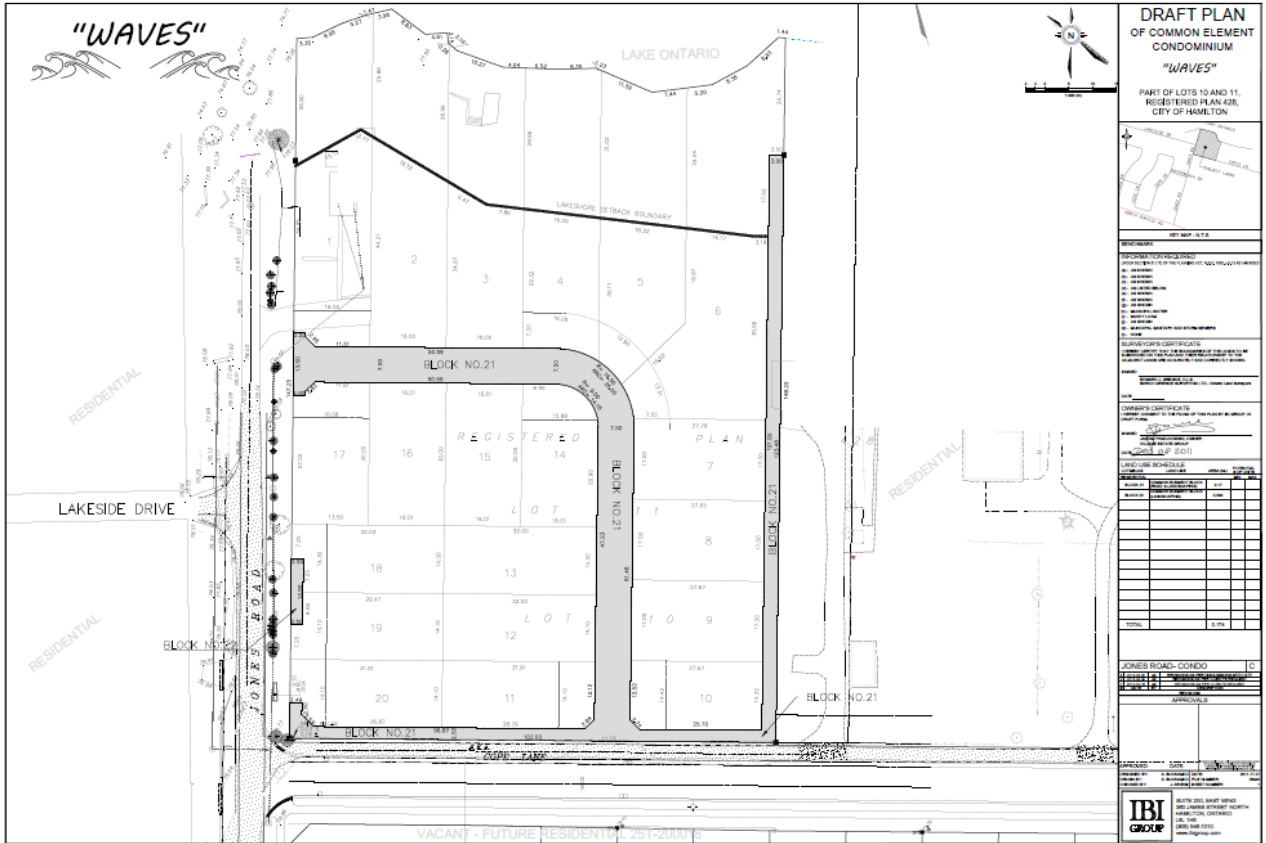
**Special Conditions for Draft Plan of Subdivision Approval
for "Waves"**

1. That, **prior to registration**, suitable easements shall be established for drainage purposes over Lots 1 to 17, in favour of the future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management.
2. That, **prior to registration**, a suitable easement shall be established for shoreline maintenance purposes over Lots 1 through 6, in favour of the future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management and the Hamilton Conservation Authority.
3. That, **prior to registration**, a 4.57m by 4.57m daylight triangle be established on the final plan of subdivision, at the intersection of Jones Road and Copes Lane, to the satisfaction of the Senior Director of Growth Management.
4. That, **prior to registration**, the owner agrees to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, mailboxes, etc., on Jones Road and Copes Lanes, at the owner's expense, to the satisfaction of the Senior Director of Growth Management.
5. That, **prior to registration**, the owner will be required to pay its proportionate share of the actual cost, less over-sizing, for existing sewers, watermains, and roads on Jones Road and Copes Lane, adjacent to frontage of the subject lands constructed as a Best Efforts cost recovery by the developer of "Trillium Gardens - Phase 1 and 2" subdivisions. The recoverable amount is subject to cost indexing to the date that payment is made to the City, all to satisfaction of the Senior Director of Growth Management.
6. That, **prior to registration**, the owner shall include in the engineering design drawings and cost schedules, construction of any modifications/upgrades to the existing storm outlet at Lake Ontario required to implement shoreline protection, to the satisfaction of the Senior Director of Growth Management.
7. That, **prior to registration**, the owner shall construct shoreline protection across the Jones Road right-of-way, to the satisfaction of the Senior Director of Growth Management Division.

8. That, **prior to servicing**, the owner shall include in the engineering design drawings and cost schedules, construction of Jones Road from Copes Lane to Lake Ontario to a full urban cross-section, including a turnaround, if required, sidewalks on the east side, improvements to existing storm sewers, and features that may be required to implement a parkette at its north end, to the satisfaction of the Senior Director of Growth Management.
9. That, **prior to servicing**, the owner shall include in the engineering design drawings and cost schedules, driveways for Lots 1 - 20, and that driveways be located outside of the limits of all daylight triangles. Final driveway locations shall be to the satisfaction of the Senior Director of Growth Management and the Manager of Geomatics and Corridor Management (Public Works Department).
10. That, **prior to servicing**, the owner shall receive final approval of the Geotechnical Investigation, prepared by Soil-Mat Engineers & Consultants Ltd., and implement the report's recommendations, to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to servicing**, the owner shall submit a Hydrogeological Report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to house construction, and to undertake the works, as recommended, including monitoring. The Report shall also provide a Groundwater Contingency Plan, to the satisfaction of the Senior Director of Growth Management, to ensure that an appropriate mitigation strategy is available to be implemented in the case where:
 - (i) An aquifer is breached during excavation;
 - (ii) Groundwater is encountered during any construction within the subdivision, including but not limited to house construction;
 - (iii) Sump pumps are found to be continuously running;
 - (iv) Water supply and sewage disposal systems, and any surface and groundwater related infrastructure, are negatively impacted.

12. That, **prior to servicing**, the owner shall provide, to the satisfaction of the Senior Director of Growth Management, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information so that the City can direct works be completed, as necessary.
13. That, **prior to servicing**, the owner shall submit a detailed Water Servicing Assessment Report with the layout, residential water demands and fire flow calculations (based on FUS, 1999), and details of the watermain looping, to the satisfaction of the Senior Director of Growth Management.
14. That, **prior to servicing**, the owner shall submit a Stormwater Management Report, to the satisfaction of the Senior Director, Growth Management Division. The Report shall address requirements for stormwater quantity and quality control, in accordance with the City of Hamilton Storm Drainage Policy, to the satisfaction of the Senior Director of Growth Management.
15. That, **prior to registration**, the owner shall enter into all required agreements pertaining to the design, financing, and construction of the landscaped parkette feature at the terminus of Jones Road, to the satisfaction of the Senior Director of Growth Management, the Director of Planning, the Director of Strategic Planning (Public Works Department), the Hamilton Conservation Authority, and any other applicable staff to ensure the appropriate design, construction, and maintenance of said feature.
16. That, **prior to servicing**, the owner shall prepare an on-street parking plan, based on the premise of achieving on-street parking for 40% of the total number of single family units, to the satisfaction of the Senior Director of Growth Management.
17. That the owner/developer shall work with Canada Post and the Senior Director of Growth Management to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision, and that the owner covenants and agrees to provide the Senior Director of Growth Management with evidence that satisfactory arrangements, financial and otherwise, have been made with Canada Post Corporation for the installation and activation of Community Mail Boxes (CMB) in locations satisfactory to the City of Hamilton.

18. That the owner shall include the following warning clauses in the Subdivision Agreement, and all Purchase and Sale and/or any Rental or Lease Agreements required for occupancy:
 - (a) Home/business mail delivery shall be from a designated Centralized Mail Box.
 - (b) The developers/owners shall be responsible for officially notifying the purchasers of the exact Centralized mail Box locations, prior to the closing of any home sales.
 - (c) The City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.
 - (d) The portion of the rear of Lots 1 - 6 abutting Lake Ontario is zoned Conservation/Hazard Land (P5) Zone and constitutes a shoreline protection area, and shall not be used for any buildings, structures, or swimming pools, and no changes to grading shall be permitted.
19. That, **prior to preliminary grading**, the owner shall apply for and receive final approval of a Site Plan Control Application, to the satisfaction of the Director of Planning.
20. That, **prior to registration**, the owner shall agree to choose a street name from the Stoney Creek pre-approved street names list or submit a name for approval, prior to registration, to the satisfaction of the Director of Planning.
21. That, **prior to registration**, the owner/applicant shall agree to follow the City of Hamilton Standards for Street Name Signs on Private and Condominium Lanes Policy, including the construction, installation, and maintenance of such signs, to the satisfaction of the Director of Planning.



DRAFT PLAN OF COMMON ELEMENT CONDOMINIUM "WAVES"
 PART OF LOTS 10 AND 11, REGISTERED PLAN 426, CITY OF HAMILTON

101 804 - 1/23

PROVISIONS

SURVIVOR'S CERTIFICATE

CONDO'S CERTIFICATE

UNIT NO.	AREA (SQ. FT.)	PRICE
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JONES ROAD- CONDO

IBI GROUP

**DRAFT Amendment No. [REDACTED]
to the
Urban Hamilton Official Plan**

The following text constitutes Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose of this Amendment is to amend Schedule B - Natural Heritage System of the Hamilton Urban Official Plan by removing the "linkage" feature from the subject property in order to permit 20 lots for residential development.

2.0 Location:

The property affected by this Amendment is located at 528 Jones Road, within the former City of Stoney Creek.

3.0 Basis:

The basis for permitting this Amendment is as follows; the Amendment:

- Reflects that the "linkage" feature no longer exists; and,
- Will allow for the development of residential lots in keeping with the intent of the "Neighbourhoods" designation.

4.0 Changes:

4.1 Mapping Changes:

- 4.1.1 Volume 1, Schedule B – Natural Heritage System is amended by removing the linkage from property at 528 Jones Road, as shown on Appendix "A", attached.

5.0 Implementation:

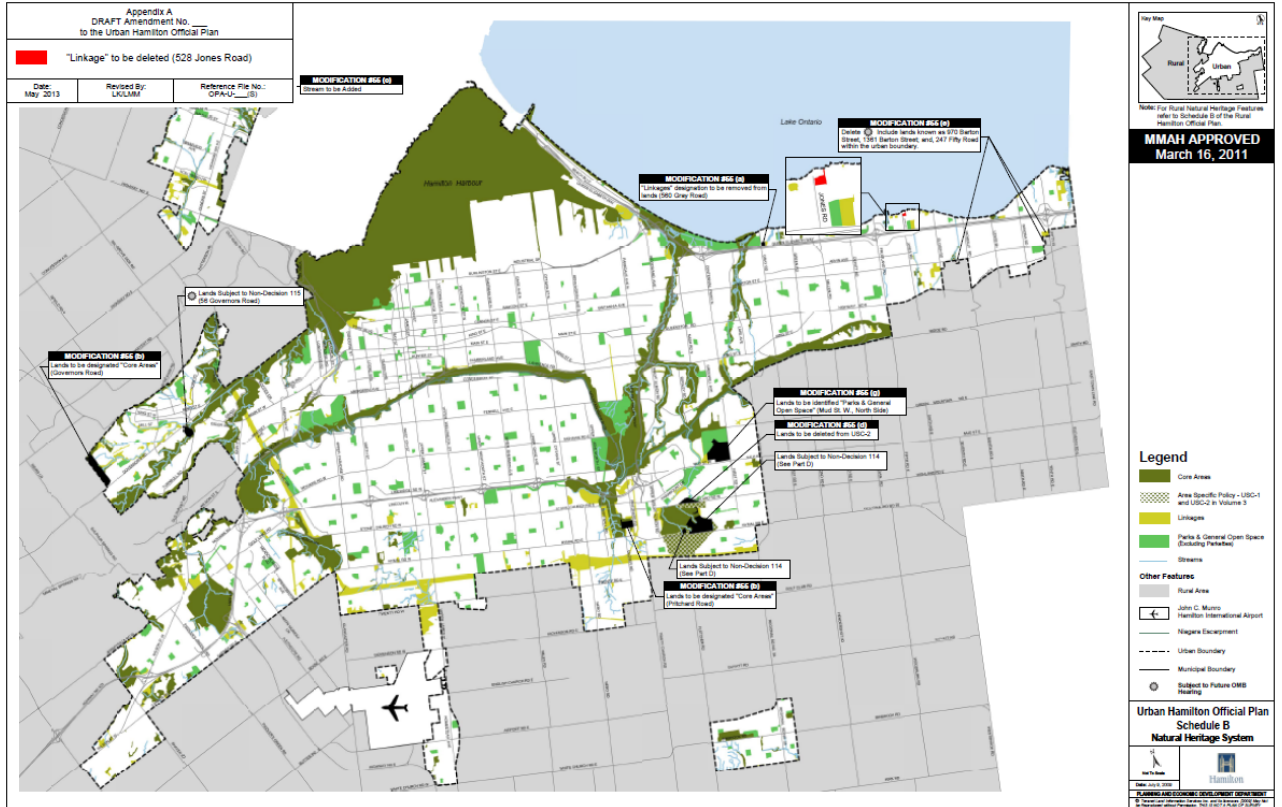
An implementing Zoning By-law Amendment will give effect to this Amendment.

This is Schedule "1" to By-law No. [REDACTED] passed on the [REDACTED] day of [REDACTED], 2013.

**The
City of Hamilton**

R. Bratina
MAYOR

Rose Caterini
CLERK



513 Jones Road
Stoney Creek, ON
L8E 5C1

February 27, 2012

Re: File No: ZAC-11-080/25T-201110/25CDM-201116

Dear Mr. Macdonald,

We live diagonally across the road from 528 Jones Road. It truly is a shame to see the destruction of even more green space on Jones Road and we know we cannot fight change. However, the construction of twenty homes on the land in question will cause great devastation to the appearance of our neighbourhood, where **we live, not the city planners and not the builder**. The other properties along the shoreline are not congested and we feel the addition of twenty houses does not blend well with the existing neighbourhood.

We also have serious concerns that this proposed new development will bring an increase in traffic on Jones Road. It is not unreasonable to assume that each household will have at least two cars on the road. There has already been a substantial increase in traffic coming from the newly created Cope Lane, and more will follow once the lands on Cope Lane are developed. There are several families on Jones Road with small children. We often see these children playing in the front of their homes. Increasing traffic flow on our street is not only unwise, but unsafe.

We urge you to decrease the number of homes on the property in question. We have already lived through much devastation since we moved to Jones Road over twenty-two years ago. The construction in our neighbourhood is already choking us. The population density here is ridiculous. Only those of us who live here (once again, not the city planners or the builders) have to tolerate the unpleasant changes that the city has already allowed.

Thank-you for your consideration in this matter.

Yours truly,

Vic and Judy Popov

From: Dan Gabriele

Sent: Monday, March 26, 2012 11:39 AM

To: Macdonald, Greg

Subject: 528 Jones rd

Hi Greg- hope all is well. I received your notice regarding the applications. We do not have comments at this time but would greatly appreciate being kept up to date as things proceed. Please advise when a date has been set for a public meeting and when the staff report is available. Thanks for your help

Danny Gabriele

Vice-President

Marz Homes

DiCenzo Construction Co. Ltd.



BUILDER & DEVELOPER
PROPERTY MANAGEMENT

TEL: 905-561-3767
FAX: 905-561-0611
205 QUIGLEY ROAD
UNIT #2
HAMILTON, ONTARIO
L8K 5M8

BY COURIER AND E-MAIL

March 1, 2012

City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Attention: Mr. Greg MacDonald

Dear Sirs:

Re: 528 Jones Road Stoney Creek

- **ZAC-11-080**
- **25T-020110**
- **25CDM-201116**

We are the owners of the property to the immediate south of the lands which are the subject of the above-noted applications. Our lands are now registered as Plan 62M-1170 and will be marketed under the name of "Blue Shores". They were draft plan approved in 2003 as "Trillium Gardens Phase 2". We also previously developed an earlier phase of the overall site as "Trillium Gardens Phase 1" which was draft plan approved in 2001 and registered as Plan 62M-968.

We are writing to confirm our objection to the subject development as presently proposed. During our design and development of Trillium Gardens Phase 2, and in its eventual approval, we responded to the stated concerns of Staff, neighbourhood residents and members of Council, and ensured that the homes fronting and in the vicinity of Cope's Lane would be viewed as prestigious and in keeping with the character of the homes on the north side of the road. This resulted in 16m (53 foot) lots on a public road allowance, buffering a higher density to the south of those lots.

The subject application is undesirable in that:

- It proposes lots having frontages of 14m (46 feet) width or smaller. There may also be concerns regarding the proposed building envelopes and setbacks (for which information has not yet been provided).
- The proposed lots front onto a condominium road, with inadequate on-street parking. As well, having proposed lots which flank along, instead of front on, the limit of Copes Lanes creates an undesirable streetscape.
- The proposal makes no accommodation for the existing trees on the property. In fact, it should be noted that the applicant is presently having many of these trees removed, likely in anticipation of this concern.

- It is unclear what the purpose and use is of the various blocks proposed along the municipal rights of way.
- The proposal is not in keeping with the character of the neighbourhood. It is certainly not in keeping with the lot fabric and character previously advocated by Council and Staff on the south side of Cope's Lane.

In short, the applicant is trying to compress too many homes into the subject parcel of land. To be clear, we do not object to the development of the subject parcel, only to what is presently being proposed by the applicant for it.

We further wish to note that, in the eventual development of the subject lands, the applicant should be required to share in the cost of Cope's Lane to the extent that it abuts its lands, and that it should be required to bring Jones Road, to the extent that it fronts along the development, to the same standard that exists to the south of such frontage.

We look forward to elaborating upon these concerns at the Public Meeting called for the purposes of considering the applicant's proposal. In the interim, should you have any questions or comments, or require anything further, please do not hesitate to call.

Yours very truly,

DICENZO CONSTRUCTION COMPANY LIMITED



By: Anthony G. DiCenzo, President

CC: Mr. & Mrs. M. Schwenger
30 Copes Lane
Stoney Creek, ON
L8E 5C1

Mr. & Mrs. N. Baxter
14 Copes Lane
Stoney Creek, ON
L8E 5C1

Mr. & Mrs. V. Popov
513 Jones Road
Stoney Creek, ON
L8E 5C1

Mr. & Mrs. P. Molnar
515 Jones Road
Stoney Creek, ON
L8E 5C1

MR. & MRS. MICHAEL S. SCHWENGER
30 COPE LANE
STONEY CREEK, ONTARIO L8E 5C1

February 16, 2012

RECEIVED FEB 22 2012

City of Hamilton
Planning & Economic Development Department
Planning Division, Development Planning
Attention: Mr. George MacDonald
71 Main St. West, 5th Floor
Hamilton, Ontario

Re: File # ZAC-11-080
25T020110
25CDM - 201116

Dear Sirs:

As per your suggestion I am writing with regards to the above file # 528 Jones Road Stoney Creek.

As owner of 16/18; 24 & 30/34 Copes Lane I have fought hard to maintain the high quality of development adjacent to and north of Copes Lane to which my properties abutt.

I have some major concern that the development as currently proposed will not meet the character of the neighbourhood I have fought hard to preserve.

My concerns are as follows:

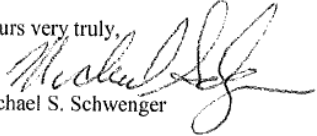
Lot sizes: both width and depth are too small given current and proposed development along Copes and Jones. This also results in too high a density for the area.

Condominium Road: I feel the only reason they are proposing such a road is I want to minimize the impact on developed land. This size road results in parking concerns and that it will flow on to both Jones & Copes. A wider road which allows parking would be much preferable.

In short, as proposed I do not feel this development meets the quality of development that prestigious "lake front property" desires and as exemplified by the Aquamarine Development to the east of my property.

I hope you will take my concerns under advisement and as well keep me apprised of all future proceeding and correspondence with regards to this property.

Yours very truly,


Michael S. Schwenger

Cc: Mr. & Mrs. N. Baxter
14 Copes Lane
Stoney Creek, Ontario
L8E 5C1

Mr. & Mrs. V Popov
513 Jones Road
Stoney Creek, Ontario
L8E 5C1

Mr. & Mrs. P. Molnar
515 Jones Road
Stoney Creek, Ontario
L8E 5C1

Mr. A Di Cenzo
1070 Stone Church Road E
Hamilton, Ontario
L8W 3K8

Feb. 24th / 2012

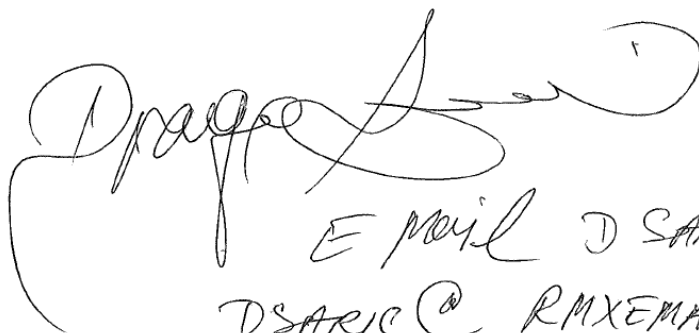
DRAGO SARIC
2 LAKE SIDE DRIVE
STONEY CREEK, ON
L8E 5C1

I would like to be notified on
any correspondence in respect to

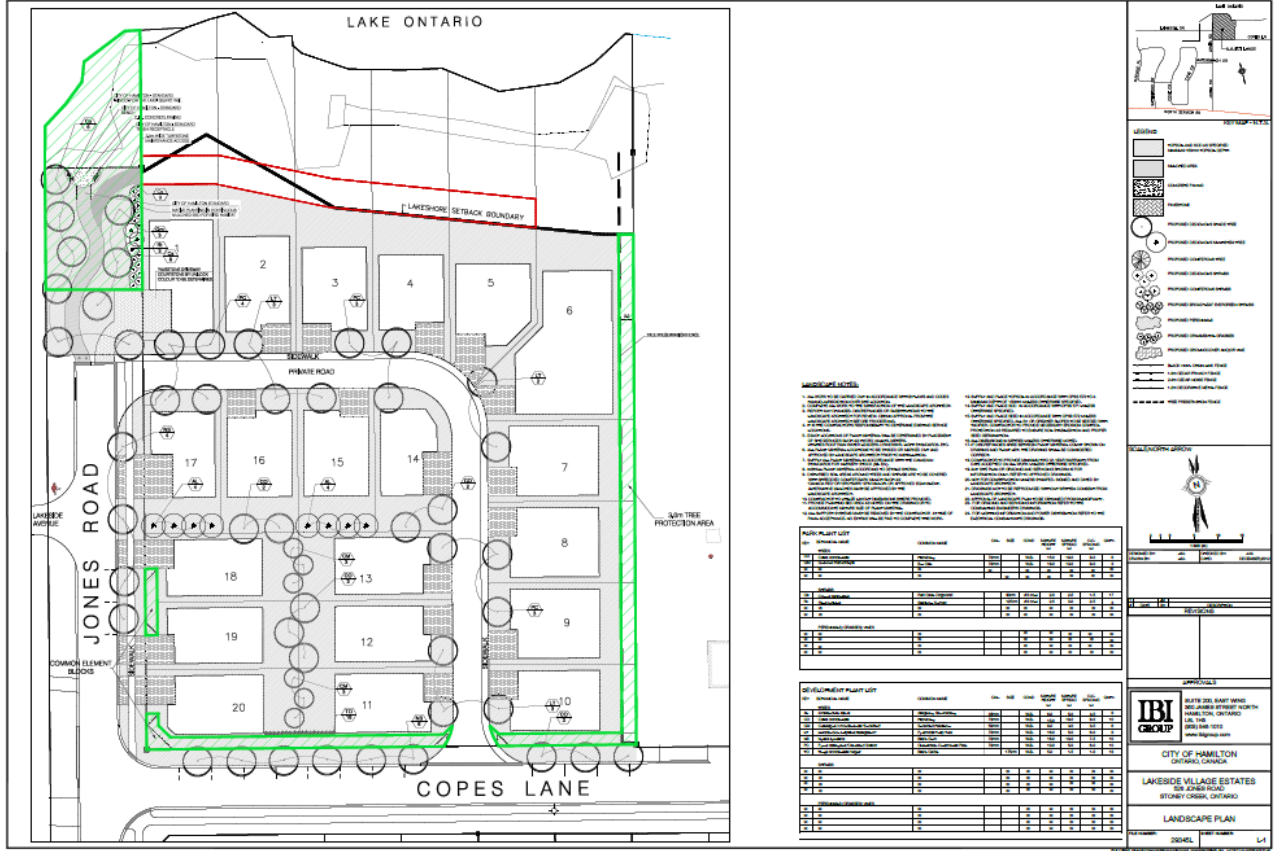
ZAC-11-080

ZST-201110

Z5 CDM-201116



E mail DSARIC@~~Rmx~~
DSARIC@RMXEMAIL.COM



ADORN PLANT LIST

NO.	PLANT NAME	QTY	SIZE	SPACING	NOTES
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ORIGINATION PLANT LIST

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IBI GROUP
 CITY OF HAMILTON
 LAKESHORE VILLAGE ESTATES
 55 JONES ROAD
 WATSON CRICK, ONTARIO
 LANDSCAPE PLAN
 2046L 1/17/2017 L4

