

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 10
COMMITTEE DATE: April 16, 2013	
SUBJECT/REPORT NO: Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Alvin Chan (905) 546-2424 Ext 1334
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Amended Zoning By-law Application ZAC-12-004, by Losani Homes (1998) Limited, c/o Fred Losani, (Owner)**, for changes in zoning from the Neighbourhood Development "ND" Zone (Block 1), Single Residential "R2" Zone (Block 2), and Single Residential "R4" Zone (Block 4) to the Single Residential "R3-38" Zone, with a Special Exception; from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone (Block 3); and for lands to be added to City of Hamilton Zoning By-law No. 05-200 and zoned as Neighbourhood Park (P1) Zone (Block 5), in order to permit the development of 48 single detached lots, in accordance with a proposed Draft Plan of Subdivision, "Dewitt Road Assembly" (25T-201201), for lands located at 259 Dewitt Road (Stoney Creek), as shown on Appendix "A" to Report PED13075, on the following basis:

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- (i) That the draft By-laws, attached as Appendices "B" and "C" to Report PED13075, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix "B" to Report PED13075, be added to Map No. "6" of former City of Stoney Creek Zoning By-law No. 3692-92;
 - (iii) That the amending By-law, attached as Appendix "C" to Report PED13075, be added to Map Nos. 1198, 1199, 1252, and 1253 of Schedule "A" of City of Hamilton Zoning By-law No. 05-200; and,
 - (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 **Amended Draft Plan of Subdivision Application 25T-201201, by Losani Homes (1998) Limited, c/o Fred Losani, (Owner)**, to establish a draft plan of subdivision known as "Dewitt Road Assembly", on lands located at 259 Dewitt Road (Stoney Creek), as shown on Appendix "A" to Report PED13075, subject to the following conditions:
- (i) That this approval apply to "Dewitt Road Assembly", 25T-201201, as red-line revised, prepared by Webb Planning Consultants Inc., and certified by S.D. McLaren, OLS, dated January 18, 2012, showing 44 single detached lots (Lots 1-25, 31, 34-50, and 58), 7 blocks for future development (Blocks 26, 27, 32, 51, 55, 56, and 57), 1 block for open space purposes (Block 28), 3 blocks for a future roadway (Blocks 53, 54 and 59), and 4 blocks for a 0.3m reserve (Blocks 29, 30, 33, and 52), attached as Appendix "D" to Report PED13075, 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 PED13075; and,
 - (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;
- With regard to Lots 1-25, 31, 34-50, and 58, inclusive (Single Detached Residential), a parkland dedication ratio of 5% shall be required.

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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.

It should also be noted that the Open Space Block, Block 28, which is to be conveyed to the City of Hamilton, as per Condition No. 4 of Appendix "E", shall not be considered as a contribution towards the required Parkland Dedication requirements noted above.

- (iii) Acknowledgement that there will be no City share for any municipal works associated with this development.
- (iv) That the lands legally described as Part of Parts 4, 6, and 7 of Reference Plan 62R-11892, being Block 55 of the proposed Draft Plan of Subdivision, be declared surplus to the requirements of the City of Hamilton "Procedural By-law for the Sale of Land", being By-law No. 04-299 and, accordingly, that Block 55 be transferred to the owner/applicant for a nominal sum of \$2.00, to the satisfaction of the Senior Director of Growth Management.

EXECUTIVE SUMMARY

The purpose and effect of the applications are to amend City of 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, in order to permit the development of the subject lands for 44 single detached lots (Lots 1-25, 31, 34-50, and 58), 7 blocks for future development (Blocks 26, 27, 32, 51, 55, 56, and 57), 1 block for open space purposes (Block 28), 3 blocks for a future roadway (Blocks 53, 54 and 59), and 4 blocks for a 0.3m reserve (Blocks 29, 30, 33, and 52) (see Appendix "D").

The proposal has merit and can be supported as the applications are consistent with the Provincial Policy Statement, and conform to the Growth Plan for the Greater Golden Horseshoe, the Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan.

The proposed development is compatible with and complementary to the existing uses in the immediate area, provides for the development of a complete community by providing additional housing sizes and forms, while enhancing the streetscape along Macintosh Drive, and making efficient use of a vacant parcel of land with existing infrastructure within the urban boundary and, as such, represents good planning.

Alternatives for Consideration - See Page 32.

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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 applications for approval of a Draft Plan of Subdivision and an amendment to the Zoning By-law.

HISTORICAL BACKGROUND (Chronology of events)

Proposal:

The original application proposed the development of 43 single detached dwellings, but was subsequently revised as a result of the acquisition of adjacent lands allowing for the completion of Macintosh Drive and the development of 44 single detached lots (Lots 1-25, 31, 34-50, and 58), 7 blocks for future development (Blocks 26, 27, 32, 51, 55, 56, and 57), 1 block for open space purposes (Block 28), 3 blocks for a future roadway (Blocks 53, 54 and 59), and 4 blocks for a 0.3m reserve (Blocks 29, 30, 33, and 52) (see Appendix "D").

In particular, the applicant proposes to amend City of Stoney Creek Zoning By-law No. 3692-92 by changing the zoning on the subject lands from the Neighbourhood Development "ND" Zone (Block 1), Single Residential "R2" Zone (Block 2), and Single Residential "R4" Zone (Block 4) to the Single Residential "R3-38" Zone, with a Special Exception; from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone (Block 3); and for lands to be added to City of Hamilton Zoning By-law No. 05-200 and zoned as Neighbourhood Park (P1) Zone (Block 5) (see Appendix "A")

The proposed amendment provides for an approved form of development of Losani Homes (1998) Limited, similar to the Single Residential "R3-33" Zone of the draft approved "Paramount" Subdivision (25T-201108), save and except for lot frontages and areas, which were increased for this particular development proposal, thereby providing for alternative housing styles and designs than those currently found in the neighbourhood.

The Single Residential "R3-33" Zone contains specific regulations with respect to minimum lot areas, lot frontages, front yards, side yards, flankage yards, maximum height and lot coverage, and special setbacks for daylight triangles and yard encroachments.

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It is noted that the subject application proposes additional modifications to increase the minimum lot areas and frontages, to reinstate the standard maximum height of 11.0m of the Single Residential "R3" Zone, and provide more specific provisions with respect to minimum side yard setbacks, in accordance with the corresponding proposed drainage requirements.

Chronology:

- September 28, 2011: Formal Consultation Meeting for FC-11-101.
- February 2, 2012: Submission of Applications ZAC-12-004 (Zoning By-law Amendment) and 25T-201201 (Draft Plan of Subdivision), by Webb Planning Consultants Inc., on behalf of Losani Homes (1998) Limited.
- February 22, 2012: Applications ZAC-12-004 and 25T-201201 are deemed complete.
- March 2, 2012: Circulation of Notice of Complete Applications and Preliminary Circulation for Applications ZAC-12-004 and 25T-201201 to all residents within 120m of the subject lands.
- March 15, 2012: Public Notice Sign was erected on the subject lands.
- April 24, 2012: Applicant/Owner held Public Information Meeting at Stoney Creek Municipal Service Centre.
- June 21, 2012: Applications revised to add additional lands acquired by applicant/owner (263 and 265 Dewitt Road).
- June 29, 2012: Circulation of Notice of REVISED Applications and Preliminary Circulation for Applications ZAC-12-004 and 25T-201201 to all residents within 120m of the subject lands.
- July 4, 2012: REVISED Public Notice Sign was erected on the subject lands.
- September 6, 2012: Amendment to requested modifications for Zoning Application ZAC-12-004 and updated layout to Draft Plan of Subdivision Application 25T-201201.

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- October 17, 2012: Revised layout of Draft Plan of Subdivision Application 25T-201201 to address staff comments.
- January 3, 2013: Submission of Final Revised Draft Plan of Subdivision Application 25T-201201.
- March 28, 2013: Notice of Public Meeting sent to all residents within 120m of the subject lands.

Details of Submitted Application:

Location: 259 Dewitt Road (Stoney Creek) (see Appendix "A")

Owner/Applicant: Losani Homes (1998) Limited (c/o Fred Losani)

Agent: Webb Planning Consultants Inc. (c/o James Webb)

Property Description: Lot Frontage: Dewitt Road - approximately 22.3m
Macintosh Drive - approximately 20.0m

Lot Depth: 212.077m

Lot Area: 4.16 hectares

Servicing: Existing municipal services proposed to be extended through the proposed Draft Plan of Subdivision.

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwellings and Open Space	Neighbourhood Development "ND" Zone and Single Residential "R2" and "R4" Zones

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<u>Surrounding Land Uses:</u>		
North	Single Detached Dwellings	Single Residential "R2", "R3" and "R4" Zones
South	Single Detached Dwellings	Residential "R5" Zone
East	Single Detached Dwellings and Our Lady of Peace Elementary School	Single Residential "R2" Zone, Residential "R6" Zone, and Neighbourhood Institutional (I1) Zone
West	Hunter Estates Park	Neighbourhood Park (P1) Zone

POLICY IMPLICATIONS/LEGISLATED REQUIREMENTS

Provincial Policy Statement:

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

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.

Lastly, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as transportation corridors) 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.

A noise study titled "*Environmental Noise Report, Proposed Residential Development, Losani Homes, Dewitt Road Assembly, City of Hamilton*", dated January 19, 2012, prepared by Jade Acoustics, was submitted with the applications. Based on staff's review, the Noise Study is satisfactory, subject to noise mitigation measures for Lot 58,

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being the inclusion of a provision for forced air heating to allow for future installation of central air conditioning and identification of the above through the applicable warning clauses.

A condition of approval has been included as Condition No. 17 of Appendix "E" to address the required Noise Study and recommended warning clauses. In addition, the development is subject to the Noise Study requirements, as per Section 1.25 of the Standard Form Subdivision Agreement. Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

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

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

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

Hamilton-Wentworth Official Plan:

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

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

Based on the foregoing, the applications conform to the policies of the Hamilton-Wentworth Official Plan.

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City of Stoney Creek Official Plan:

The subject property is designated as "Residential" on Schedule "A" - General Land Use Plan and "Low Density Residential" on Schedule "A1" - Western Development Area Secondary Plan, and the north-westerly portion is identified as a Class 2 Core Area on Schedule "B" - Stoney Creek Open Spaces and Natural Environment System.

Policy A.1.2 states that the primary uses permitted in areas designated for residential shall be for dwellings, and that the location of various types and residential densities shall be outlined in the relevant Secondary Plans with full municipal services.

Policy 1.2.12(a) outlines that the "Low Density Residential" designation identified in applicable secondary plans shall permit densities of approximately 1 to 29 units per Net Residential Hectare, and shall permit predominantly single family detached residential amongst other housing forms, to be located at the interior of Residential Neighbourhoods adjacent to local roads. The proposal is for the development of single detached residential dwellings within the interior of the neighbourhood on a local road, and would establish a density of approximately 23 units per net residential hectare.

Policy A.1.2.14 notes that within each of the Secondary Plan's Residential Density designations outlined in Policy 1.2.12, the Zoning By-law will restrict the uses of any site to one or more of the dwelling unit types permitted within that designation.

The above restrictions will be implemented to preserve the character of the neighbourhood and to promote compatibility of dwelling unit types with the surrounding, existing and proposed land uses.

Additionally, Sections A.1.2.17, A.1.2.19, and A.1.2.20 provide policies with respect to residential development, in particular, requirements for a form harmonious with the surrounding area, provision of school and commercial facilities, adequate off-street parking and landscaping, and noise attenuation.

The proposed development will be restricted to single detached dwellings, which is compatible with the existing and surrounding development, and maintains the character of the neighbourhood.

Staff notes that local commercial developments are to be provided within the Guernsey neighbourhood along Dewitt Road, Barton Street, and Highway No. 8, all within walking distance of the subject lands. Additionally, the proposed development is adjacent to Hunter Estates Park, and also includes an open space block to be consolidated with the municipal lands.

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The proposed development provides adequate off-street parking and landscaped areas, and will be subject to noise mitigation for Lot 58, as per Condition No. 17 of Appendix "E", and as per Section 1.25 of the Standard Form Subdivision Agreement. Based on the foregoing, the proposal conforms to the "Residential" policies of the Official Plan.

Lastly, Section B.1 provides policies with respect to Open Spaces and Natural Environment Systems. The objective of this designation is to guide development in a manner that protects natural areas. However, Policy B.1.2.6 states that this sub-section is intended to conserve natural habitat, as well as complement the land use designations of Schedule "A" and corresponding Secondary and Neighbourhood Plans, but that the designation of Schedule "A" shall take precedence over Class 2-4 designations. As noted earlier, a portion of the subject lands has been identified as a Class 2 Core Area. As such, the lands are subject to an Environmental Design Analysis pursuant to Policy 1.2.3 of this section.

A Tree Preservation Plan was submitted to address tree preservation, restoration plantings, and buffer from the woodland, and was also subject to a site visit. It was determined that an Environmental Design Analysis was not required.

However, in review of the submitted plan, staff has recommended that for Blocks 26 and 27 a revision to the tree protection fencing be completed to reflect municipal guidelines, and that the respective lot depths be reduced to be consistent with the adjacent lots. The applicant has reviewed the request for reduction in lot depths, but in order to provide for a wider range of lot shapes, sizes, and housing forms, the proposed lot configurations of Blocks 26 and 27 will be maintained and staff, therefore, accepts the justification and proposed lot configuration.

The location of the required Tree Protection Fencing will be addressed through the Standard Form Subdivision Agreement, in particular Section 5.10, "Tree Management/Tree Preservation Enhancement Plan", and Section 2.8, "Street Trees".

Furthermore, the applicant is advised that compensation for the 168 trees to be removed will be required. Compensation shall be provided at a 1-to-1 ratio. However, the removal of mature tree assets 16, 17, 18, 22, 33, and 34 on Lots 6 and 7 will require a compensation of 2-to-1, to be provided within the Open Space block, shown as Block 28 on Appendix "D".

Therefore, a total of 174 compensation trees shall be required, with all related costs to be borne by the applicant/owner. Notwithstanding the Standard Form Subdivision Agreement, staff has included Condition No. 21, to clearly identify the total required compensation to be applied to the required Tree Management/Tree Preservation Enhancement Plan and Street Trees Landscape Plan.

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Lastly, removal on private lands may require permits and, therefore, it is recommended that the City's Forestry Conservation Officer be contacted prior to any removals.

Based on the foregoing, the proposal conforms to the "Residential" policies of the Stoney Creek Official Plan, and maintains the intent and purpose of the Western Development Area Secondary Plan and its policies.

Western Development Area Secondary Plan:

The Secondary Plan policies for the Western Development Area are found under Section A.13.1. In review, there are no specific policies that apply to the subject lands or the "Low Density Residential" designation. However, as the proposal conforms to the general "Residential" and "Low Density Residential" policies, staff is of the opinion that the proposed development conforms to the Western Development Area Secondary Plan.

Guernsey Neighbourhood Plan:

Policy F.7.1 of the Stoney Creek Official Plan states that Neighbourhood Plans are intended to be a general guide plan for development and re-development of the Urban Residential Neighbourhoods, and are not intended to form part of this Official Plan. The subject lands are designated as "Low Density Residential" on the Guernsey Neighbourhood Plan.

As mentioned above, as the development is for single detached residential lots in accordance with the "Low Density Residential" Policies and completes the anticipated road network through the proposed extension of Macintosh Drive, the proposal conforms to the policies of the Stoney Creek Official Plan and the Guernsey Neighbourhood Plan.

New Urban Hamilton Official Plan:

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

The subject lands are designated as "Neighbourhoods" on Schedule "E" - Urban Structure and on Schedule "E-1" - Land Use Designations. The subject lands are also designated as "Low Density Residential 2b" in the Western Development Area Secondary Plan, Map B-7.1-1, which forms part of the Urban Hamilton Official Plan.

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Policy Section E.3.2.1 of Volume 1 prescribes that *“Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.”*

As the subject development provides for a complete community, and is of a residential nature in accordance with the uses permitted under Policy E.3.2.3, the subject applications would conform to the intent and purpose of the “Neighbourhoods” general policies.

In review of the proposed development for single detached dwellings, the subject development would fall under “Low Density Residential”, as per Policy Section E.3.4 of Volume 1, whereby “Low Density Residential” areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade, which shall include single-detached dwellings, to a maximum net residential density of 60 units per hectare, and restricted to a maximum height of 3-storeys.

As the proposal is for single detached residential of an approximate density of 23 units per net residential hectare, to be accessed directly at grade, and shall not exceed 3-storeys in height, as regulated by the amending By-law (see Appendix “B”), the proposal would conform to the above-noted policy.

In addition, Policy E.3.4.6 provides design policies with respect to “Low Density Residential”, whereby the lots are discouraged to be accessed by major or minor arterial roads and discouraged from backlotting onto public roads or in front of parks, while providing a mix of lot widths and sizes compatible with streetscape character, a mix of dwelling unit types and sizes compatible in exterior design including character, scale, appearance, and design features through zoning regulations to be developed through a Draft Plan of Subdivision.

The proposed Draft Plan of Subdivision recommended for approval proposes single detached residential lots compatible with the streetscape character, while providing for a mix of lot widths and sizes, all to be accessed and fronting from a local road (Macintosh Drive) to be developed in accordance with the subject Zoning By-law Amendment.

Volume 2, Policy Section B-7.1.1, provides the policies for the “Low Density Residential 2b” designation, whereby the permitted uses shall be single dwellings, amongst other housing forms, with a density range from 1 to 29 units per net residential hectare.

As mentioned above, the proposal is for single detached residential building lots with an approximate density of 23 units per net residential hectare. The proposed development, therefore, complies with the Western Development Area Secondary policies.

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Lastly, the subject lands have been identified as having archaeological potential, as identified on Appendix F-4 - Archaeological Potential. In particular, Policy Section B-3.4 provides policies with respect to Cultural Heritage Resources.

However, as mentioned above, the applicant has submitted a Stage 1 and Stage 2 Archaeological Assessment, which has met the Provincial interest, and staff, therefore, has no further comments or concerns with respect to Cultural Heritage Resources.

Based on the foregoing, as the proposal provides for a complete community with an approximate density of 23 units per net residential hectare, is compatible with the streetscape character and height of the area, while providing for a mix of lot widths and sizes to be accessed at grade and fronting onto a local road, the proposal conforms with the policies of the Urban Hamilton Official Plan and Western Development Area Secondary Plan.

RELEVANT CONSULTATION

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

- Taxation Division, Corporate Services Department.
- Hydro One Networks Inc.

Operations and Waste Management Division (Public Works Department) has advised that the development is eligible for collection of garbage, organics, recyclable material, and leaf and yard waste by the City of Hamilton, subject to compliance with specifications indicated by the Operations and Waste Management Division, and subject to compliance with the City's Solid Waste Management By-law No. 09-067.

Design criteria was provided in response to the original application. However, the revised application now allows for the full extension of Macintosh Drive to full municipal standards, and the proposed cul-de-sac shall be designed to ensure municipal services can be provided in accordance with the City's Solid Waste Management By-law No. 09-067.

Furthermore, the owner/applicant is advised that blue box and green cart recycling is mandatory, with a minimum two blue boxes (one for clean dry papers and one for containers), and one green cart to fill and set out weekly. Garbage shall be restricted to one container per household, and any construction material is prohibited for collection and will require arrangements to be made with a private contractor.

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Additionally, prior to the commencement of City waste collection service, the developer is responsible for the collection of all waste (garbage, recycling, organics, etc.) from any and all occupied units. Waste collection service will commence when the development is substantially completed, and there is free and clear access.

The developer or owner is required to contact the Operations and Waste Management Division to request the start of waste collection service. A site visit by Operations and Waste Management staff is required, prior to the start of waste collection service.

Lastly, the City of Hamilton has experienced an increase in the number of encroachments occurring on parkland and open space. Accordingly, the developer should clearly inform property owners of property line limits so that future encroachments can be avoided.

As the proposed development has been designed in accordance with the above criteria, subject to standard waste service collection to be initiated in the normal manner and, as appropriate fencing and warning clauses are to be included to address the park block as Condition No. 1(e) of Appendix "E", staff is satisfied that the above concerns have been appropriately addressed.

Traffic Engineering Section (Public Works Department) has requested that the driveway locations for the proposed bulb (Street "A") and an on-street parking for both proposed roadways be required as a condition of approval. It is noted that a preliminary parking and driveway location plan was provided, and is generally satisfactory, as detailed review would be completed through the Standard Form Subdivision Agreement.

In particular, Section 4.7 of the Standard Form Subdivision Agreement addresses the requested driveway location plan. While the on-street parking plan is a standard condition, staff has included it as a special condition of approval, being Condition No. 9 of Appendix "E". Based on the foregoing, the above matters have been satisfied.

Environment and Sustainable Infrastructure Division (Public Works Department) has advised that Cash-in-Lieu of Parkland will be required, and the applicant/owner is advised that Block 28 shall not be considered as contribution to the parkland dedication requirements.

In addition, staff has also provided comment with respect to daylight triangles, transit oriented design, transportation demand management, and pedestrian amenities. It is noted that the proposed development will provide for sidewalks and a pedestrian environment along Macintosh Drive, and the required daylight triangles shall be acquired under Section 2.7, "Conveyance of Land and Easements", of the Standard Form Subdivision Agreement. Based on the foregoing, the above requirements have been addressed.

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Forestry and Horticulture Section (Public Works Department) has conducted a site visit with the applicant and staff for review of the Tree Preservation/Management Plan submitted with the original application. Upon review, it has been determined that an addendum to the Tree Management/Preservation Plan, along with a Landscape Plan, is required and shall include Edge Tree Planting Enhancements for the open space block, and a Street Tree Planting Pan.

It is noted that a Tree Management/Preservation Plan has been submitted, and was reviewed by staff and is satisfactory, subject to a future Vegetation Management Plan, with inclusion of compensation trees and protection (see Appendix "E" - Condition No. 21).

The landscape plan and edge tree planting enhancements are required by Section 5.10, "Tree Management/Tree Preservation Enhancement Plan", and Section 2.8, "Street Trees", of the Standard Form Subdivision Agreement, along with Condition No. 21, address the above concerns.

Staff, therefore, has no further comments and/or concerns, as the requested edge enhancements, street trees, and other plantings will be addressed through the Standard Form Subdivision Agreement noted above.

Hamilton Municipal Parking System has no concerns with the proposed development, subject to the required parking being provided and driveways/garages to be appropriately designed for parking purposes without any encumbrances at a minimum recommended separation distance of 6.5m to provide for on-street parking. Accordingly, an on-street parking plan based on the premise of achieving on-street parking for 40% of the total number of single family units has been included as Condition No. 9 of Appendix "E".

Recreation Division (Community Services Department) has advised that the Open Space Block, Block 28, shall not be considered as a contribution towards the required Parkland Dedication requirements.

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. Staff notes that Section 1.21 of the Standard Form Subdivision Agreement, "Utility Installations", addresses the above requirement and, therefore, staff has no further comments and/or concerns.

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Canada Post has advised that this development shall receive mail service to centralized mail facilities provided through our Community Mailbox Program. Should the description of the project change, Canada Post should be updated in order to assess the impact of the change to mail service.

In particular, the following has been requested by Canada Post:

The owner shall complete, to the satisfaction of the Senior Director of Growth Management of the City of Hamilton, and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) That the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations, prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.
 - ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post, to facilitate the placement of Community Mail Boxes
 - iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) Determine the location of all centralized mail receiving facilities in cooperation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

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- c) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility, at their own expense, will be in affect for buildings and complexes with a common lobby, common indoor, or sheltered space.

Staff notes that Standard Form Subdivision Section 1.22, "Canada Post", and Section 4.5, "Billboard Signs", address Items (b) (ii to iv, inclusive) as identified above. The remaining items, except Item (c), which does not apply to this form of development, have been included as Condition Nos. 1(a), 1(b), and 2 of Appendix "E". Accordingly, staff has no further comments and/or concerns.

Hamilton Conservation Authority (HCA) has identified that contrary to the previously submitted concept, the proposal illustrates that the existing flow pattern towards Stoney Creek Watercourse No. 3 is maintained by connection of the site sewer to the existing drainage system at Macintosh Drive, located to the north of the property.

In addition, redirection of drainage associated with the rear of the properties adjacent to the westerly woodlot will, at least in part, maintain groundwater recharge and existing drainage towards the City's woodlot.

However, it is requested that implementation of a treatment train approach be included by utilizing the Low Impact Development (LID) techniques applicable to Greenfield subdivisions that are larger than 2 hectares in area. Please refer to the LID Guideline and web resources demonstrating implementation of LIDS with the CVC and TRCA watersheds.

In review, the following matters have been requested:

1. A full size Stormwater Management Report should clearly demonstrate that drainage towards WC-3 is maintained, and minimum information supporting the development includes:
 - Calculations of minor and major systems.
 - Information (including tables) summarizing existing peak flows for range of storm events and the proposed design flows.
 - Performance parameters of the quality and quantity control system(s).
 - Inspection and maintenance procedure.
 - Summary of study findings and recommendations.

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2. A Site drainage plan is required illustrating the minor and major flows, pre and post development sub-catchments, impervious levels, and runoff coefficients (including external contributing areas).
3. A detailed grading plan is required illustrating how the proposed works will blend with the adjacent areas. Drawings should also delineate the limits of work/disturbance areas.
4. A servicing plan is required illustrating storm drainage system, facilities, and location of all minor and major outlets.
5. An erosion and sediment control drawing is required, including appropriate erosion and sediment control measures. Please note that HCA supports sediment control for all catch basins in the form of silt sacks and the silt fencing, as per "OPSD 219.130".
6. All final construction drawings and the Report must be stamped and signed by a qualified engineering professional.

Staff notes that Section 3, "Prior to Preliminary Grading", and Section 4, "Prior to Servicing", of the Standard Form Subdivision Agreement, address the above-noted requirements.

In addition, the above comments have been further addressed through the inclusion of the Hamilton Conservation Authority as a clearance authority with respect to Condition Nos. 14 and 15 of Appendix "E".

Horizon Utilities has provided their standard comments and advisements. In particular, the owner/applicant is advised of the following:

- For Subdivision or Townhouse development, please contact our Engineering Design Department @ 905-317-4744.
- If required, relocation, modification, or removal of any existing hydro facilities shall be at the owner's expense. Please contact Horizon Utilities to facilitate this.
- Developers shall be responsible for the cost of civil work associated with duct structures, transformer foundations, and all related distribution equipment.

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- Should the Developer choose to employ Horizon Utilities to prepare, design, and procure the materials required to service this site, a minimum of 5 months notification is required. It would be advantages for the developer if Horizon Utilities were contacted at the stage where the new site plan becomes available. Please note that it takes approximately 20 weeks to purchase a transformer.
- Do not excavate within 2m of hydro poles and anchors.
- Excavation within 1m of an underground hydro plant is not permitted unless approval is granted by a Horizon Utilities representative and is present to provide direct supervision. Cost associated with this task shall be at the owner's expense.
- Horizon Utilities must be contacted if the removal, isolation, or relocation of existing plant is required, and all costs associated with this work will be at the owner's expense.
- CALL BEFORE YOU DIG, arrange for underground hydro cable locate(s) before beginning construction by contacting Ontario One Call @ 1-800-400-2255.
- Clearances from Overhead and Underground existing electrical distribution system must be maintained in according to:
 - Ontario Building Code (1997) Section 3.1 (3.1.t8.1).
 - Electrical Safety Code Rule 75-312.
 - Occupational Health and Safety Act (OH&SA) - Construction Projects (Electrical Hazards).
 - CAN/CSA-C22.3 No. 1-10, Overhead System.
 - C22.3 No. 7- 10 Underground Systems.

Staff notes that Section 1.21 of the Standard Form Subdivision Agreement, "Utility Installations", addresses the above requirement and, therefore, staff has no further comments and/or concerns.

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and the Council-Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 196 property owners within 120m of the subject property on March 2, 2012, for the proposed Zoning By-law Amendment Application and for approval of a Draft Plan of Subdivision. A Public Notice sign was also posted on the property on March 16, 2012.

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It should also be noted that the applicant/owner held a Public Information Meeting with the neighbourhood on April 24, 2012, at the Stoney Creek Municipal Service Centre.

Upon revision of the applications to add additional lands, a Notice of REVISED Application and Preliminary Circulation was sent to 196 property owners within 120m of the subject property on June 29, 2012, for the proposed Zoning By-law Amendment Application and approval of a Draft Plan of Subdivision.

An updated Public Notice sign was also posted on the property on July 5, 2012. Finally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act on April 12, 2013.

To date, 5 letters of concern have been received from the public (see Appendix "F"). In particular, concerns were raised regarding compatible lot creation, infrastructure capacity, traffic congestion, drainage and flooding, park access, sidewalks, emergency access and services, noise barrier fencing, natural heritage protection, and development with adjacent lands. These concerns are addressed in the Analysis/Rationale for Recommendation section below.

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 with the Growth Plan for the Greater Golden Horseshoe, as it represents an opportunity for growth in Settlement Areas.
 - (ii) It conforms to the policies of the Hamilton-Wentworth Official Plan, the Stoney Creek Official Plan, and the Western Development Area Secondary Plan.
 - (iii) It conforms to the policies of the new Urban Hamilton Official Plan and Western Development Area Secondary Plan.
 - (iv) The proposed development is compatible with existing land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, enhancing the streetscape along Macintosh Drive, and making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary.

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2. The applicant has requested modifications to City of Stoney Creek Zoning By-law No. 3692-92 in order to implement the development concept shown on Appendix "D". The modifications to the Single Residential "R3" Zone include the following:

Single Residential "R3-38" Zone:

In order to facilitate the proposed form of development, which is consistent with the Losani Homes (1998) Limited housing product/form approved through the Draft Approved Plan of Subdivision "Paramount" (25T-201108), the Single Residential "R3-33" Zone established through amending By-law No. 12-161 is to be applied, with minor modifications.

In particular, the Single Residential "R3-33" Zone amended the minimum lot area, minimum lot frontage, minimum front yard, minimum side yard, minimum flankage yard, maximum height, maximum lot coverage, and a modification to include double car width garages. Additionally, modifications were also proposed to general provisions with respect to special setbacks from daylight triangles and yard encroachments.

The provisions to be carried over are analysed below, with separate analysis provided for the additional site-specific modifications following.

Minimum Front Yard:

Relief was provided for a minimum front yard of 4.5m to the dwelling, except 6.0m to a garage, whereas the By-law requires 6.0m for a front yard. This request is considered appropriate and corresponds with guiding principles of urban streetscape character and design, while maintaining consistency of front yards for the entire draft plan of subdivision, and provides for adequate parking dimensions for the driveway.

Maximum Height:

Staff notes that permission to 3-storeys or 203.0 masl was incorporated into the Single Residential "R3-33" Zone as a result of the submitted Visual Impact Analysis. However, the visual impact issues are not applicable to this development and, therefore, staff has included a provision to revert back to the standard requirement of 11.0m under the Single Residential "R3" Zone.

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Maximum Lot Coverage:

The applicant has also requested that the maximum 40 per cent lot coverage requirement be deleted. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks.

The City of Hamilton Zoning By-law No. 05-200 has removed this requirement from the regulations for this very reason. As a result, this request is considered minor and supportable.

Yard Encroachments:

Additional provisions have been requested to ensure that some flexibility is permitted with the final construction of units, thereby avoiding the unnecessary submission of potential minor variance applications.

They include covered porches projecting 3.0m into a front yard and 1.8m into a flankage yard, bay windows projecting 0.9m into any yard, and stairs projecting 3.4m into any front yard, whereas the By-law permits 1.5m into the front yard, but does not provide a provision for a flankage yard, and bay windows are permitted to project 0.5m. These provisions are consistent with other developments in Stoney Creek, Ancaster, and Glanbrook.

The request is justifiable, and can be supported, as it is a product of constructing dwelling units on smaller lots, which is a result of recent planning and urban design initiatives to increase densities under the Places to Grow Plan and Urban Hamilton Official Plan, and is consistent with the Secondary Plan policies.

Daylight Triangle:

The applicant has requested relief from the required setback from a "daylight triangle". The General Provisions Section of By-law No. 3692-92 identifies a Special Setback for Daylight Triangles. This provision has been amended from 3m from the hypotenuse of the daylight triangle to 1.0m for a building or porch, including porch foundations, walls and eaves, or gutters.

This request is consistent with developments in other areas of Stoney Creek and, to date, has not created any negative impacts. Based on this, the request can be supported, as it maintains the intent of the By-law, while permitting increased densities.

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Moreover, in order to provide a complete community with greater lot frontages and areas and, accordingly, more varied housing lots and sizes for the area, the applicant has proposed an increase in lot frontage and lot area minimums, along with a modification to the minimum side and flankage yards, to reflect the City of Hamilton's new "Lot Grading Policy, Criteria and Standards for Single and Semi-Detached Dwellings Created Through Development Applications".

Lot Frontage:

With the smallest lot having a frontage of 11.0m, staff has included a modification to increase the minimum lot frontage requirement to 11.0m from 10.0m, to better reflect the proposed plan of subdivision. The corner lot provision, being 11.7m, is being carried forward from the existing Single Residential "R3-33" Zone.

The modification is supportable, as the proposed lot widths are consistent with existing lots in the area, and will provide for a complete community through additional lot widths and sizes within the neighbourhood.

Lot Area:

Similar to the above, in review of the proposed plan of subdivision, the smallest lot area is 330.08 sq m. Accordingly, staff recommends a modification to increase the minimum lot area requirement to 330.0 sq. m. from the 250 sq. m. for an interior lot, and 270 sq. m. for a corner lot, to better reflect the proposed plan of subdivision.

In review, staff notes that in order to provide for a higher density and diverse gradation of lot areas, this request is supportable, as it will provide for lot areas in excess of 300 sq. m.

Accordingly, this will provide for a complete community in that a variety of additional lot and dwelling sizes will be provided within the neighbourhood. The proposed lot areas are suitable for single detached residential development and are, therefore, supportable.

Minimum Side and Flankage Yards:

The City of Hamilton has established a new "Lot Grading Policy, Criteria and Standards for Single and Semi-Detached Dwellings Created Through Development Applications".

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Accordingly, the existing provisions of the Single Residential "R3" Zone, which permits a minimum 1.8m building separation, do not reflect these recent changes. A modification to regulate instances of one-way (back-to-front) drainage or overland flow routes/emergency spillways is required, whereby a minimum 1.2m on the garage side and 0.8m on the non-garage side, subject to a maintenance easement registered on title, will be required, except on a corner lot where the minimum side yard abutting the flankage street shall be 2.4m, and any attached garage is to be set back 6.0m from the flankage street line, and a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle.

Therefore, in order to ensure appropriate standards are maintained, the proposed amendment reflects all possible servicing scenarios and the corresponding required minimum side yard setbacks for such a form of servicing (Drainage). A further explanation of the grading policy and the corresponding required side yard minimums is provided in the section below.

As the proposed modification will implement the City of Hamilton "Lot Grading Policy, Criteria and Standards for Single and Semi-Detached Dwellings Created Through Development Applications", the request is supportable.

3. Engineering Approvals (Development Engineering Section) recommends that 1.2m minimum setbacks be required, in accordance with the existing zoning, to accommodate the required drainage swales. The 2.4m spacing is also preferred because it provides for unobstructed pedestrian access to the back yard.

Notwithstanding, based on the City's new Grading Policy, for one-way drainage, there must be a minimum of 1.8m separation between foundation walls of which a minimum of 1.2m shall be on the garage side. Except for split drainage, there must be a minimum 2.0m separation between foundation walls for any required rear year catchbasins that also require overland flow routes to the street.

In the absence of an overland flow route, and to maintain an uncharged storm sewer condition at the downstream end, a quantity stormwater management facility may be required to be constructed on Block 26 and Part of Block 27 to mitigate potential downstream flooding. Until it is determined otherwise, Blocks 26 and 27 shall remain undevelopable.

With respect to the draft plan of subdivision, by virtue of the sanitary and storm drainage plans in drawing set 76-S 701, it is estimated that adequate capacity provision has been made in the existing systems in the northerly, east-west leg of

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Macintosh Drive, currently terminating at SH05S002 (san) and SH05IL01 (stm) in front of # 399 Macintosh.

These lands are captured within the overall limits of the lands shown on the approved Storm and Sanitary Drainage Plan for the "Appleblossom Estates" Subdivision development, and the storm and sanitary sewer systems have been sized to accommodate the proposed land use.

The City's current hydraulic model indicates that the downstream storm sewer is surcharged under existing conditions and cannot accommodate the additional flows from the proposed development. The downstream Hydraulic Grade Line (H.G.L.) and overland flow route were not identified in the original Functional Servicing Report, based on the proposed development. The City's current policy is to have zero impact downstream. Therefore, a quantity Storm Water Management facility may be required on site. Until it is determined that a quantity Storm Water Management facility is not required, Blocks 26 and 27 will remain undevelopable. Accordingly, staff included Condition No. 23 in Appendix "E".

Lastly, the City has received comments from the public, through the planning process, for the subject lands concerning basement flooding and concerns of sewer capacity. Through a historical search, the City has identified 20+ properties upstream of this development, and 5 downstream of this development, that have reported sewer back-up since 1997. The sewers in this area were constructed in the early to mid-70s. None of the reports involved a problem with the mainline sewer.

Three of the five downstream back-ups were reported shortly after the record rainfalls that occurred in July and August 2009. There is no concrete evidence that the mainline sewer was surcharged, and given the limited number of sewer back-up reports, the age of the laterals, and unusually wet summer with associated high water table, it is more likely that the sewer back-ups were isolated and related to already malfunctioning sewer laterals.

Nonetheless, as a precaution, Development Engineering staff has requested Public Works staff to assess any system deficiencies in the sanitary system related to risk of downstream sanitary back-ups. If this development were to proceed, staff has included as a draft plan condition that sufficient sanitary sewer capacity be available prior to the development proceeding, as identified in Condition No. 24 to Appendix "E".

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Based on the foregoing, staff has included conditions of approval to address the above concerns as part of Appendix "E", Special Conditions of Draft Plan of Subdivision Approval for "Dewitt Road Assembly".

Accordingly, the owner shall submit a Stormwater Management Report, demonstrating how quantity and quality control criteria will be handled in accordance with the City of Hamilton Storm Drainage Policies. This Report shall demonstrate how the proposed catchbasin inlet system accepting the 100 year storm can be accommodated downstream that was designed to only accept 5 year storm flows.

Furthermore, if split drainage is proposed, the ponding on rear yard catchbasins shall be minimized. The maximum desirable ponding level above a rear yard catchbasin is 0.33m, and any rear lot catch basin leads shall be constructed on the lot with a minimum 1.2m wide setback.

It is noted that there are no road widenings or cost sharing required for this proposal. However, all driveway locations must be shown on the plan, and any permanent turning circle is to be designed with a minimum 18m radius and a minimum 13m pavement radius, in accordance with current geometric design standards of the City of Hamilton.

Additionally, beyond the east and west limits of the development, there are existing sidewalks on Macintosh Drive that will need to be extended to connect to the proposed sidewalks within the limits of the subdivision, at the owner's expense. The owner is required to remove the existing temporary turning circle on Macintosh Drive and reconstruct the road, as per City's standards, at his own expense. This includes full restoration along the flankage(s) of the existing block(s)/lots(s) at the temporary turning circle.

Any damage that may occur during construction to the existing road, curb, sidewalk, and boulevard on Macintosh Drive shall be restored, at the owner's expense.

The proposed development will be required to provide the City with an on-street parking plan for the Macintosh Drive extension and the proposed court based on the premise of achieving on-street parking for 40% of the total number of single family units. Staff has included Condition 9 to Appendix "E" to address this requirement.

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The owner will be responsible to install, at 100% his expense, a 1.5m high, heavy duty, black vinyl, chainlink fence at the south and east limits of Block 28, adjacent to the subdivision lands.

As the required zoning modifications have been included to ensure appropriate servicing, and with the inclusion of the requested special conditions, the proposed development is supportable.

4. The Real Estate Section has identified that a portion of the proposed roadway extension is under the ownership of the City of Hamilton. Accordingly, they have requested that staff provide a recommendation with respect to the disposition of Parts 4, 6, and 7 or Reference Plan 62R-11892, being Block 55, be applied. Accordingly, staff has included Recommendation (b)(iv) to authorize this disposition and declare the land surplus.
5. To date, 5 letters have been received from the public in response to the preliminary circulation of the revised Zoning By-law Amendment and request for Approval of a Draft Plan of Subdivision application (see Appendix "F").

The letters submitted identified concerns with respect to compatible lot creation, infrastructure capacity, traffic congestion, drainage and flooding, park access, sidewalks, emergency access and services, noise barrier fencing, natural heritage protection, and development with adjacent lands.

Compatible Lot Creation:

The draft plan of subdivision proposes single detached residential lots of a similar size and shape to that currently found within the Guernsey Neighbourhood.

In addition, it is intended to provide a complete community, which includes the provision of additional lot shapes, sizes, and areas which, in turn, will provide for additional housing sizes.

Staff is of the opinion that the proposed development provides for compatible dwelling unit types with the surrounding, existing land uses, and is in a form harmonious and compatible with the existing and surrounding development, which maintains the character of the neighbourhood.

Through the review of this application, staff has required that the proposed plan of subdivision provide for a transition in lot sizes with larger lots adjacent to the existing 12m single detached residential lots along the existing portion of Macintosh Drive.

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Infrastructure Capacity:

As mentioned in Section 3 above, in review of the Sanitary and Storm Drainage Plans in drawing set 76-S 701, it is the opinion of staff that adequate capacity provision has been made in the existing systems in the northerly, east-west leg of Macintosh Drive, currently terminating at SH05S002 (san) and SH05IL01 (stm) in front of # 399 Macintosh.

The Hamilton Conservation Authority denotes that the proposal illustrates that the existing flow pattern towards Stoney Creek Watercourse No. 3 is maintained by connection of the site sewer to the existing drainage system at Macintosh Drive, located to the north of the property.

In addition, redirection of drainage associated with the rear of the properties adjacent to the westerly woodlot will, at least in part, maintain groundwater recharge and existing drainage towards the City's woodlot. The Hamilton Conservation Authority supports the applications, subject to the standard conditions of approval.

Furthermore, Condition No. 14 of Appendix "E" requires that, prior to servicing, the owner shall submit a Stormwater Management Report, to the satisfaction of the Senior Director, Growth Management Division, and Hamilton Conservation Authority. The Report must address requirements for stormwater quantity and quality control in accordance with the City of Hamilton Storm Drainage Policies.

The proposed minor system shall be designed to ensure that the interception capacity of inlets (including ditch inlets, manhole covers, street and rear yard catchbasins etc.) is comparable to the design conveyance capacity of the system conduits. In addition, the Report must justify that the proposed 100 year captured flow by the rear yard catchbasins can be accommodated in the existing, downstream storm system.

Moreover, in light of the potential for downstream flooding, and to ensure it is appropriately mitigated, Blocks 26 and 27 will remain undevelopable until such time as it has been demonstrated that there is zero increase in Hydraulic Grade Line downstream, and/or that a quantity Storm Water Management facility is not required on site, to the satisfaction of the Senior Director of Growth Management. Accordingly, staff has included Condition No. 23 to Appendix "E" to address the potential for stormwater flooding concerns.

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Regarding sanitary capacity, reports of sewer back-up indicate isolated sewer back-ups related to existing malfunctioning sewer laterals. As a precaution, Development Engineering staff has requested Public Works to assess any system deficiencies in the sanitary system related to the risk of downstream sanitary back-ups. As such, staff has included Condition No. 24 of Appendix "E" to address this concern.

Based on the foregoing, staff is of the opinion that the above concerns will be addressed through the requisite conditions of approval.

Traffic Congestion:

The Traffic Engineering Section, Public Works Department, has reviewed the subject proposal and has not identified any concerns with respect to expected increase in road traffic or road capacity issues. Based on the foregoing, staff has no further comments and/or concerns.

Drainage and Flooding:

As mentioned above, in review of the sanitary and storm drainage plans in Drawing Set 76-S 701, it is staff's opinion that adequate capacity provision has been made in the existing systems in the northerly, east-west leg of Macintosh Drive, currently terminating at SH05S002 (san) and SH05IL01 (stm) in front of # 399 Macintosh.

Furthermore, these lands are captured within the overall limits of the lands shown on the approved storm and sanitary drainage plan for the "Appleblossom Estates" Subdivision development, and the storm and sanitary sewer systems have been sized to accommodate the proposed land use.

The Hamilton Conservation Authority denotes that the proposal illustrates that the existing flow pattern towards Stoney Creek Watercourse No. 3 is maintained. In addition, redirection of drainage associated with the rear of the properties adjacent to the westerly woodlot will, at least in part, maintain groundwater recharge and existing drainage towards the City's woodlot.

Additionally, Condition No. 14 of Appendix "E" requires that, prior to servicing, the owner shall submit a Stormwater Management Report, to the satisfaction of the Senior Director, Growth Management Division, and Hamilton Conservation Authority. The Report must address requirements for stormwater quantity and quality control in accordance with the City of Hamilton Storm Drainage Policies.

SUBJECT: Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10) - Page 30 of 33

Moreover, the proposed minor system shall be designed to ensure that the interception capacity of inlets (including ditch inlets, manhole covers, street and rear yard catchbasins etc.) is comparable to the design conveyance capacity of the system conduits. In addition, the Report must justify that the proposed 100 year captured flow by the rear yard catchbasins can be accommodated in the existing, downstream storm system.

Lastly, in light of the potential for downstream flooding, and to ensure it is appropriately mitigated, Blocks 26 and 27 will remain undevelopable until such time as it has been demonstrated that there is zero increase in Hydraulic Grade Line downstream, and/or that a quantity Storm Water Management facility is not required on site, to the satisfaction of the Senior Director of Growth Management. Accordingly, staff has included Condition No. 23 to Appendix "E" to address the potential for stormwater flooding concerns.

Regarding sanitary capacity, reports of sewer back-up indicate isolated sewer back-ups related to existing malfunctioning sewer laterals. As a precaution, Development Engineering staff has requested Public Works to assess any system deficiencies in the sanitary system related to the risk of downstream sanitary back-ups. As such, staff has included Condition No. 24 of Appendix "E" to address this concern.

Based on the foregoing, staff is of the opinion that adequate capacity is available, and will be further addressed through the applicable conditions of approval.

Park Access:

Based on a site visit by City staff, it was determined that an access to the proposed woodlot would not be appropriate, as the woodlot is to remain in its natural state. In light of potential for dead-falls, soil compaction, and safety concerns, staff has recommended that no access be granted to the proposed open space block, and that appropriate fencing be installed along Block 28 to restrict access and/or encroachments.

Accordingly, staff has included Condition 1(e) to Appendix "E" to advise of the restrictions on access, and Condition 11 to Appendix "E" to require the installation of a 1.5m high chainlink fence to restrict access from the residential lots.

SUBJECT: Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10) - Page 31 of 33

Emergency Access and Services:

The subject application was circulated to the various emergency services and, upon review, no concerns have been identified by the respective Departments. Furthermore, it is noted that the proposed development will now provide for the full connection of Macintosh Drive, which would facilitate any necessary emergency access and services to be provided, as the roadway shall be designed to full municipal standards capable of facilitating emergency vehicles.

Noise Barrier Fencing:

In review of the submitted Noise Study, titled "*Environmental Noise Report, Proposed Residential Development, Losani Homes, Dewitt Road Assembly, City of Hamilton*", dated January 19, 2012, prepared by Jade Acoustics, noise mitigation measures for Lot 58 will be required, being the inclusion of a provision for forced air heating to allow for future installation of central air conditioning and identification of these features through the applicable warning clauses.

There are no proposed noise walls for the proposed development. Based on the foregoing, staff has no further comments and/or concerns.

Sidewalks:

The proposed subdivision will include the provision of sidewalks in accordance with the City of Hamilton Sidewalk Policy, which will require sidewalks on both sides of the proposed Macintosh Drive Extension. Accordingly, staff is of the opinion that this concern has been appropriately addressed.

Natural Heritage Protection:

A Tree Preservation/Management Plan was submitted and reviewed by staff and, in addition, a site visit to verify the findings of the Plan was conducted by Natural Heritage staff.

In review, staff has identified that the proposed development will be subject to replacement trees for those lost due to development, and shall be provided within the proposed "Open Space" block (Block 28).

Furthermore, due to the significant size of mature large calliper tree assets 16, 17, 18, 22, 33, and 34 on Lots 6 and 7, staff has included Condition No. 21 of Appendix "E", which shall require a 2-to-1 compensation be provided for their removal.

SUBJECT: Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10) - Page 32 of 33

Lastly, edge enhancements are to be provided to clearly define the edge and buffer to the formal woodlot, which will further be secured, as per the required fencing along Block 28. Based on the foregoing, staff has no further comments and concerns.

Development with Adjacent Lands:

The adjacent land developer, Demarchi Homes Inc., has identified remnant lands under Registered Plan 62M-838, "Appleblossom Estates", which are to be developed with the subject lands. Staff has included an appropriate condition (Condition No. 20 - Appendix "E") to ensure the consolidated development of these lands.

ALTERNATIVES FOR CONSIDERATION

If the applications are denied, the applicant would be able to develop the lands under the existing Neighbourhood Development "ND" and Single Residential "R2" Zone.

However, as there is an existing dwelling on the portion of the subject lands zoned Single Residential "R2" Zone, this would preclude any further development, save and except for accessory structures and/or a home occupation.

The rear of the subject lands may be developed for agricultural operations, except for poultry farms, mushroom farms, fur farms, piggeries, hatcheries and/or kennels, in accordance with the Neighbourhood Development "ND" Zone.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN:

Strategic Priority #1

A Prosperous and 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

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.6 Enhance Overall Sustainability (financial, economic, social, and environmental).

SUBJECT: Applications for Approval of a Draft Plan of Subdivision "Dewitt Road Assembly" and to Amend Stoney Creek Zoning By-law No. 3692-92 and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 259 Dewitt Road (Stoney Creek) (PED13075) (Ward 10) - Page 33 of 33

- 1.7 The proposed development is compact and utilizes an existing road network and existing servicing capacity, resulting in a more sustainable, cost-effective development.

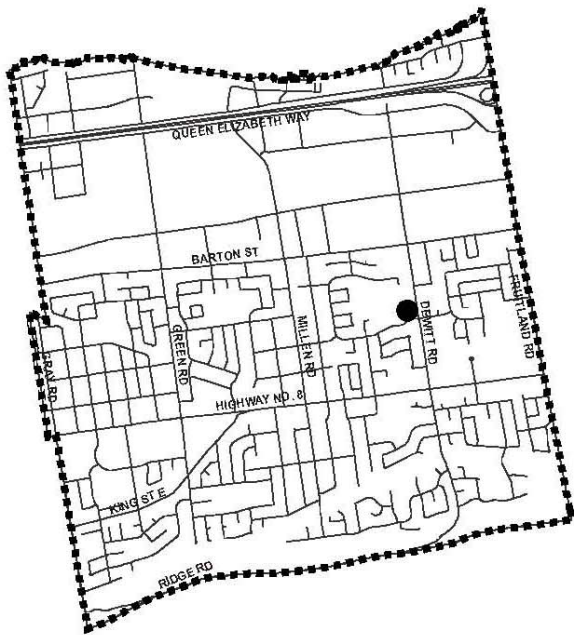
APPENDICES / SCHEDULES

- Appendix "A": Location Map
- Appendix "B": Amendment to City of Stoney Creek Zoning By-law No. 3692-92
- Appendix "C": Amendment to City of Hamilton Zoning By-law No. 05-200
- Appendix "D": Draft Plan of Subdivision "Dewitt Road Assembly"
- Appendix "E": Special Conditions of Draft Plan of Subdivision Approval for "Dewitt Road Assembly"
- Appendix "F": Public Submissions

:AC
Attachs. (6)



● Site of the Application



Ward 10 Key Map

N.T.S.



Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-12-004 / 25T201201

Date:
February 8, 2013






Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AC / AL

Subject Property

259 Dewitt Rd

-  **Block 1:** Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-38" Zone. (Zoning By-Law No.3692-92)
-  **Block 2:** Change in Zoning from the Single Residential "R2" Zone to the Single Residential "R3-38" Zone. (Zoning By-Law No. 3692-92)
-  **Block 3:** Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone (Zoning By-Law No. 3692-92)
-  **Block 4:** Change in Zoning from the Single Residential "R4" Zone to the Single Residential "R3-38" Zone (Zoning By-Law No. 3692-92)
-  **Block 5:** Lands to be Zoned Neighbourhood Park (P1) Zone (Zoning By-Law No. 05-200)

Authority: Item [REDACTED]
Planning Committee
Report: 13-[REDACTED] (PED13075)
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 259 Dewitt 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 (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. 6 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek), is amended;
 - (i) by changing from the Neighbourhood Development "ND" Zone to the Single Residential "R3-38" Zone, Modified, the lands identified as "Block 1";
 - (ii) by changing from the Single Residential "R2" Zone to the Single Residential "R3-38" Zone, Modified, the lands identified as "Block 2";
 - (iii) by changing from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone, the lands identified as "Block 3"; and,
 - (iv) by changing from the Single Residential "R4" Zone to the Single Residential "R3-38" Zone, the lands identified as "Block 4";

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

2. That Sub-section 6.4.7, "Special Exemptions", of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding Special Exemption, "R3-38"; as follows:

"R3-38" - 259 Dewitt Road, Schedule "A", Map No. 6

Notwithstanding Section 6.4.3, "Zone Regulations", of Zoning By-law No. 3692-92, the regulations of the Single Residential "R3-33" Zone, as established under By-law No. 12-161, shall apply on those lands zoned "R3-38" by this By-law, save and except for Regulations (a); (b); (d); and, (f), the following shall apply:

- | | |
|---------------------------|--|
| (a) Minimum Lot Area: | 330 sq m. |
| (b) Minimum Lot Frontage: | 11.0m, except 11.7m for a corner lot. |
| (d) Minimum Side Yard: | 1.2m on the garage side and 0.6m on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2m, with said maintenance easement permitting encroachment for maintenance purposes only for no more than 0.6m into the side yard of the lot adjacent the yard with a side yard setback less than 1.2m, except: |

On a corner lot, the minimum side yard abutting the flankage street shall be 2.4m, except that an attached garage which fronts on the flankage street shall not be located within 6.0m of the flankage street line; and on a corner lot with a daylight triangle, a minimum 2.0m setback for any building from the hypotenuse of the daylight triangle is required; and,

On a lot where an emergency spillway / overland flow route shall be located or where back-to-front drainage is proposed, a minimum 2.0m side yard separation between buildings shall be provided and maintained between buildings along one common lot line.

(f) Maximum Building Height: 11.0m.

All other regulations of the Single Residential "R3-33" Zone shall apply.

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 Single Residential "R3" 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], 2013.

R. Bratina
Mayor

ZAC-12-004

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

259 Dewitt Rd



Block 1: Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R3-38" Zone.



Block 2: Change in Zoning from the Single Residential "R2" Zone to the Single Residential "R3-38" Zone.



Block 3: Change in Zoning from the Neighbourhood Development "ND" Zone to the Single Residential "R2" Zone



Block 4: Change in Zoning from the Single Residential "R4" Zone to the Single Residential "R3-38" Zone



Refer to By-Law No. 05-200

Scale:
N.T.S.

File Name/Number:
ZAC-12-004 / 25T201201

Date:

February 8, 2013

Planner/Technician:
AC / AL



Hamilton

Authority: Item [REDACTED]
Planning Committee
Report: 13-[REDACTED] (PED13075)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 05-200

Respecting Lands Located at 259 Dewitt 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, Statutes of Ontario, 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 first stage of the Zoning By-law, being By-law No. 05-200, came into force on May 25, 2005;

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) 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 Nos. 1198, 1199, 1252, and 1253 of Schedule "A" - Zoning Maps, to Zoning By-law No. 05-200, is amended by incorporating additional Neighbourhood Park (P1) Zone boundaries for the applicable 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 have 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 provided by the said Sub-section.

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

R. Bratina
Mayor

Rose Caterini
Clerk

ZAC-12-004



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

Passed the day of, 2013

Clerk

Mayor

Schedule "A"

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

to Amend By-law No. 05-200
Maps 1198, 1199, 1252, and 1253

Subject Property

259 Dewitt Rd



Refer to By-Law No. 3692-92



Lands to be Zoned Neighbourhood Park (P1) Zone

Scale:
N.T.S.

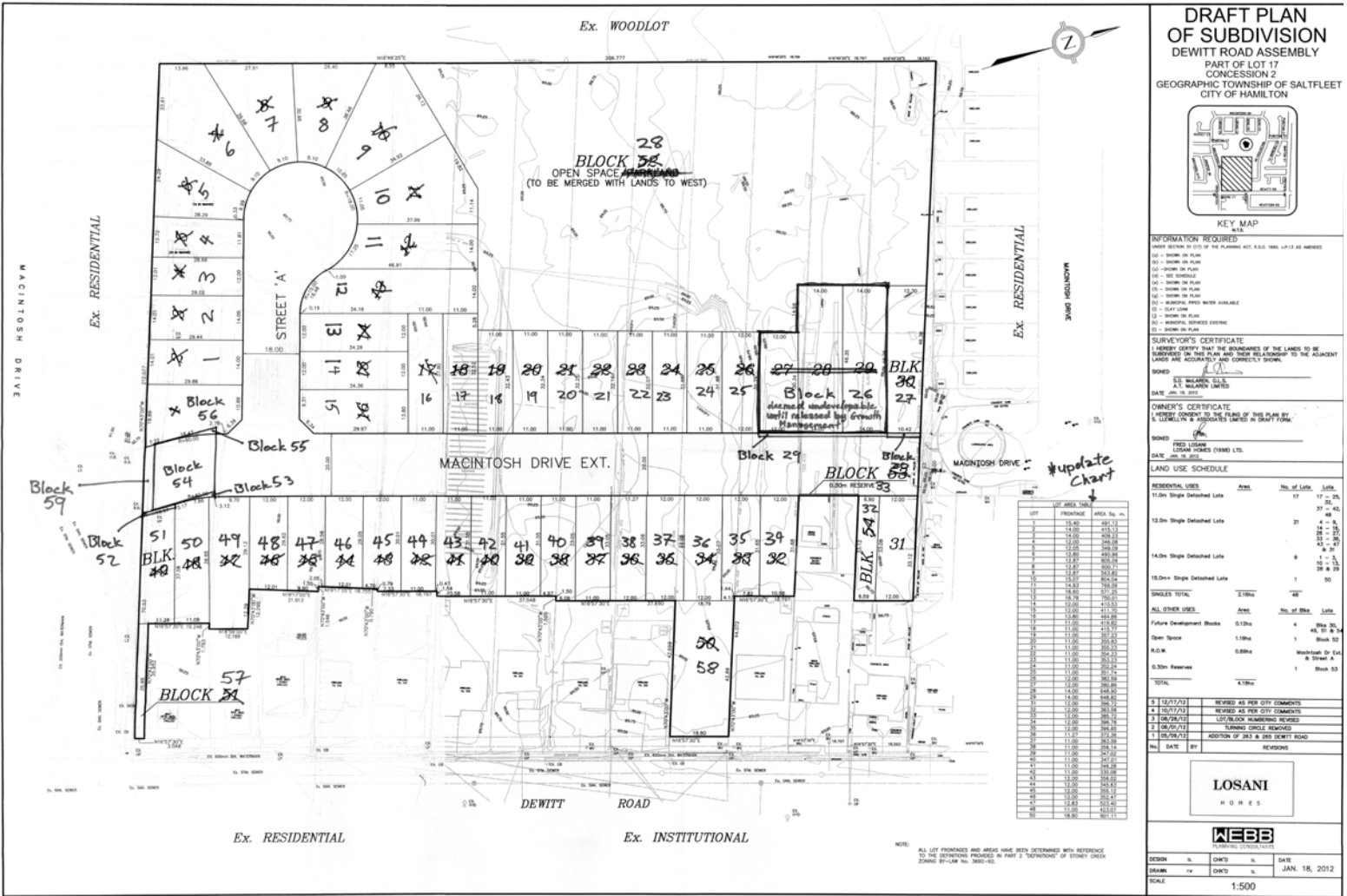
File Name/Number:
ZAC-12-004 / 25T201201

Date:
January 13, 2013

Planner/Technician:
AC / AL



Hamilton



**Special Conditions of Draft Plan of Subdivision Approval
for "Dewitt Road Assembly"**

1. 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) Garages provided are intended for use as parking. It is the responsibility of the owner/tenant to ensure that their parking needs (including those of visitors) can be accommodated on site. Public on-street parking is provided on a 'first-come, first-serve' basis, and cannot be guaranteed in perpetuity.
 - (d) Purchasers/tenants are advised that no on-street parking is permitted along the east side of Macintosh Drive.
 - (e) Purchasers/tenants are advised that the land to the rear of Lots 6-12, Lots 17-25, and Blocks 26 and 27, is municipally owned parkland and open space area. Accordingly, encroachment into the municipally owned parkland and open space is prohibited.
2. 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.
3. That, **prior to servicing**, the owner shall include in the engineering design and cost schedule provisions to remove the existing temporary turning circle and reconstruct the existing terminus of Macintosh Drive (outside plan of subdivision), to the satisfaction of the Senior Director of Growth Management.
4. That, **prior to registration**, the owner shall submit the necessary transfer deeds to the City of Hamilton to convey Blocks 28 and 57, to the satisfaction of the Senior Director of Growth Management.
5. That, **prior to servicing**, the owner shall include in the engineering design and cost schedule provision for the restoration of the existing roadways that may be damaged during construction, to the satisfaction of the Senior Director of Growth Management.

6. That, **prior to servicing**, the owner shall include in the engineering design and cost schedule all driveways, and that all driveways be located outside of the limits of all daylight triangles, to the satisfaction of the Senior Director of Growth Management.
7. That, **prior to servicing**, the owner shall include in the engineering design, a minimum 2.0m separation between the building walls to accommodate an overland flow route for any required rear yard catchbasin, to the satisfaction of the Senior Director of Growth Management.
8. That, **prior to servicing**, the owner shall agree to relocate, as required, all affected utility poles, hydrants, pedestals, hydro vaults, etc., on Macintosh Drive and Dewitt Road, at the owner's expense, to the satisfaction of the Senior Director of Growth Management.
9. 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.
10. That, **prior to servicing**, the owner shall prepare a Geotechnical Report and implement the Report's recommendations, to the satisfaction of the Senior Director of Growth Management.
11. That, **prior to servicing**, the owner shall include in the engineering design and cost schedule a minimum 1.5m high heavy duty, black vinyl chain link fence along the rear of Lots 6 to 12, Lots 18-25, and Blocks 26 and 27, and the sides of Lots 17 and Block 26 that abut Block 28, to the satisfaction of the Senior Director of Growth Management.
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 and the Hamilton Conservation Authority. The Report must address requirements for stormwater quantity and quality control, in accordance with the City of Hamilton Storm Drainage Policies. The proposed minor system shall be designed to ensure that the interception capacity of inlets (including ditch inlets, manhole covers, street and rear yard catchbasins etc.) is comparable to the design conveyance capacity of the system conduits. In addition, the Report must justify the proposed 100 year captured flow by the rear yard catchbasins can be accommodated in the existing downstream storm system.
15. That, **prior to servicing**, the owner shall prepare a plan showing the design and location of siltation and erosion control devices, in accordance with the "Erosion and Sediment Control Guidelines for Urban Construction, December 2006" Manual, to the satisfaction of the Senior Director of Growth Management, and the Hamilton Conservation Authority.
16. That, **prior to servicing**, the owner shall agree to clean the existing downstream oil grit separator located to address sediment loading that will occur during servicing the site and construction of homes, prior to final acceptance and assumption of storm sewers, to the satisfaction of the Senior Director of Growth Management.
17. That, **prior to the registration of the Subdivision Agreement**, the owner shall include the following warning clauses, which shall be identified in the Subdivision Agreement, and in all offers of purchase and sale agreements and/or lease agreements, for Lot 58:
 - (a) *"Purchasers/tenants are advised that despite the inclusion of noise control features in this development area and within the building units, noise due to increasing road traffic on Dewitt Road may continue to be of concern, occasionally interfering with the activities of the dwelling occupants as the sound levels may exceed the noise criteria of the Municipality and the Ministry of the Environment."*
 - (b) *"Purchasers/tenants are advised that this dwelling unit was fitted with a forced air heating system and the ducting, etc., sized to accommodate central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the City of Hamilton's and the Ministry of the Environment's noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices, and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)"*

18. That, the owner shall agree, in writing, that Block 32 be developed in conjunction with the lands to the south, known municipally as 263 Dewitt Road, in order to ensure orderly and comprehensive development, to the satisfaction of the Director of Planning.
19. That, the owner shall agree, in writing, that Blocks 27 and 28 be developed in conjunction with the lands to the north, being Block 29 of Registered Plan 62M-838, in order to ensure orderly and comprehensive development, to the satisfaction of the Director of Planning.
20. That, the owner shall agree, in writing, that Block 51 be developed in conjunction with the lands to the south, being Block 29 of Registered Plan 62M-282, in order to ensure orderly and comprehensive development, to the satisfaction of the Director of Planning.
21. That, **prior to any grading and/or servicing**, the owner shall submit a Tree Management/Preservation Plan, which shall include, but not be limited to, proposed edge enhancements and street trees being a total of 174 replacement trees, to the satisfaction of the Director of Planning.
22. That, **prior to servicing**, the owner shall enter into a Private Property Authorization Agreement (as per By-law 01-222) with the Hamilton Municipal Parking System to ensure that parking can be enforced, prior to the MacIntosh Drive Extension being assumed by the City of Hamilton, to the satisfaction of the Manager of the Hamilton Municipal Parking System.
23. That, **prior to preliminary grading**, the owner shall agree to conduct an overland flow route and hydraulic grade line assessment with respect to the minor and major system conveyances at the downstream end, to the satisfaction of the Senior Director of Growth Management. Further, until a SWM Facility is identified as not being required, Blocks 26 and 27 will be deemed undevelopable.
24. That, **prior to preliminary grading**, the applicant/owner shall confirm that there is sufficient sanitary servicing capacity available to service the subject lands, to the satisfaction of the Senior Director of Growth Management.

MAR 20 2012

PSR
↓
Robert

Dr. S. and Mr. L. Crosta
265 Dewitt Road
Stoney Creek, ON
L8E 2S9

Planning & Economic Development Department
Planning Division, Development Planning
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

Att: P. Mallard, Director, Planning Division;
S. Robichaud, Manager, Planning Division;
Alvin Chan, Planning Division;
Coordinator, Planning Committee;
Peter J. De Iulio, Senior Project Manager, East Section
Councillor Maria Pearson (Ward 10)

Re: File No: ZAC-12-004 25T-2012-1

Dear City Planners and Councillor,

We are writing to express our serious concerns on the proposed Zoning By-law Amendment (ZAC-12-004) and Draft Plan of Subdivision (25T-201201). As per your letter dated March 2, 2012, these comments will become part of the public record and will be made available to the general public. We are requesting that we be notified of scheduled public meetings and the adoption or refusal of the Applicant's request.

We have two sets of concerns which we are summarizing in writing and intend to voice in these public meetings.

First, with regards to the proposed Zoning By-law Amendment (ZAC-12-004), the Applicant is proposing the current ND Zone into two blocks, Block 1 to be converted to Park (P1 Zone) and the other into the R4-18 Zone.

Our main concern here is that there is no information available on the calculation of Block 1 (Park P1) and its impact on the potential zoning determination on the two adjacent properties (263 and 265 Dewitt Road) in the future.

Moreover, Block 3 comprises two separate areas (235 and 259 Dewitt Road), currently designated R2-Zone, and the request is to convert them both to R4-18. The rezoning of 259 Dewitt Road from R2 to R4-18 would be an outlier to all other properties on Dewitt Road, all of them designated R2.

Second, with regards to the Draft Plan of Subdivision (25T-201201) we have five main concerns:

- 1) Infrastructure capacity with regards to sewers;
- 2) Traffic congestion (already a serious problem);
- 3) Watershed;
- 4) Limited access in case of Emergency;
- 5) No proposed access to the designated Park (P1) from the draft Subdivision Plan;
- 6) No information on sidewalks.

We look forward to receiving more information and we look forward to sharing and expanding on our concerns at the scheduled public meetings.

Please notify us of the location and schedule of meetings and any pertinent information related to the zoning and the planning of this subdivision as they become available.

With kindest regards,



Dr. S. Crosta and Mr. L. Crosta.



Chan, Alvin

From: MIKE COOPER [REDACTED]
Sent: Wednesday, March 21, 2012 9:45 PM
To: Chan, Alvin
Subject: File No: ZAC-12-004 and / or 25T-201201
Follow Up Flag: Follow up
Flag Status: Flagged

Attn: Mr. Alvin
Chan
March 22, 2012

We are residents at 271 Dewitt Rd. in Stoney Creek and have some concerns in regards to the proposed development of a new subdivision for 43 single detached dwellings (File No: ZAC-12-004 and / or 25T-201201).

Our concern is with drainage and the sewer system's capacity for the additional 43 residents. We currently experience on going flooding on the emergency access next to us and have also experienced several issues with sewage backup.

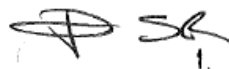
We are concerned with currently having two schools along with the current number of residential homes that this could cause future problems. We are worried that there will not be adequate overflow / catch basins to prevent flooding.

We also currently experience a high drop in water pressure throughout the summer months and believe this will also increase.

Thank you

Sincerely Mike & Kelly Cooper

MAR 23 2012


↓
PETER

Mr. Charanjit Sihra, Mr. Godawara Sihra,
Mr. Kulwant Sihra, Mrs. Parkash Sihra
263 Dewitt Road
Stoney Creek, ON,
L8E 2S9

RECEIVED MAR 23 2012
by L. Alexander

Planning & Economic Development Department
Planning Division, Development Planning
71 Main Street West 5 Floor
Hamilton, ON L8P 4Y5

Att: P.Mallard, Director, Planning Division;
S.Robichaud, Manager, Planning Division;
Alvin Chan, Planning Division;
Coordinator, Planning Committee;
Peter J. De Iulio, Senior Project Manager, East Section
Councillor Maria Pearson (Ward 10)

Re: File No: ZAC-12-004 25T 2012-1

Dear City Planners and Councillor,

We are writing to express our serious concerns on the proposed Zoning By-law Amendment (ZAC-12-004) and Draft Plan of Subdivision (25T-201201). As per your letter dated March 2, 2012, these comments will become part of the public record and will be made available to the general public. We are requesting that we be notified of scheduled public meetings and the adoption or refusal of the Applicant's request.

We Have two sets of concerns which we are summarizing in writing and intend to voice in these public meetings.

First, with regards to the proposed Zoning By-law Amendment (ZAC-12-004), the Applicant is proposing the current ND Zone into two blocks, Block 1 to be converted to Park (P1 Zone) and the other into the R4-18 Zone. Our main concern here is that there is no information available on the calculation of Block 1 (Park P1) and its impact on the potential zoning determination on the two adjacent properties. (263 and 265 Dewitt Road), in the future. Moreover, Block 3 compromises two separate areas (235 and 259 Dewitt Road), currently designated R2-Zone, and the request is to convert them both to R4-18. The rezoning of 259 Dewitt Road from R2 to R4-18 would be an outlier to all other properties on Dewitt Road, all of them designated R2.

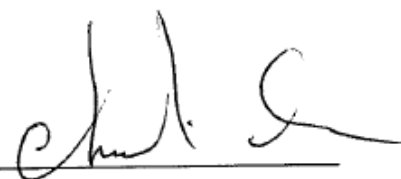
Second, with regards to the Draft Plan of Subdivision (25T-201201) we have nine main concerns:

- 1) Infrastructure capacity with regards to sewers;
- 2) Traffic congestion (already a serious problem);
- 3) Water Drainage/ On to our property.
- 4) Limited access in case of emergency
- 5) No proposed access to the designated park (P1) from the draft subdivision Plan:
- 6) No information on sidewalks
- 7) Sound Barrier Fencing
- 8) Proper lighting in Round a bout turn
- 9) Fire Hydrants in survey

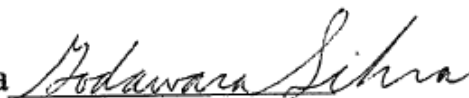
We look forward to receiving more information and we look forward to sharing and expanding on our concerns at the scheduled public meeting.

Please notify us of the location and schedule of meeting and any pertinent information related to the zoning and the planning of this subdivision as they become available.

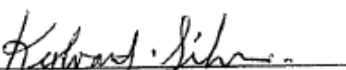
With Kindest regards,

Mr. Charanjit Sihra 

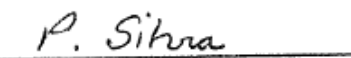
MARCH 23 / 2012

Mr. Godawara Sihra 

MARCH 23 / 2012

Mr. Kulwant Sihra 

MARCH 23 / 2012

Mrs. Parkash Sihra 

MARCH 23 / 2012

354 Macintosh Dr.
Stoney Creek, ON
L8E 4E2

Alvin Chan
City of Hamilton
Planning and Economic Development Department
Planning division – Development Planning – East Section
71 Main St. W., 5th Floor
Hamilton, ON L8P 4Y5

Re: File No. ZAC-12-004 and File No. 25T-201201

First, let me tell you that I have been a resident of the Stoney Creek area for 35 yrs. I moved here because of the farms, the beauty that Winona once had. After reading the notice sent via mail, I was pretty upset AND shocked to think that we are so desperate for land and monies that we will start taking down residential forests to put in homes and a 'open space' park.

Does anyone realize the life within this forest and the shade it provides to homeowners?? What are you thinking? It is so sad to realize that NO ONE stops to smell the roses or how these neighborhood forests provide enjoyment and nature. I am not happy about this proposal and am wishing to voice my appeal.

Fruitland and Winona, used to be beautiful with prosperous fruit farms, strawberry fields, etc. Now these lands are being filled in with senseless development causing over-crowded neighbourhoods, and parks that the City is already struggling to keep up with its maintenance.


For goodness sake, give your heads a shake. Must you find lands that are invading existing neighbourhoods. In MY backyard alone, I have 5-6 varieties of hummingbirds (who live in the forest YOU want to remove!!), Cardinals bathing in my birdbath, Hawks that are currently nesting babies (5-6 matured hawks keeping them fed.), squirrels, rabbits, etc.

Losani Homes, I'm sure can find an OPEN location to put their 50 homes where they are NOT intruding on existing neighbours, unless GREED has set in, and they have become RUTHLESS in their actions.

I am NOT for this draft plan/proposal, and will support all others in their actions to appeal this Plan. Stoney Creek is becoming a City of increased, and unattractive neighbourhoods. I am requesting that you at least leave the forest alone and use 2-4 of those 50 homes as a little open space.

This is so disappointing!

SUCH GREED!

 _____

Chan, Alvin

From: Elvia [REDACTED]
Sent: Tuesday, July 24, 2012 1:54 PM
To: Chan, Alvin
Cc: Pearson, Maria
Subject: FW: File No ZAC-12-004, 25T-201201
Follow Up Flag: Follow up
Flag Status: Flagged

Resent due to error in block number

From: Elvia [REDACTED]
Sent: July 24, 2012 1:51 PM
To: 'alvin.chan@hamilton.ca'
Cc: 'mpearson@hamilton.ca'
Subject: File No ZAC-12-004, 25T-201201

Alvin Chan
City of Hamilton
Planning Division

Below are comments regarding the proposed draft plan of subdivision (25T-201201)

We are not opposed to the proposed draft plan as long as the following is incorporated as per the subdivision agreement signed with registered plan# 62M-838, and MacIntosh Drive.

- Block 29 shall be developed in conjunction with adjacent lands
- Upon connection the City agrees to revert Block 30 back to the Owner.
- Owner agrees that Block 29 shall be held for future development until such time that Macintosh Drive is extended southerly
- Lot 18 shall be declared buildable at the time which Macintosh Drive is connected through the neighbouring development

DeMarchi Homes Inc.
1104125 Ontario Limited