SUBJECT: Applications for a Draft Plan of Subdivision (Parkway Manor Phase 3) and Zoning By-law Amendment for Lands Located at 71 Fortissimo Drive (Hamilton) (PED06357) (Ward 8)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200507, 1125814 Ontario Ltd. (Paul Silvestri) owner, to establish a draft plan of subdivision comprising five lots for single detached dwellings, two blocks for future development, six 0.3 metre reserve blocks and a partial street dedication, on lands located at 71 Fortissimo Drive, as shown on Appendix “A” to Report PED06357, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06357, and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development; and,

(ii) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit;

all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.
SUBJECT: Applications for a Draft Plan of Subdivision (Parkway Manor Phase 3) and Zoning By-law Amendment for Lands Located at 71 Fortissimo Drive (Hamilton) (PED06357) (Ward 8) - Page 2 of 9

(b) That approval be given to Zoning Application ZAC-05-47, 1225814 Ontario Ltd., (Paul Silvestri) owner, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District, to permit the development of five single detached dwellings on separate lots and the future development of two single detached dwellings on separate lots upon additional land assembly, on lands at 71 Fortissimo Drive, as shown on Appendix “A” to Report PED06357, subject to the following:

(i) That the subject lands be rezoned from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District.

(ii) That the draft By-law, attached as Appendix “D” to Report PED06357, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

EXECUTIVE SUMMARY:

The owner, 1125814 Ontario Ltd. (Paul Silvestri), has submitted applications for a Draft Plan of Subdivision and corresponding Zoning By-law Amendment to allow for the development of five lots for single detached housing and two future lots on lands located in the Kernighan Neighbourhood in Hamilton, as shown on Appendix “A”. The proposed subdivision will be a continuation of two previously approved Draft Plans of Subdivision, being Parkway Manor Phases 1 and 2 located both north and west of these lands. This draft plan of subdivision will facilitate the extension of Fortissimo Drive.

The proposal has merit and can be supported as the change in zoning and draft plan of subdivision comply with the Hamilton-Wentworth Official Plan and the Hamilton Official Plan. The proposed zoning and subdivision would be compatible with other residential development which is planned for this area.
BACKGROUND:

Draft Plan of Subdivision 25T-200507

The proposed Draft Plan of Subdivision (25T-200507) (Appendix “B”), represents Phase 3 of a larger residential development in the Kernighan Neighbourhood. The Kernighan Neighbourhood is located south of the Lincoln Alexander Expressway (LINC) and north of Stone Church Road West, between Upper James Street to the east and West 5th Street to the west.

This proposal will assist in the completion of an adjacent westerly draft plan of subdivision through the extension of Fortissimo Drive. This plan will create five single detached dwelling lots and two blocks which will be added to adjacent northerly lands to create an additional two single detached dwelling lots. The proposed lots will have frontages ranging from 12.0 metres to 12.65 metres and lot areas from 366.82m$^2$ to 460.91m$^2$.

The remaining lands to complete the street have already been dedicated to the City by a previous application, but the road will be constructed and opened through the subject subdivision.

Zoning By-law Amendment Application ZAC-05-47

The proposed Zoning By-law Amendment involves changing the zoning of the lands, from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District. The “C” (Urban Protected Residential, etc.) District requires lots to have a minimum lot frontage of 12.0 metres with a minimum lot area of 360m$^2$. This proposed change in zoning will be consistent with the zoning of the adjacent plans and permit the orderly development of these lands.

Details of Submitted Application

Owner/Applicant: 1125814 Ontario Ltd. (Paul Silvestri)

Agent: Urbex Engineering Limited (Angelo Cameracci)

Location: 71 Fortissimo Drive, Southeast Quadrant of the Kernighan Neighbourhood (see Appendix “A”)

Property Size: Area: 0.29 ha. (0.71 acres) Frontage: 73.19m (240.12ft)
Existing Land Use and Zoning:

**Subject Lands:**
- **Existing Land Use:** Undeveloped
- **Existing Zoning:** “AA” (Agricultural) District

**Surrounding Lands:**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>Vacant Lands Under Development (Phase 2)</td>
<td>“C/S-1424” (Urban Protected Residential, etc. - Holding) District, Modified</td>
</tr>
<tr>
<td>South</td>
<td>Commercial fronting onto Upper James Street</td>
<td>“G-3/S-1122” (Public Parking Lot) District, Modified</td>
</tr>
<tr>
<td>East</td>
<td>Commercial fronting onto Upper James Street</td>
<td>“G-3” (Public Parking Lot) District</td>
</tr>
</tbody>
</table>

**ANALYSIS/RATIONALE:**

1. The proposal has merit and can be supported for the following reasons:

   (i) The proposed draft plan of subdivision and change in zoning are consistent with the Provincial Policy Statement and conform to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

   (ii) The proposal implements the “Single and Double Residential” land use designation in the approved Kernighan Neighbourhood Plan.

   (iii) The proposal is compatible with existing and planned development in the surrounding area.

   (iv) The proposal is an appropriate extension of development which will make efficient use of urban land.

2. The proposed draft plan is comprised of five lots for single detached dwellings and two blocks to be consolidated with adjoining lands to create an additional two lots for single detached dwellings, as shown on Appendix “B”. The proposed lots
achieve the minimum lot width (12.0 metres) and lot area (360.0 square metres) requirements of the “C” (Urban Protected Residential, etc.) District. The lots adjacent to the subject property within the second phase of the Parkway Manor Development have the same zoning with the exception of a Holding provision. The Holding provision will be removed once servicing is provided. This application will assist in the provision of services to these abutting lands and facilitate the lifting of the Holding provision.

3. There are no existing municipal storm or sanitary sewers, watermains, roads or sidewalks to service this development directly at this time. The adjacent land owner has entered into a Subdivision Agreement (Parkway Manor Phase 2) that will ensure all of the necessary services are provided to these lands and the balance of the land needed for the extension of Fortissimo Drive has already been dedicated to the City. The timing of the actual development/building permits will be controlled through the establishment of a 0.3m (1 foot) reserve along the new street frontage (Fortissimo Drive). The plan has been redlined revised to show this. Fortissimo Drive will be constructed to the full 20.0 metre width before the lots within this plan can be registered. Special Development Engineering Condition No. 7, Appendix “C”, will apply, which prevents registration of the plan until municipal services are provided.

4. In accordance with the City of Hamilton’s Parkland Dedication By-law, the application is subject to a Cash-in-Lieu of parkland dedication payment. Given that the subject lands are not designated for a future park, the City does not require the inclusion of parkland dedication into the draft plan of subdivision. Therefore, in accordance with City By-laws, a cash payment to the City of Hamilton, equivalent to the value of 5% of the value of each lot in-lieu of the dedication of land, will be required prior to the issuance of a building permit.

In addition, the City’s Transition Policies would allow for the following phase-in for Cash-in-Lieu of Parkland:

(a) 4% of land value on the day before building permit issuance between January 1, 2006 to December 31, 2006.

(b) 5% of land value on the day before building permit issuance as of January 1, 2007.

5. The conditions of draft approval set out in Appendix “C” to this report are comprised of relevant conditions from the Streamlining and Harmonization of Subdivision, Condominium and Part Lot Control Approvals and Administration Process and have been updated to meet the new Financial and Engineering Guidelines for development.
Special conditions have also been added to the conditions of draft approval for this development which include the following:

- That the owner provide a detailed lot grading plan to the satisfaction of the Manager of Development Engineering and the Hamilton Conservation Authority.

- That the owner agrees that the registration of the final plan of subdivision will not occur until full services are available to the satisfaction of the Manager of Development Engineering.

**ALTERNATIVES FOR CONSIDERATION:**

If these applications are denied, the lands will remain as one large parcel with the current zoning of “AA” (Agricultural) District. Development of the lands would be permitted in accordance with the regulations of the “AA” (Agricultural) District once Fortissimo Drive is constructed and opened.

**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 a Draft Plan of Subdivision and Zoning By-law Amendment.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement:**

The application has been reviewed with respect to the Provincial Policy Statement (PPS) and has shown proper regard for Policy 1.1.1a), which concerns focusing growth in urban areas (Policy 1.1.3.1).

Policy 2.6.2 of the PPS states that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration that maintain the heritage integrity of the site will be permitted. To address this area of Provincial interest, an archaeological assessment of the entire site is required through Development Planning Standard Condition 10. (Appendix “C”, Development Planning, Condition 2(b) 10).
Policy 1.1.3(g) outlines that long-term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants. Due to the proximity to the Lincoln Alexander Expressway (LINC), a noise assessment is required to address this policy through Development Engineering Standard Condition 32 (Appendix “C”, Development Engineering, Condition 2(a) 32).

Hamilton-Wentworth Official Plan:

The subject lands are designated “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 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. The urban areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. As the nature of the applications are for the development of a residential plan of subdivision that is generally consistent with the form outlined in the Kernighan Neighbourhood Plan, the proposal conforms to the Hamilton-Wentworth Official Plan policies.

City of Hamilton Official Plan

The subject lands are designated “Residential” in the Hamilton Official Plan. This designation permits residential uses and limited compatible uses including schools, churches and limited small local commercial developments. Hamilton Official Plan, Policy A.2.1.11, stipulates that preference will be given to the complete development of residential neighbourhoods. This application will advance the development of the residential component of this neighbourhood plan. Policy B.1.1 indicates that servicing shall be completed as a logical extension of existing development, where the infilling and completion of partially developed neighbourhoods will be achieved. This proposal achieves these policies through the completion of Fortissimo Drive. This proposal conforms to the Hamilton Official Plan.

Kernighan Neighbourhood Plan

The Kernighan Neighbour Plan designates this area as “Single and Double” Residential. These applications will implement the vision of the neighbourhood plan.
CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Capital Planning and Implementation Division, Public Works Department

The Open Space Development and Park Planning Section, Capital Planning and Implementation Division, will require parkland dedication in the form of Cash-in-Lieu to be calculated and accepted by the City.

Recommendation: This is included in Recommendation (a)(ii) of this report.

Bell Canada

Bell Canada has advised that adequate telecommunications facilities exist within the area and, as such, Bell Canada does not require any easement or lease. A condition that would require the owner to enter into an agreement (Letter of Understanding) with Bell Canada requiring compliance with any underground servicing conditions imposed by the City is required.

Recommendations: That Bell Canada Standard Condition 1 be included in the draft plan of subdivision approval (Appendix “C”, Bell Canada, Condition 2(d)(1)).

Hamilton Conservation Authority

The Conservation Authority advised that this property lies within the Upper Ottawa subwatershed of Red Hill Creek and, as such, is within the watershed of Hamilton Harbour. There is a remedial Action Plan regarding the Hamilton harbour watershed that requires quality control of stormwater, as well as the control of erosion and sediment during and after construction. Conditions that would alleviate these concerns have been requested.

Recommendations: That Hamilton Conservation Authority Standard Conditions 1 and 2 and a special condition be included in the draft plan of subdivision approval (Appendix “C”, Hamilton Conservation Authority, Standard Conditions 2(c)(1) and (2) and Special Condition 8).

Department/Agencies with no concerns or objections:

- Forestry Section, Operations and Maintenance Division, Public Works Department
- Culture and Recreation Division, Culture and Recreation Department
- Traffic Planning Section, Operations and Maintenance Division, Public Works Department
- Strategic and Environmental Planning Section, Capital Planning and Implementation Division, Public Works Department
- Finance, Corporate Services Department
PUBLIC CONSULTATION:

These applications were subject to the Public Participation Policy that was approved by Council on May 29, 2003. The initial Pre-Circulation Letter was circulated on May 24, 2005, to 42 property owners within 120 metres of the subject property. No comments were received regarding these applications from any circulated property owner. Notice of these applications will be sent to all property owners within 120 metres of the property and by a sign posted on the property.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☑ Yes ☐ No
Shelter, care and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines? ☑ Yes ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? ☐ Yes ☑ No
“71 Fortissimo Drive, Parkway Manor Phase 3”
Conditions of Draft Approval

(1) That this approval apply to the Draft Plan of Subdivision entitled “Parkway Manor Phase 3”, applying to Part of Lot 13, Registered Plan 695, Geographic Township of Barton, in the City of Hamilton, prepared by Urbex Engineering Limited and Certified by J.P. Woolley, O.L.S., dated May 2, 2005, as redlined revised to show a maximum of five (5) lots (Lots 1 – 5) for the development of single detached dwellings, two (2) blocks (Blocks 6 & 7) for the future development of single detached dwellings, six (6) 0.3 metre wide reserve blocks, and one partial street.

(2) That the following standard conditions of draft plan approval from Appendix “A” of Report PD01184 (Streamlining and Harmonization of Subdivision, Condominium and Part Lot Control Approvals and Administration Processes) shall apply;

(a) Development Engineering Conditions Nos. 2, 7, 21, 29 and 32;
(b) Development Planning Conditions Nos. 3, 4, 5, 10, 13, 16, 17, 20 and 21;
(c) Hamilton Conservation Authority Conditions Nos. 1 and 2;
(d) Bell Canada Condition No. 1;

Development Engineering

(3) That the Owner enter into a subdivision agreement with the City of Hamilton prior to registration of any portion of the draft approved plan.

(4) That the Owner agree in writing to satisfy all conditions, financial and otherwise, of the City of Hamilton prior to registration of any portion of the draft approved plan.

(5) That the Owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.

(6) That as part of the detailed engineering design, the grading plan shall indicate all proposed driveway locations for all lots. Driveways for Lots 1 to 5, inclusive and Blocks 6 and 7 will not overlap and will have a minimum 1.0m separation at the curb line all to the satisfaction of the Manager of Development Engineering.
(7) That the owner agrees that the final plan of subdivision shall not be registered until Municipal services, including storm and sanitary sewers, watermain, and roadway, have been provided to service this draft plan of subdivision directly, all to the satisfaction of the Manager of Development Engineering.

Hamilton Conservation Authority

(8) That the owner prepare and implement a lot grading plan to the satisfaction of the Hamilton Conservation Authority.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593 (Hamilton),
Respecting lands located at 71 Fortissimo Drive

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

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

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

AND WHEREAS Zoning By-law No. 6593 (Hamilton) was enacted on the 25th day of July 1950, and approved by the Ontario Municipal Board on the 7th day of December, 1951;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report of the Planning and Economic Development Committee at its meeting held on the day of , 2006, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Sheet “W-9b” of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), as amended, is hereby further amended by changing the zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District on the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. 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 day of , 2006.

MAYOR

CLERK

ZAC-05-47
This is Schedule "A" to By-Law No. 06-

Passed the ............ day of ......................, 2006

Schedule "A"

Map Forming Part of By-Law No. 06-______
to Amend By-law No. 6593

Subject Property
71 Fortissimo Drive

Change in Zoning from "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc) District