SUBJECT: Applications for a Draft Plan of Subdivision Known as “Stone Ridge Estates” and for a Change in Zoning for Lands Located at 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue, Hamilton (PED06369) (Ward 7)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T200607, Meadowcreek Properties Ltd., Owner, to establish a draft plan of subdivision for thirty-two single-detached lots (Lots 1 to 32), one block for road widening (Block 38), five blocks for 0.3 metre reserves (Blocks 39 to 43), five blocks for future development (Blocks 33 to 37), two courts (Courts A & B) and the extension of Eaglewood Drive, on lands known municipally as 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue (Hamilton), as shown on Appendix “B” to Report PED06369, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06369 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.
(b) That approval be given to Zoning Application ZAC-06-43, Meadowcreek Properties Ltd., Owner, for changes in zoning from the “C” (Urban Protected Residential, etc.) District to the “C/S-1559” (Urban Protected Residential, etc.) District, Modified (Block “1”), from the “C” (Urban Protected Residential, etc.) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified (Block “2”), from the “AA” (Agricultural) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified (Block “3”), and from the “C” – ‘H’ (Urban Protected Residential, etc. - Holding) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified (Block “4”), to permit thirty-two single-detached dwellings on separate lots, on lands known municipally as 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue (Hamilton), as shown on Appendix “A” to Report PED06369, subject to the following:

(i) That Block “1” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “C/S-1559” (Urban Protected Residential, etc.) District, Modified.

(ii) That Block “2” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified.

(iii) That Block “3” be rezoned from the “AA” (Agricultural) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified.

(iv) That Block “4” be rezoned from the “C” – ‘H’ (Urban Protected Residential, etc. - Holding) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified.

(v) That the draft By-law, attached as Appendix “D” to Report PED06369, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(vi) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

(vii) That upon finalization of the implementing By-law, the Eleanor Neighbourhood Plan be amended by revising the internal road pattern to reflect the one shown on Appendix “B” to Report PED06369.

______________________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The applications are for a draft plan of subdivision and changes in zoning to facilitate the development of thirty-two lots for single-detached dwellings, two courts and a street extension.

This proposal has merit and can be supported as the changes in zoning and draft plan of subdivision are consistent with the Provincial Policy Statement and comply with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The proposal is consistent with the approved Eleanor Neighbourhood Plan, and would be compatible with existing and planned development in the area.

BACKGROUND:

The proposed development applications are for changes in zoning and approval of a draft plan of subdivision, for lands located at 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue, as shown on Appendix “A”. The plan of subdivision (see Appendix “B”) is comprised of thirty-two lots for single detached dwellings (Lots 1 to 32), one block for road widening (Block 38), five blocks for 0.3 metre reserves (Blocks 39 to 43), five blocks for future development (Blocks 33 to 37), two courts and an extension of Eaglewood Drive.

The proposed Zoning By-law Amendment (Appendix “D”) allows the lands to be developed in accordance with the proposed draft plan of subdivision “Stone Ridge Estates”. The proposal would rezone the subject property from “C” (Urban Protected Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, Modified (Block “1”), from the “C” (Urban Protected Residential, etc.) District to the “C” (Urban Protected Residential, etc.) District, Modified (Block “2”), from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District, Modified (Block “3”), and from the “C” – ‘H’ (Urban Protected Residential, etc. - Holding) District to the “C” (Urban Protected Residential, etc.) District, Modified (Block “4”), as shown on Appendix “A”. The proposed lots range in size from 320.0m² to 706.0m², and have frontages ranging from 10.6m to 18.0m. A reduction in the minimum lot width and area is proposed for only the lots shown in Block “1” (Lots 1 and 2). The remaining lots (3 to 32) would comply with the “C” (Urban Protected Residential, etc.) District provisions for minimum lot width and area. However, site-specific modifications are requested for all thirty-two lots with respect to reducing the minimum front yard setback from 6.0 metres to 4.5 metres from the front lot line to the face of a dwelling while still maintaining the 6.0 metre setback from the garage to the front lot line.

Current Holding Provision for Block “3”

By-law 03-180, was enacted on July 9, 2004 and applies only to the rear portion of the properties known municipally as 1437, 1445 and 1457 Upper Sherman Avenue, shown as Block “3” on Appendix “A”.
The ‘H’ – Holding provision was put in place to prohibit development until such time as the owner applied for and received draft plan approval for a plan of subdivision to the satisfaction of the Director of Development, Planning and Development Department. As the current proposal is requesting approval of rezoning and draft plan of subdivision applications, a holding provision is no longer necessary.

Details of Submitted Application

Owner: Meadowcreek Properties Ltd. C/O Gino Ingraudo
Agent: Steve Fraser, A. J. Clarke and Associates Ltd.
Location: 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue

Description: Total Area: 2.28 hectares (5.63 acres)
Width: Approximately 143.65 metres (471.29 feet)
Depth: Approximately 278.99 metres (915.32 feet) easterly limit

Existing Land Use and Zoning:

<table>
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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>“C” (Urban Protected Residential, etc) District and “AA” (Agricultural) District</td>
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ANALYSIS/RATIONALE:

Circulation of the proposed applications to various City Departments and outside agencies resulted in no significant issues with respect to the proposed zone changes, although a number of requests to impose specific conditions of draft approval for the proposed plan of subdivision were received. Planning staff’s evaluation of the proposed applications is set out below.

1. This proposal has merit and can be supported for the following reasons:
   (i) The proposed draft plan of subdivision and changes 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 is consistent with the existing and planned development in the immediate area.
   (iii) The proposal implements the “Single and Double Residential” land use designation of the Eleanor Neighbourhood Plan.
   (iv) The proposal is an appropriate infill development that will make efficient use of existing services on-site.

2. The proposed draft plan is comprised of thirty-two lots for single-detached dwellings, as shown on Appendix “B”. Lots 3 to 32, inclusive, meet the provisions of the “C” (Urban Protected Residential, etc.) District with respect to minimum lot width and lot area. The proposed zoning includes modifications to the minimum front yard setback to the face of a dwelling for all thirty-two lots within Blocks “1”, “2”, “3” and “4”, and to the minimum lot width and area for Lots 1 and 2 within Block “1” (see Appendix “D”).

Reduced Front Yard Setback to the Face of a Dwelling

The “C” (Urban Protected Residential, etc.) District requires a minimum front yard setback of 6.0 metres, whereas the applicant is proposing a 4.5 m setback to the face of a dwelling for all thirty-two proposed lots. The purpose and intent of the By-law is to require minimum front yard setbacks in order to maintain streetscape character and provide adequate space for parking and landscaping. It is staff's opinion that the proposed reduction in front yard setback will not impact the streetscape character and a 6.0 metre setback to the garage will still be maintained for parking.
Reduced Lot Width - Block “1”

The “C” (Urban Protected Residential, etc.) District requires a minimum lot width of 12 metres. The applicant has requested a reduced minimum lot width for Lots 1 & 2 of 10.6 metres. The proposed frontage is generally consistent with the existing lot fabric fronting onto Stone Church Road East and Eleanor Avenue (“R-4” (Small Lot Single Family Dwelling) District. Staff considers the reduction in lot frontage for the two specific lots as minor, and supports the reduction.

Reduced Minimum Lot Area - Block “1”

The “C” (Urban Protected Residential, etc) District requires a minimum lot area of $360\text{m}^2$. The applicant has requested a reduced minimum lot area for Lots 1 & 2 of $320.00\text{m}^2$. The reduction in minimum lot area is relative to the reduction in the maximum lot width that is proposed. To ensure that the proposed Lots 1 & 2 still contain a suitable building envelope, the applicant has proposed a lot depth that is consistent with the surrounding neighbourhood of approximately 30 metres. Again, staff considers the reduction in lot area for the two lots as minor and, therefore, supports the reduction.

3. There are municipal watermains and separate storm and sanitary sewers available to service the subject lands. As Stone Church Road East has been constructed to an urban cross section, there are no urbanization costs associated with the development. The owner will be required to dedicate sufficient land to the City of Hamilton, along the entire frontage of Stone Church Road East, to establish the designated road allowance width of 30.48 metres. This requirement is detailed in Special Draft Plan Condition No. 13 (see Appendix “C”).

4. In accordance with Council’s Public Participation Policy, these applications were pre-circulated to 91 property owners within 120 metres of the subject lands. One letter was received from a neighbouring property owner (see Appendix “E”). The issues raised in the letter are addressed below:

   **Direction of Servicing**

   Clarification was requested regarding the direction of servicing through the Eleanor Neighbourhood as a result of the new road pattern. Future servicing for lands to the east will be provided for through the extension of Eaglewood Drive or through the proposed service easement between Lots 17 and 18, as shown on Appendix “B”.

   **Servicing Easement**

   Clarification was requested regarding the proposed servicing easement connecting Eaglewood Drive to Eleanor Avenue, specifically with respect to the ownership of the easement. Upon establishment of the servicing easement,
ownership would be in favour of the private landowners of Lots 17 and 18 with the easement in favour of the City of Hamilton.

5. Through this proposal the road alignment of Eaglewood Drive to Eleanor Avenue has been altered from what was envisioned in the Eleanor Neighbourhood Plan. The proposed road alignment allows for appropriate development of the subject lands, and maintains the land use pattern for the Eleanor Neighbourhood.

6. In accordance with the City of Hamilton’s Parkland Dedication By-law, the applicant 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 the 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 building permits.

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.

7. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “C”, including the applicable City’s standard conditions of approval. Several special conditions will also apply, many of which have already been referenced in this report.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, then the applicant has the option of using the property for the current range of “AA” (Agricultural) District, “C” (Urban Protected Residential, etc.) District and “C” – ‘H’ (Urban Protected Residential, etc. - Holding) District uses.

**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 Zoning By-law Amendment and a Draft Plan of Subdivision.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The applications are consistent with Policy 1.1.3.1 of the PPS, which focuses growth in settlement areas.

However, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site will be permitted. Therefore, as the subject lands have archaeological potential, staff recommends that the owner complete an archaeological assessment of the property, in accordance with Standard Planning Condition No. 10, as provided for in Appendix “C”, Condition 2(b).

In addition, Policy 1.1.1 (c) outlines that healthy, liveable and safe communities are sustained by avoiding developments and land use patterns which may cause environmental or public health and safety concerns. Furthermore, Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to Stone Church Road East and Eleanor Avenue, staff requires that the owner investigate noise levels on the site in accordance with Standard Planning Conditions No. 8 and 9, as provided for in Appendix “C”, Condition 2(b).

Hamilton-Wentworth Official Plan

The subject lands are designated as “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. 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 is for the development of a residential plan of subdivision on full municipal services, the proposals conform with the policies of the Hamilton-Wentworth Official Plan.
City of Hamilton Official Plan

The subject property is designated “Residential” in the City of Hamilton Official Plan. The following policies, among others, are applicable to the proposed development:

“A.2.1.1 The primary uses permitted in the areas designated on Schedule “A” as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the need of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview.”

Therefore, as the application is for a residential plan of subdivision, which recognizes the scale and character of the surrounding existing residential area by having regard for existing lot widths, lot areas and setbacks, the proposal conforms with the City of Hamilton Official Plan.

Eleanor Neighbourhood Plan

The subject lands are designated as “Single and Double Residential” in the approved Eleanor Neighbourhood Plan. The proposal for thirty-two single detached residential lots implements the Eleanor Neighbourhood Plan. However, the Eleanor Neighbourhood Plan has identified a preferred alignment of Eaglewood Drive to Eleanor Avenue which has been altered through the proposed draft plan. This alteration has been reviewed by staff and considered appropriate for this area. As a result, upon final approval of the applications, the Eleanor Neighbourhood Plan will be revised.
SUBJECT: Applications for a Draft Plan of Subdivision Known as “Stone Ridge Estates” and for a Change in Zoning for Lands Located at 706 and 710 Stone Church Road East and 1437, 1445 and 1457 Upper Sherman Avenue, Hamilton (PED06369) (Ward 7) - Page 10 of 12

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department, Strategic and Environmental Planning.
- Public Works Department – Operations and Maintenance Division, Forestry Section.
- Parking Services.
- Public Health and Community Services Department, Culture and Recreation.
- Public Health and Community Services Department, Environmental Health/Infectious Diseases.
- Corporate Services Department – Revenues Division.
- Corporate Services Department – Budgets and Finance Division.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Catholic School Board.
- Hamilton Emergency Services.
- Source Cable & Wireless.
- Ontario Power Generation.
- Hamilton Hydro Inc.
- Canada Post.
- Union Gas.

Public Works Department – Operations and Maintenance Division, Traffic Planning

The Traffic Planning Section advised that the applicant will be required to submit engineering drawings to the Traffic Planning office for approval illustrating the location of accesses to Lots 4-7, Lot 19, Lots 27-32, Block 33 and Block 37 to ensure that the accesses are situated so that they do not cross or encroach onto adjacent lots between the road allowance limit and the roadway curb line. This item has been addressed under Public Works Department – Traffic Planning Condition No. 14, as provided for in Appendix “C”.

Public Works Department – Capital Planning and Implementation Division, Open Space Development and Park Planning Section

The Open Space Development and Park Planning Section advised that 5% of the total land area or 1ha/300 units, whichever is greater, is required for parkland dedication with payment in the form of Cash-in-Lieu to be calculated and accepted by the City. As well, the applicant will be required to prepare and implement a streetscape plan and street tree planting plan at their expense. These items have been addressed under recommendation (a) (ii) and under Standard Planning Condition Nos. 13, 16, and 17, as provided for in Appendix “C”, Condition 2(b).
Hamilton Conservation Authority

The subject property is located within the Upper Ottawa subwatershed area of the Red Hill Creek watershed. This area ultimately drains into Hamilton Harbour, which has a Remedial Action Plan in place to restore the health of the harbour by reducing the amount of sediment entering the harbour and Lake Ontario and by improving stormwater quality. As stormwater quality will be provided by the completed Mountain Brow Stormwater Management facility, only stormwater quantity concerns need to be addressed. The Conservation Authority notes that the proposed development will result in a substantial increase in the impervious area; therefore, stormwater quantity needs to be addressed through lot level techniques and be identified in a Stormwater Management Brief and engineering drawings. These items have been addressed under Standard Hamilton Conservation Authority Condition Nos. 1 and 2, as provided for in Appendix “C”, Condition 2(c), and Hamilton Conservation Authority Special Condition No. 15 in the draft plan of subdivision approval.

Bell Canada

Bell Canada has requested that a special condition be included requiring the Owner to submit a scaled plan of the final subdivision plan to the attention of Bell Canada staff. This item has been addressed under Bell Canada Special Condition No. 16, as provided for in Appendix “C”.

Hamilton Street Railway (HSR)

The Hamilton Street Railway currently runs the Route #24 Upper Sherman bus along Upper Sherman & the Route #43 Stone Church bus along Stone Church Road with no planned change in service. Street orientation and pedestrian entrances are important. Short walking distances between dwellings and transit services are preferable. HSR supports the inclusion of high quality pedestrian amenities at this development like walkways, lighting etc.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, these applications were pre-circulated to 91 property owners within 120 metres of the subject lands. One written response was received (see Appendix “E”). Concerns were raised with respect to the direction and routing of services as the result of a new road pattern. As well, clarification was requested regarding the proposed servicing easement connecting Eaglewood Drive to Eleanor Avenue with respect to ownership and use. These issues have been discussed in more detail in the Analysis/Rationale Section of this report.

In accordance with the requirements of the Planning Act, notice of the Public Meeting will be provided to the same property owners and a sign has been posted on the site advising of the Public Meeting date.
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
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety 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

:SD
Attachs. (5)
“Stone Ridge Estates” (25T200607) – Conditions of Draft Approval

1. That this approval apply to the Draft Plan of Subdivision entitled “Stone Ridge Estates”, dated May 10, 2006, comprising Part of Lot 8, Concession 8, Geographic Township of Barton, prepared by A. J. Clarke and Associates Ltd., and certified by B.J. Clarke O.L.S., as shown on Appendix “B” to Report PED06369, showing a maximum of thirty-two (32) lots for single-detached dwellings, one block for road widening (Block 38), five blocks for 0.3 metre reserves (Blocks 39 to 43), five blocks for future development (Blocks 33 to 37), two courts (Courts A & B) and the extension of Eaglewood Drive.

2. That the following standard conditions of draft 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
       Standard Conditions Nos. 1, 2, 3, 6, 7, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, and 28;

   (b) Development Planning
       Standard Conditions Nos. 2, 3, 4, 5, 8, 9, 10, 13, 16, 17, 18, and 19;

   (c) Hamilton Conservation Authority
       Standard Conditions Nos. 1, and 2;

   (d) Canada Post
       Standard Condition No. 1;

   (e) Union Gas
       Standard 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 to the satisfaction of the Manager Development Engineering;

4. That the Owner satisfy all conditions, financial and otherwise, of the City of Hamilton prior to registration of any portion of the approved plan to the satisfaction of the Manager Development Engineering;

5. That the Owner make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation to the satisfaction of the Manager Development Engineering;
6. That as part of the detailed engineering design, the grading plan shall indicate all proposed driveway locations for all lots within the subdivision to the satisfaction of the Manager Development Engineering;

7. That the Owner provides a geotechnical report prepared by a qualified professional Engineer prior to final engineering design to the satisfaction of the Manager Development Engineering;

8. That the Owner agree in writing to construct sidewalks on both sides of proposed Eaglewood Drive from the existing north limit of Eaglewood Drive to the south limit of Court “B”, and on both sides of the east-west leg of Eaglewood Drive to the extent of the subdivision. Further that the Owner shall include a notice in all Purchase and Sale Agreements advising future home Owners of these sidewalk requirements to the satisfaction of the Manager Development Engineering;

9. That the Owner agree in writing to construct, minimum 18.0 m radius, temporary turning circles at the north end of Court “A” to the satisfaction of the Manager, Development Engineering;

10. That the Owner agree in writing that the Subdivision be allowed to proceed, as approved, subject to capacity being available in the City of Hamilton Storm Water Management Facility to which the subject lands drain. Should capacity not be available at the engineering approval stage of the development, the Owner at their cost will provide storm water quality control, and will be responsible for maintaining this system and its removal upon City capacity being re-allocated to the satisfaction of the Manager Development Engineering;

11. That the Owner shall provide securities under the Subdivision Agreement to cover any damages to all existing sidewalks, curbs etc. adjacent to the subject lands as a result of the development to the satisfaction of the Manager Development Engineering;

12. That the owner agree in writing to grade, sod and maintain Block 33, 34, 35, 36 and 37 until such time as these lands are developed with the adjacent external lands to the satisfaction of the Manager Development Engineering;

13. The Owner agree in writing to dedicate sufficient land to the City of Hamilton, along the entire frontage of Stone Church Road East, to establish the designated road allowance width of 30.48 m to the satisfaction of the Manager Development Engineering;

Public Works Department – Traffic Planning

14. That the Owner/Applicant shall submit engineering drawings to the satisfaction of the Public Works Department, Traffic Planning Division illustrating the location of accesses to Lots 4-7, 19, 27-32, Blocks 33, and 37;
Hamilton Conservation Authority

15. That the Owner prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority; and,

Bell Canada

16. That the Owner provide a scaled plan of the final subdivision plan to the satisfaction of Bell Canada.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593
Respecting a Portion of the Property Located at 706 and 710 Stone Church
Road East and the rear portions of 1437, 1445 and 1457 Upper Sherman
Avenue, Hamilton

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

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

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

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

AND WHEREAS the Council of the City of Hamilton, in adopting Section ______ of Report 06- ______ 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 Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. That Sheet No. W-37c of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended by:

   (a) changing the zoning from the “C” (Urban Protected Residential, etc.) District to the “C/S-1559” (Urban Protected Residential, etc.) District, Modified for the lands comprised in Block “1”;

   (b) changing the zoning from the “C” (Urban Protected Residential, etc.) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified for the lands comprised in Block “2”;

   (c) changing the zoning from the “AA” (Agricultural) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified for the lands comprised in Block “3”; and,

   (d) changing the zoning from the “C” – ‘H’ (Urban Protected Residential, etc. - Holding) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified for the lands comprised in Block “4”,

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

2. That the “C” (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands identified as Block “1” in Section 1 of this By-law, be modified to the extent of the following special requirements:

   a) That notwithstanding Section 9.(3)(i) a front yard depth of at least 4.5 metres to the face of a dwelling shall be provided and maintained.

   b) That notwithstanding Section 9.(3)(i) a front yard depth of at least 6.0 metres to the face of a garage shall be provided and maintained.

   c) That notwithstanding Section 9.(4) every lot or tract of land shall have a width of at least 10.6 metres.

   d) That notwithstanding Section 9.(4) a minimum lot area of 320.0 square metres shall be provided and maintained.

3. That the “C” (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands identified as Blocks “2”, “3” and “4” in Section 1 of this By-law, be modified to the extent of the following special requirements:

   a) That notwithstanding Section 9.(3)(i) a front yard depth of at least 4.5 metres to the face of a dwelling shall be provided and maintained.
b) That notwithstanding Section 9.(3)(i) a front yard depth of at least 6.0 metres to the face of a garage shall be provided and maintained.

4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" (Urban Protected Residential, etc.) District provisions, subject to the special requirements referred to in Sections 2 and 3, applicable to the lands described in Section 1.

5. That By-law No. 6593 (Hamilton) is amended by adding this By-law to Section 19B as Schedule S-1559.

6. Sheet No. W-37c of the District Maps is amended by marking the lands referred in Section 1 of the By-law as S-1559.

7. 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-06-43/25T2000607
Schedule “A”

Map Forming Part of By-law No. 06—____

to Amend By-law No. 6593

Subject Property

Block 1 - Change in zoning from the “C” (Urban Protected Residential, etc.) District to the “C/S-1560” (Urban Protected Residential, etc.) District, Modified.

Block 2 - Change in zoning from the "C" (Urban Protected Residential, etc.) District to the "C/S-1560" (Urban Protected Residential, etc.) District, Modified.

Block 3 - Change in zoning from the "AA" (Agricultural) District to the "C/S-1560" (Urban Protected Residential, etc.) District, Modified.

Block 4 - Change in zoning from the "C" – "H" (Urban Protected Residential, etc. – Holding) District to the "C/S-1560" (Urban Protected Residential, etc.) District, Modified.

This is Schedule “A” to By-Law No. 06—

Passed the ………….. day of ………….., 2006

Clark

Mayor

Scale: Not to Scale

ZAC-06-43/25/200607

Date: August 8, 2006

Planner/Technician: JT/NB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
City of Hamilton  
Planning and Economic Development Department  
Development and Realty Estate Division  
71 Main Street West, 7th Floor,  
HAMILTON, Ontario  
L8P 4Y5  

Attention: Simon M. Deiaco  

Dear Sir:  

Your file Nos. ZAC-06-43 25T200607  
Zoning Amendment Application ZAC-06-43 and  
Proposed Plan of Subdivision (Stone Ridge Estates)  
25T200607  

We are the solicitors for Vito Sgro who has an  
interest in companies that own properties on Dulgaren Street  
and on Eleanor Avenue near Stone Church. Both properties are  
potential residential development sites but are dependent on  
services being extended east from Upper Sherman.  

Our client is not objecting in principal to the  
Zoning Amendment or to the proposed plan. He does however,  
have concerns regarding the direction and route of services  
now that the pattern is being changed from the original  
proposed road alignments.  

We note that the plan proposes an Easement  
connecting Eagleywood to Eleanor Avenue. Will this Easement  
be used as a service corridor? Will it be owned by the City?  
Our client requires further details as to exactly what  
service patterns are being proposed or what alternative  
service hook-ups would be available for the orderly  
development of the interior lands along Eleanor Avenue and  
the extension of Eagleywood Drive.  

We look forward to clarification on these matters.  

Yours Very Truly,  

SCOCIA & CASTURA,  
PER;  

LUCIANO CASTURA  

LC/af  
c.c. to Vito Sgro