SUBJECT: Applications for Approval of a Draft Plan of Subdivision "Chappel North" and Change in Zoning for Lands Located at the Rear of 500, 514 and 522 Rymal Road East (Hamilton) (PED06333) (Ward 7)

RECOMMENDATION:

(a) That approval be given to Amended Subdivision Application 25T200514, Casablanca Properties Inc., owner, to establish a draft plan of subdivision comprising twenty lots for single detached dwellings, and two street extensions, on lands located at the rear of 500, 514, and 522 Rymal Road East (Hamilton), as shown on Appendix “C” to Report PED06333, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06333 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 Amended Zoning Application ZAC-05-69, Casablanca Properties Inc., owner, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District, for lands located at the rear of 500, 514, and 522 Rymal Road East (Hamilton), as shown on Appendix "A" to Report PED06333, on the following basis:
SUBJECT: Applications for Approval of a Draft Plan of Subdivision "Chappel North" and Change in Zoning for Lands Located at the Rear of 500, 514 and 522 Rymal Road East (Hamilton) (PED06333) (Ward 7) - Page 2 of 9

(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 “B” to Report PED06333, 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 City of Hamilton Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant has submitted applications for a draft plan of subdivision and change in zoning to facilitate the development of twenty lots for single detached dwellings on two street extensions.

This proposal has merit and can be supported since the draft plan of subdivision and change in zoning 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 Chappel East Neighbourhood Plan, and would be compatible with existing and planned development in the immediate area.

BACKGROUND:

Proposal

The proposed applications are for a change in zoning and approval of a draft plan of subdivision, for lands located at the rear of 500, 514, and 522 Rymal Road East, as shown on Appendix “A”. Since the submission of the applications, the lands have been severed and conveyed to Casablanca Properties Inc. (Consent Applications HM/B-05:40-42), and the subject applications have been amended to reflect this description and the new owner. Once the subject draft plan of subdivision is approved and subsequently registered, new municipal addresses will be assigned accordingly.

The proposed draft plan of subdivision, shown as Appendix “C”, is comprised of twenty lots for single detached dwellings, thirteen of which will have frontage on the proposed extension of Arrowhead Drive, with the remaining seven having frontage on the
proposed extension of Onyx Drive. A 6.0 metre wide easement between Lots 3 and 4 is proposed for sanitary servicing. The proposed twenty lots exceed the minimum requirements of the proposed “C” (Urban Protected Residential, etc.) District, which is in keeping with the intent of ‘larger lots’ in accordance with the approved Chappel East Neighbourhood Plan. The proposed lots range in size from approximately 390.0 square metres to 560.0 square metres, and have frontages ranging from 12.0 metres to 15.5 metres.

Details of Submitted Application

Owner/Applicant: Casablanca Properties Inc.

Agent: Urbex Engineering Limited (Angelo Cameracci)

Location: Formerly known as 500, 514 and 522 Rymal Road East, Part of Lot 9, Concession 1, Geographic Township of Glanford

Description: Area: 1.131 ha.

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
<td>“AA” (Agricultural) District</td>
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<tr>
<td><strong>Surrounding Land Uses</strong></td>
<td></td>
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<tr>
<td>North</td>
<td>Single-Detached Residential</td>
<td>“AA” (Agricultural) District</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Residential and elementary school</td>
<td>“C” (Urban Protected Residential, etc.) District</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
<td>AA” (Agricultural) District</td>
</tr>
<tr>
<td>West</td>
<td>Single Detached Residential</td>
<td>“C” (Urban Protected Residential, etc.) District; “B-2” (Suburban Residential) District</td>
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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 is consistent with the approved Chappel East 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 twenty lots for single detached dwellings, as shown on Appendix “C”. The proposed lots exceed the minimum lot width (12.0 metres) and lot area (360.0 square metres) requirements of the “C” (Urban Protected Residential, etc.) District. The existing lots adjacent to the subject property are zoned “B-2” (Surburban Residential) District, which permits minimum lot frontages and areas of 15.0 metres and 540.0 square metres, respectively. The proposed layout of the subdivision is such that any potential impact upon the character of the area is mitigated through the provisions of comparable setbacks between lots. The minimum required setbacks of the “B-2” District are consistent with that of the proposed “C” (Urban Protected Residential, etc.) District, and the maximum height requirements for both zones is two and a half storeys and/or 11.0 meters. As such, the proposed lots are considered to be compatible with the surrounding area, and will complement the existing development pattern. As the yard requirements and maximum building height is consistent between the two zones, a consistent streetscape will be achieved.

3. There are municipal watermains and separate storm and sanitary sewers available to service the subject lands. A 6.0 metre wide easement for the purpose of a sanitary sewer will be established between Lots 3 and 4 to provide municipal servicing to 500, 514, and 522 Rymal Road East. Special Development Engineering Condition No. 8, Appendix “D” addresses this item.

4. Depending on the configuration of the required temporary turning circles at the end of Arrowhead and Onyx Drive, a minimum 18.0 metre radius (13.0 metre asphalt radius), and sufficient lands necessary for the bulb, must be temporarily transferred to the City of Hamilton. The lots over which the bulb is constructed will be frozen until such time as the street is extended. Onyx Drive shall be constructed to the full 20.0 metre width before Lots 14 to 20 can be registered.
Special Development Engineering Condition Nos. 9 and 10, Appendix “D” shall apply.

5. 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.

6. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “D”, 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, the applicant has the option of using the subject lands for the range of uses in accordance with the “AA” (Agricultural) District.

**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 a change in zoning.
POLICIES AFFECTING PROPOSAL:

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, Policy 1.1.3.1.

Policy 2.6.2 of the PPS 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 maintain the heritage integrity of the site may be permitted. Therefore, it is recommended that an archaeological assessment be carried out as these lands have been identified as having archaeological potential.

Lastly, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety. Due to the proximity of the subject lands to Rymal Road East, it is recommended that a noise assessment be conducted, and a warning clause, if needed, be placed in the Subdivision Agreement, to address this concern.

These conditions have been addressed through Development Planning Standard Condition Nos. 8, 9, and 10, as contained in Appendix “D”, Condition 2(b).

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states 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. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Therefore, as the nature of the applications are for the development of a residential plan of subdivision where full municipal services are available, the proposal conforms to the Hamilton-Wentworth Official Plan.

City Of Hamilton Official Plan

The subject property is designated “Residential” on Schedule “A” – Land Use Concept to the City of Hamilton Official Plan. The following policies of the City of Hamilton Official Plan, 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 needs 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.”

As the applications are for a residential plan of subdivision and rezoning, which recognize the scale and character of the surrounding existing residential area in terms of lot frontages, lot areas, height, and setbacks, the proposal complies with the City of Hamilton Official Plan.

Chappel East Neighbourhood Plan

The subject property is designated as “Single and Double” Residential in the approved Chappel East Neighbourhood Plan. In this vicinity, the Neighbourhood Plan identifies an area of “Large Lots” on the north and south sides of the extension of Arrowhead Drive. The twenty proposed lot frontages and areas are slightly larger than the standard “C” (Urban Protected Residential, etc.) District provisions, which is the proposed zoning of the subject lands. The proposed lots conform with the intent of the Neighbourhood Plan. In addition, the proposed street extensions are consistent with that as shown in the approved Neighbourhood Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department (Traffic Engineering and Operations Section).
- Public Works Department (Forestry and Horticulture Section).
- Corporate Services Department ((Budgets & Finance Division).
- Hamilton Wentworth District School Board.
Open Space Development and Park Planning Section, Public Works Department, has advised that as no parkland is to be dedicated in the draft plan of subdivision, and that they request parkland dedication, with payment in the form of Cash-in-Lieu, to be calculated and accepted by the City.

Cash-in-Lieu of parkland is addressed in Recommendation (a)(ii) of this report.

Capital Planning and Implementation Section, Public Works Department, advises that based on the Chappel East Neighbourhood Plan (latest revision 1989) and the current street pattern in the area, it appears that the western segment of Arrowhead Drive, connecting to Upper Wentworth Street, will eventually join the eastern segment of Arrowhead Drive, connecting to Rymal Road East. The future extension of Arrowhead Drive, therefore, will serve the purpose of a collector road. The proposed segment of the collector road in the above application will not trigger a formal Municipal Class Environmental Assessment process for the collector road, provided that it conforms to the road pattern identified in the Chappel East Neighbourhood Plan.

Culture and Recreation Section, Public Health and Community Services Department, has advised that Cash-in-Lieu of parkland should be payable for this subdivision.

This is provided in Recommendation (a)(ii) of the report.

The Hamilton Conservation Authority has advised that the subject property is within the Upper Ottawa subwatershed. This development will require an increase in the amount of impervious area currently on the site. As such, the Authority will require storm water quality and quantity controls to be implemented as per Ministry of Environment guidelines. To address these comments, it is recommended that Hamilton Conservation Authority Standard Condition Nos. 1 and 2 (Appendix “D”, Condition 2(c)), and Hamilton Conservation Authority Special Condition No. 14 (Appendix “D”), be required.

Bell Canada has determined that adequate telecommunication facilities exist within the area and, therefore, Bell Canada does not require any easement or lease. Bell Canada has requested that a condition requiring the developer to enter into a Letter of Understanding for underground servicing be imposed on the draft plan of subdivision. In this regard, Bell Canada Standard Condition No. 1 (Appendix “D”, Condition 2(d)) has been included in the draft plan of subdivision approval.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 107 property owners within 120 metres of the subject lands. To date, no calls or letters have been received. In addition, a Public Notice sign has been posted on the property and Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act.
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
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

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

:SM
Attachs. (4)
Subject Property
formerly known as 500, 514, & 522 Rymal Road East
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593 (Hamilton),
respecting lands located at Part of Lot 9, Concession 1
(Geographic Township of Glanford)

WHEREAS the City of Hamilton Act, 1999, Statues 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 Hamilton” and is the successor of 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 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. E-27e of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby 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. No building or structure shall be erected, altered 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" District provisions.

3. 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-05-69
Part of Lot 9, Concession 1 (Geographic Township of Glanford)
Change in zoning from "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District

Schedule "A"
Map Forming Part of By-law No. 06-____
to Amend By-law No. 6593
“Chappel North” – Formerly 500, 514 & 522 Rymal Road East
Conditions of Draft Approval

(1) That this approval apply to the Draft Plan of Subdivision entitled “Chappel North” comprised of Part of Lot 9, Concession 1, Geographic Township of Glanford, in the City of Hamilton, prepared by Urbex Engineering Limited, and certified by B.A. Jacobs, O.L.S., dated April 4, 2005, as shown on Appendix “C” to Report PED06333, showing a maximum of twenty (20) lots (Lots 1-20) for the development of single-detached dwellings, and the extension of two public roads (Arrowhead Drive, and Onyx 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 Conditions Nos. 1, 2, 6, 7, 14, 15, 16, 17, 18, 20, 21, 22, 23, 24, 25, 26, and 28;

(b) Development Planning Conditions Nos. 3, 4, 5, 8, 9, 10, 13, 18, 20, and 21;

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

(d) Bell Canada Condition No.1;

Development Engineering

(3) 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 approved plan.

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

(5) That as part of the detailed engineering design; the grading plan shall indicate all proposed driveway locations for all lots within the subdivision.

(6) That the Owner provides a geotechnical report prepared by a qualified professional engineer prior to final engineering design.

(7) That the owner agrees in writing to construct sidewalks on the north side of Onyx Drive and on both the north and south sides of Arrowhead Drive. Further that the owner shall include a notice in all Purchase and Sale Agreements advising future home owners of these sidewalk requirements.

(8) The Owner agree in writing to construct sanitary sewers through a 6.0 metre wide municipal easement to be located between Lots 3 and 4, between the properties known
as municipal number 500 and 514 Rymal Road East, and along the entire frontage of municipal numbers 500, 514 and 522 Rymal Road East. In addition, the Owner agrees to have 500, 514, and 522 Rymal Road East disconnected from their respective septic systems, the septic systems removed and the homes private drains reconnected to the new sanitary sewer.

Municipal numbers 500 and 514 Rymal Road East should be serviced to the proposed municipal sanitary sewer to front the property, however, the private drains for these lots will be permitted to be connected to the municipal sewer to be constructed within the 6.0 metre wide easement between the lands, subject to the two properties entering into separate Special Private Sewer Agreements with the City of Hamilton and these Agreements being registered on title against the lands.

All works shall be at the Owner’s expense, with the future maintenance of all private drains being the respective property Owner’s responsibility.

(9) That Lots 14 to 20, inclusive not be registered until the road allowance for Onyx Drive has been established to a width of 20.0 metres.

(10) That the Owner agree in writing to construct, minimum 18.0 m radius, temporary turning circles at the eastern ends of the Arrowhead Drive and Onyx Drive extensions to the satisfaction of the Manager, Development Engineering.

(11) 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.

(12) 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.

(13) That the Owner shall provide securities under the Subdivision Agreement to ensure that the homes known as municipal numbers 500, 514 and 522 Rymal Road East are disconnected from their existing septic systems, the system removed and the homes reconnected to the new sanitary sewer to be constructed within the easement.

Hamilton Region Conservation Authority

(14) That the applicant prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority.