SUBJECT: Applications for a Draft Plan of Subdivision and to Change the Zoning on the Lands Known as 1350 and 1354 Upper Wellington Street, Hamilton (PED05169) (Ward 7)

RECOMMENDATION:

(a) That approval be given to amended Subdivision Application 25T-200408, 712176 Ontario Ltd., (Joe Di Cienzo), owner, to establish a draft plan of subdivision on lands located within Part of Lot 13, Concession 7 (Hamilton), municipally known as 1350 and 1354 Upper Wellington Street, as shown on Appendix “B” to Report PED05169, subject to the execution of a City Standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED05169 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, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the draft plan. The payment will be based on the value of the lands on the day prior to the day of the 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-04-48, 712176 Ontario Ltd., (Joe Di Cienzo), owner, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential etc.) District, on lands located within Part of Lot 13, Concession 7 (Hamilton), municipally known as 1350 and 1354 Upper Wellington Street, as shown on Appendix “A” to Report PED05169, in order to permit the use of the subject lands for 19 single detached residential
dwellings and future single detached residential dwellings on 2 Blocks, on the following basis:

(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 “C” to Report PED05169, which has been prepared in a form satisfactory to Corporate Counsel, 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 applied for the approval of an amended draft plan of subdivision and to change the zoning of the lands known municipally as 1350 and 1354 Upper Wellington Street (see Appendix “A”) in order to permit the development of a draft plan of subdivision consisting of 19 single detached residential lots, and 2 blocks for future single detached residential lots.

This proposal has merit and can be supported since the amended draft plan and change in zoning are consistent with the Provincial Policy Statement, and is in conformity with Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The proposal is considered to be compatible with the surrounding neighbourhood.

BACKGROUND:

Proposal
The applicant has applied for the approval of a draft plan of subdivision and to change the zoning of the subject lands (see Appendix “A”) from the “AA” (Agricultural) District to the “C” (Urban Protected Residential etc.) District.

The applicant is proposing to create 19 lots for single detached dwellings and 2 blocks for future single detached dwellings (see Appendix “B”). The proposed lots have a minimum lot frontage of 12.0 metres and a maximum lot frontage of 15.24 metres. The lot areas proposed range from a minimum of 372 square metres to a maximum of 550 square metres.
The draft plan of subdivision was amended by changing the road pattern from a cul-de-sac to a crescent and by increasing the number of lots from 17 to 19.

Street “B” is intended to connect to a future road (Street “A”) that will be extended from the draft approved plan of subdivision (Desoto Gardens, File #25T200406) to the south (see Appendix “B”). It is noted that Street “A” connects to Upper Wellington Street. The applicant will be required to acquire the lands from the Hamilton-Wentworth District School Board for the extension of this future road northerly to the subject lands. This is addressed in Condition No. 9 of Appendix “D”.

**Details of Submitted Application**

**Owner/Applicant:** 712176 Ontario Ltd. (Joe Di Cienzo)

**Location:** 1350 and 1354 Upper Wellington Street

**Description:** Frontage: 45.72 metres (Upper Wellington)
Depth: 150.876 metres
Lot Area: 10,530 square metres

**EXISTING LAND USE AND ZONING:**

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Vacant</td>
<td>“AA” (Agricultural) District and “C” (Urban Protected Residential District etc.)</td>
</tr>
<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>North</strong></td>
<td>Vacant/Woodlot and Single detached dwellings</td>
<td>“AA” (Agricultural) District and “C” (Urban Protected Residential District etc.)</td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Vacant and Single detached dwellings</td>
<td>“AA” (Agricultural) District and “C” (Urban Protected Residential District etc.)</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>Vacant and Single detached dwellings</td>
<td>“AA” (Agricultural) District and “DE-2/S-1319” (Low Density Multiple Dwellings) District</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>Vacant</td>
<td>“AA” (Agricultural) District</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

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

   (i) It is consistent with the Provincial Policy Statement and it conforms to the Hamilton-Wentworth Official Plan and to the City of Hamilton Official Plan.

   (ii) It implements to the approved Jerome Neighbourhood Plan, which designates these lands as “Single and Double Residential”.

   (iii) It represents an opportunity for residential infilling, making use of existing services and providing additional housing opportunities in the Jerome Neighbourhood.

   (iv) It is considered to be compatible with the existing and planned development in the immediate area.

2. The applicant will be required, as a condition of draft plan approval (see Condition No. 9 of Appendix “D”), to acquire the lands from the Hamilton-Wentworth District School Board for the extension of Street “A”. The development of the subject lands cannot proceed until this condition has been fulfilled since the lands need to be serviced by a public street. The applicant is aware of this requirement and is in consultation with the Hamilton-Wentworth District School Board. The draft plan of subdivision will be required to be red line revised prior to registration once the additional lands have been acquired by the applicant.

3. The applicant has agreed to contribute 100% of all of the cost associated with extending Street “A” from the draft approved plan of subdivision to the south in order for these lands to be developed. Condition No. 10 of Appendix “D” addresses this requirement.

4. The applicant is proposing temporary turning circles that do not meet engineering standards in terms of their size. As a condition of draft plan approval (see Condition No. 15 of Appendix “D”), the applicant will be required to provide temporary turning circles with a turning radius of 18 metres and a 13 metre radius at the curb. The draft plan of subdivision has been red line revised (see Appendix “E”) to meet these requirements. As a result of this red line change, Lots 11, 12 and 13 will be deemed unbuildable until such time as the temporary turning circle has been removed. Draft Plan Condition No. 20 addresses this issue.

5. In accordance with the City of Hamilton’s Parkland Dedication By-law, the applicant is subject to a parkland dedication, or Cash-in-lieu of parkland dedication payment. The applicant would be subject to a dedication of 5% of the net land area contained within the subdivision plan. Since a park is not included within the lands of the draft plan of subdivision, the applicant will be required to
make a cash payment in-lieu of parkland dedication prior to the issuance of building permits.

The City’s Parkland Dedication By-law includes a phase in provision (Section 13) for Cash-in-Lieu payments for parkland as follows:

- **2003 to December 31, 2005:** 3 percent of land value determined as of the day before the day of building permit issuance.
- **January 1, 2006 to December 31, 2006:** 4 percent of land value determined as of the day before the day of building permit issuance.
- **As of January 1, 2007:** Full application of the new policy being 5 percent of the land value determined as of the day before the day of building permit issuance.

6. As a result of the preliminary circulation, staff did not receive any written comments from the land owners circulated. Any agency comments received from internal or external agencies have been addressed through incorporating them into draft plan conditions.

7. 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. In addition, conditions relating to payment for survey monumentation, sidewalk locations, required daylight triangles, and servicing costs have also been included.

**ALTERNATIVES FOR CONSIDERATION:**

The subject lands are currently zoned Agricultural “AA” District. Should these applications not be approved, the applicant could develop these lands in accordance with the current zoning (i.e. a single family dwelling, public hospital or children’s residence).

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

Legal - As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a draft plan of subdivision and for a change in Zoning.
POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

This proposal falls within the parameters and is consistent with the Provincial Policy statement (PPS).

Hamilton-Wentworth Official Plan

The subject lands are designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through the 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 19 lot residential plan of subdivision where full municipal services are available, and the rezoning of the subject lands to facilitate the development, the proposals conforms to the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject lands are designated “Residential” on Schedule “A” Land Use Concept to the Official Plan. The following policies are applicable to this proposal:

Policy A.2.1.1:

“The primary uses permitted in 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.”

Policy 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.”

Staff has reviewed Subsections C.7 and D.2 and note that this application conforms with these policies.

Based upon the foregoing, these applications conform to the Official Plan.

City of Hamilton Zoning By-law No. 6593

The applicant has applied to change the zoning of the subject lands from the “AA” (Agricultural) District to the “C” (Urban Protected Residential etc.) District. The “C”
SUBJECT: Applications for a Draft Plan of Subdivision and to Change the Zoning on the Lands Known as 1350 and 1354 Upper Wellington Street, Hamilton (PED05169) (Ward 7) - Page 7 of 8

District requires a minimum lot frontage of 12.0 metres and a minimum lot area of 360 square metres. All of the lots proposed meet these minimum requirements and the applicant will be required to confirm all lot frontages and lot areas as per Development Planning Standard Condition Nos. 4 and 5 of Appendix “D”.

Jerome Neighbourhood Plan

The subject lands are designated as “Single and Double” on the Jerome Neighbourhood Plan. The Neighbourhood Plan identifies that this area shall be developed with Larger Lots. The applicant is proposing lots with a minimum lot frontage of 12.0 metres and a maximum lot frontage of 15.24 metres. The lot areas proposed range from a minimum of 372 square metres to a maximum of 550 square metres. These applications conform to the Neighbourhood Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comments or Objection

- Budgets, Taxation and Policy Services, Corporate Services Department
- Revenues Division, Corporate Services Department
- Capital Planning and Implementation, Public Works Department
- Open Space Development and Parks Planning, Public Works Department
- Roads and Traffic Division, Public Works Department
- Public Health and Community Services
- Hamilton Street Railway
- Hamilton Conservation Authority (Standard Condition Nos. 1 and 2)
- The Hamilton-Wentworth District School Board
- Canada Post (Standard Condition No. 1)
- Bell Canada (Standard condition Nos. 1 to 3)

PUBLIC CONSULTATION

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, these applications were pre-circulated to 36 property owners within 120 metres of the subject lands and a Public Notice sign was posted on the subject lands. No correspondence or comments from the public was received in response.

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.

The public are pre-circulated these applications and are provided an opportunity to participate in the process.
SUBJECT: Applications for a Draft Plan of Subdivision and to Change the Zoning on the Lands Known as 1350 and 1354 Upper Wellington Street, Hamilton (PED05169) (Ward 7) - Page 8 of 8

Environmental Well-Being is enhanced. ☑ Yes ☐ No
A sustainable transportation network provides many options for people and goods movement; vehicle-dependency is reduced.

Access to Public Transit (HSR) is available to service the subject lands from Upper Wellington Street.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

Existing services are being utilized and the lot sizes (i.e. lot frontages) have been slightly reduced to appropriately utilize the subject lands.

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

: PAM
Attachments (5)
Appendix “A” to Report PED05169
Page 1 of 1

Planning and Development Department

Location Map

File Name/Number: ZAC-04-48/25T-200408
Date: June 10, 2004
Appendix “A” Scale: N.T.S
Technician: NB

Subject Property
1350 and 1354 Upper Wellington Street

Site of Application
1350 and 1354 Upper Wellington Street

Ward 7
Keymap
N.T.S
CITY OF HAMILTON

BY-LAW NO. __________

Respecting Lands Located at 1350 and 1354 Upper Wellington Street

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 of the Planning and Economic Development Committee at its meeting held on the ______ day of ______, 2005, 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. Sheet No. W-9d of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton) is amended, by changing from the “AA” (Agricultural) District to the “C” (Urban Protected Residential etc.) District the land, the
extent and boundaries of which are shown on the map hereto annexed as Schedule “A”.

2. 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.

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 , 2005.

________________________________________  __________________________
MAYOR                                      CLERK

ZAC-04-48
This is Schedule "A" to By-Law No. 05—

Passed the __________ day of _______________ 2005

Clerk

Mayor

Schedule "A"

Map Forming Part of By-Law No. 05—
to Amend By-Law No. 6593

Subject Property
1350 and 1354 Upper Wellington Street

[Diagram showing property boundaries]

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

Scale:
Not to Scale

File Name/Number:
ZAC-04-48

Date:
August 29, 2005

Planner/Technician:
PM/NB

T&C File Name:
Conditions of Draft Approval

1) That this approval apply to the draft plan of subdivision revised August 5, 2005, prepared by Planning and Engineering Initiatives Ltd, showing a maximum 19 lots (Lots 1 to 19) for single detached dwellings, 2 blocks for future single detached dwellings (Blocks 20 and 21), 2 blocks for a 0.3 metre reserve (Block 23 and 24) and 1 block for a road widening (Block 22). Street “B” will be dedicated to the City as a public roadway.

2) That the following standard conditions from Appendix “A” to Report PD01184 – Streamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process, shall apply:

   (1) Development Engineering Condition Nos. 1, 2, 6, 7, 11, 13, 15, 17, 18, 19, 20, 21, 24, 25, 26, 27, 29, 30, and 32.

   (2) Development Planning Condition Nos. 2, 3, 4, 5, 12, 13, 20 and 21.

   (3) Bell Canada Condition Nos. 1 to 3.

   (4) Canada Post Condition No. 1.

   (5) Hamilton Conservation Authority Condition Nos. 1 and 2.

Development Engineering

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

4) That as part of the detailed engineering design the grading plan shall indicate all proposed driveway locations for all lots to the satisfaction of the Manager of Development Engineering.

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

6) That the Owner agrees in writing to construct sidewalks as follows: along both sides of Street “A” adjacent to Lots 1 to 5 and one side of Street “B” adjacent to Lots 1 and 6 to 10, inclusive. Further, that the Owner shall include a notice in all Purchase and Sale Agreements advising future home owners of these sidewalk requirements.

7) That the owners dedicate a 5.18 metre road widening to the City of Hamilton along the full frontage of Lots 17, 18 and 19.
8) That the owners provide a detailed Storm Water Management Report to the satisfaction of the Manager, Development Engineering, as recommended in the Preliminary Servicing Report prepared by S. Llewellyn and Associates Limited, Consulting Engineers, dated May 2004.

9) That the owners acquire sufficient lands from the adjacent property owners to establish Street “A” at 20.0 metres in width. The owners shall also acquire sufficient lands from the adjacent property owners to establish a cul-de-sac with a radius of 18.0 metres. These land acquisitions shall either be included in the plan and dedicated as public highway as part of the plan registration or, alternatively, conveyed to the City and subsequently opened by By-law. Further, the cul-de-sac bulb shall be off centre such that the east curb line is constructed in its ultimate location. A 0.30 metre reserve restricting access only is required along the full length of the west side of Street “A” including the cul-de-sac bulb to the limit of the proposed draft plan of subdivision.

10) That the owners construct Street “A” with full municipal services to the north limit of Lot 5 of this proposed subdivision.

11) That the owners make a cash payment to the City of Hamilton for the future Urbanization cost of Upper Wellington Street adjacent to their full frontage.

12) That Lots 1 to 16, inclusive, Blocks 20 and 21 not be allowed to develop until such time as full municipal services have been provided to the south limit of this proposed subdivision.

13) That Lots 17, 18 and 19 not be allowed to develop until such time as full municipal services have been provided to the satisfaction of the Manager, Development Engineering.

14) That the owners pay for the removal and replacement of any existing trees within the existing Upper Wellington Street road allowance at their sole expense.

15) That where registration of a draft approved plan, or any portion thereof, results in the creation of lots which front onto a dead–end street of 45 metres or more in length, with no cul-de-sac bulb, then the Owner agree, in writing, to provide a temporary turn-around with sign and convey sufficient land and 0.30 metre reserves to the City, by deed, over the Owner’s lands to the satisfaction of the Manager of Development Engineering and will provide securities for the removal of the turn-around and restoration of the effected area. Further, that upon extension of the road in conjunction with future development and the temporary turning circle is no longer required the City is authorized to transfer the Block of land back to the owner of the subject abutting lands for a nominal fee. The temporary turnaround shall have a 13 metre curb radius and an 18 metre road allowance radius.
16) That the Owner agree in writing to erect a sign to the satisfaction of the City at any temporary turn-around created by registration of any portion of the draft approved plan indicating that the street is planned to be extended in conjunction with future development.

17) That the Owner agree in writing to remove the existing temporary turning circle on Street “A” and Street “B” and to restore the boulevards to the satisfaction of the City’s Manager of Development Engineering, at such time as these temporary road facilities are no longer needed.

Development Planning

18) That the owner shall investigate the noise levels on the site and determine the noise control measures that are satisfactory to the Manager, Development Planning in meeting Ministry of the Environments recommended sound level limits.

19) That the owner agrees that Lots 11, 12 and 13 be deemed unbuildable until such time as the temporary turning circle has been removed, to the satisfaction of the Manager, Development Engineering.

Hamilton Conservation Authority

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