SUBJECT: Application for Approval of a Revised Draft Plan of Subdivision "Rockcliffe Heights Annex" for Lands Located at 208 Dundas Street East (Flamborough) (PED05187) (Ward 15)

RECOMMENDATION:

That approval be given to Revised Draft Plan of Subdivision Application 25T90005(R), Tandi Construction Limited, owner, to revise a draft-approved plan of subdivision, “Rockcliffe Heights Annex”, on lands located at 208 Dundas Street East (Flamborough), to create five single-detached dwelling lots on a partial court, as shown as Appendix “A” to Report PED05187, subject to the execution of a City Standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED05187, and the following:

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

(b) 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.

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

The purpose of the application is to revise a Draft Approved Plan of Subdivision “Rockcliffe Heights Annex” for the development of five single detached dwelling lots, as shown on Appendix “B”. The original Draft Plan of Subdivision, 25T90005, was approved by the Ontario Municipal Board in 1994.

This proposal has merit and can be supported since revised draft plan of subdivision is consistent with the Provincial Policy Statement and complies with the Hamilton-Wentworth Official Plan and the Town of Flamborough Official Plan. The proposal is compatible with existing and planned development in the area, and the proposed lots conform to the existing Urban Commercial “UC-8” Zone provisions applicable to the lands. In addition, the proposal makes efficient use of an already serviced site.

BACKGROUND:

Proposal

The subject lands are located at 208 Dundas Street East in Waterdown. The applicant has submitted an application to revise an Ontario Municipal Board Draft Approved Plan of Subdivision “Rockcliffe Heights Annex”. The original Draft Plan of Subdivision, 25T90005 (attached as Appendix “D”), was approved by the Ontario Municipal Board in 1994. The applicant is revising the approved Draft Plan due to a change in the proposed road network. Specifically, the revised plan will not include a street extension from Block 9 to the south, but instead will include an extension of Redcliff Court from the north. The revised draft plan is for the development of the lands for five additional single detached dwellings. Two of the lots would front onto Overdale Avenue and three of the lots would front onto the extension of Redcliff Court. The subject lands are zoned Urban Commercial “UC-8” Zone in the Town of Flamborough Zoning By-law. All of the proposed lots comply with the existing zone provisions. The existing single family dwelling on the remaining lands of the applicant, which fronts onto Dundas Street East, will be retained.

Draft Plan of Subdivision Application 25T90005

Draft Plan of Subdivision application 25T90005 was a proposal for six lots for single detached dwellings. Two of the lots were proposed to front onto Dundas Street East, and the other four lots were proposed to front onto a street extension of Tristan Court to the south (shown on Appendix “B” as Block 9 of Registered Plan 62M-604). This application was not supported by staff from the former Town of Flamborough because of the proposed road extension from Tristan Court. Staff did not support the street extension because other options for the road network in the neighbourhood were still under review, including an extension of Overdale Avenue. The application was appealed to the Ontario Municipal Board, and the Board approved the draft plan in 1994 with the street extension from Tristan Court.
Details of Submitted Application

Owner/Applicant: Tandi Construction Ltd.

Location: 208 Dundas Street East

Description: Frontage: 30.48 metres
Depth: 98.92 metres
Area: 0.3 hectares

EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Subject Lands</td>
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<td>Urban Commercial “UC-8” Zone</td>
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Surrounding Land Uses

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<tbody>
<tr>
<td>South</td>
<td>North Semi-detached dwellings</td>
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<td>South Single-detached dwellings</td>
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<td>West</td>
<td>South Single detached dwelling</td>
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<td>Urban Commercial “UC-8” Zone</td>
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<td>Urban Residential (Single Detached) “R1” Zone</td>
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<td></td>
<td>Urban Commercial “UC-8” Zone</td>
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<td>Urban Commercial “UC” Zone</td>
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ANALYSIS/RATIONALE:

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

   (i) The proposal is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Town of Flamborough Official Plan.

   (ii) The proposal is compatible with existing and planned residential development in the immediate area.

   (iii) The proposed residential lots conform to the Urban Commercial “UC-8” Zone provisions in the Town of Flamborough Zoning By-law.

   (iv) The proposal is an appropriate infill development that will make use of an already serviced site.
2. This revised draft plan of subdivision represents an extension of residential development to the north “Goldenview Terrace Phase 1” (Registered Plan 62M-994), including an extension of Redcliff Court. The applicant has indicated that an agreement has been reached with the developer of the lands to the north, whereby land exchanges will occur in the interest of creating geometrically preferred lots. Specifically, the applicant has proposed that Block 7 and Block 8 on the Draft Plan will be added to Block 4 and Block 5, respectively, in Registered Plan 62M-994 (Development Planning Condition No. 12). Blocks 33 and 34 of Registered Plan 62M-994 will be added to proposed Lots 5 and 3, respectively, of the Draft Plan. Finally, Block 32 of Registered Plan 62M-994 (adjacent to Overdale Avenue) will be added to proposed Lot 2 of the Draft Plan. In order to ensure that these land transfers occur, the Draft Plan has been red-line revised to indicate Lots 2, 3, and 5 as Blocks 2, 3 and 5. No development shall occur on these Blocks until such time as the applicant has assembled the required lands from the development to the north (Development Planning Condition No. 11). Blocks 29 and 30 on the Draft Plan are 0.30 metre reserves.

3. The applicant has submitted an application to revise draft plan of subdivision 25T90005, “Rockcliffe Heights Annex”. This draft plan was approved by the OMB in 1994. The approved draft plan included a total of six lots, with four of these lots fronting onto a proposed extension of a street from Tristan Court to the south (Block 9 on Plan 62M-604, as shown on Appendix “D”). Staff of the former Town of Flamborough did not support the proposed street extension through Block 9. The application was appealed to the OMB and draft approved in 1994. Despite the draft approval, an issue still remained with respect to the proposed road extension from Block 9 to the south, and instead, the applicant has negotiated an agreement with the developer to the north. Therefore, the applicant has revised their plan to provide access to the subject lands from the north (extension of Redcliff Court), as shown on Appendix “B”. Because the original draft plan was approved by the OMB, a condition of draft plan approval has been added requiring the applicant to withdraw application 25T90005 (Development Planning Condition No. 13). This will allow the City to proceed with processing this revised draft plan.

4. The subject lands are zoned Urban Commercial “UC-8” Zone, which permits single detached dwellings in accordance with the Urban Residential “R1-2” Zone. The minimum lot frontage is 15 metres and the minimum lot area is 495m$^2$. All of the proposed Lots within the draft plan comply with these requirements. It is noted that proposed Lot 2 will not comply with the minimum lot area requirement without the addition of Block 32 from Plan 62M-994. Therefore, no development shall be permitted on this lot until the land assembly has occurred, as indicated in Comment 2.
5. There are public water mains and municipal storm and sanitary sewers available within the Redcliff Court right-of-way and Overdale Avenue right-of-way to service this development. A 1.5 metre road widening for Dundas Street East will be required from the remaining lands fronting onto Dundas Street East (Development Engineering Condition No. 3). Block 9 is required for road allowance purposes on Overdale Avenue (Development Engineering Condition No. 4). In addition, a 2.5 metre wide easement is to be provided around the bulb of Redcliff Court for the purposes of accommodating underground utilities (Development Engineering Condition No. 5).

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 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 permit.

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

(a) 3% of land value on the day before building permit issuance between 2003 to December 31, 2005.

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

(c) 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. In addition, conditions relating to payment for survey monumentation; costs for watermain; sewer and road work on Redcliff Court and Overdale Avenue and rebuilding of disturbed sections of those roads; and a requirement for a stormwater management report have also been included. (Development Engineering Condition No.’s 6 to 10).

ALTERNATIVES FOR CONSIDERATION:

If the application is denied, then the applicant has the option of using the property as one lot for the current range of “UC-8” Zone uses, or proceeding to develop the lands for six lots, as per the OMB Draft Approved Plan of Subdivision attached as Appendix “D”.
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 approval of a Draft Plan of Subdivision.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application is consistent with this statement. Staff recognizes that the application has shown proper regard towards focusing growth in settlement areas, as per Policy 1.1.3.1.

However, Policy 2.5.2 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 1.1.3(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 of the subject lands to Dundas Street East, staff requires a noise assessment be conducted to address this concern, in accordance with Standard Planning Condition Nos. 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. Therefore, as the nature of the application is for the development of a residential plan of subdivision on full municipal
services, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.

Town of Flamborough Official Plan

The subject land is designated "Mixed Use Area" on Schedule A to the Town of Flamborough Official Plan. The following policies of the Town of Flamborough Official Plan, among others, are applicable to the proposed development:

“A.3.6.1 Those areas designated on Schedule “A” as MIXED USE AREA shall permit integrated residential, commercial and business areas, institutional and public uses, and transit facilities.

A.3.6.2 Permitted uses shall be developed in a co-ordinated and comprehensive manner, which encourages shared facilities such as pedestrian walkways, parking and accesses and public open areas.

A.3.6.11 The development concept envisaged for the MIXED USE AREA on the south side of Dundas Street between Tristan Court and Berryhill Avenue, provides for a mixed use of land with particular land use and site plan sensitivity to compatibility issues related to the abutting residential area. In addition, regard to the interface with the Niagara Escarpment Brow must be carefully examined. Development of this area will require the preparation of a concept plan to demonstrate how development and road patterns can be effectively integrated with surrounding existing development and any adjacent undeveloped lands.”

The “Mixed Use Area” designation in the Town of Flamborough Official Plan permits residential uses, provided such are developed in an integrated manner with existing adjacent developments and are compatible with adjacent residential areas. The proposed draft plan of subdivision represents a logical extension of the established road pattern, and will not negatively affect any adjacent developments. Therefore, the proposal complies with the Town of Flamborough Official Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department - Open Space Development and Park Planning.
- Public Health and Community Services Department - Health Protection Branch.
- Corporate Services Department – Revenues Division.
- Corporate Services Department – Budgets and Finance Division.
- Hamilton Street Railway.
- Bell Canada.
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Catholic School Board.
• Assessment Department.
• Hamilton Police Services.
• Cogeco Cable Canada Inc.
• Union Gas Company.
• Hydro One Networks Inc.

**Public Works Department – Traffic Engineering and Operations Section**

As a condition of subdivision approval, it is required that the driveway locations on Lots 3 to 5 be located to the satisfaction of the Supervisor of Traffic Planning. The driveway locations to these lots must be shown on approved engineering drawings submitted with the registered Subdivision Agreement.

**Recommendations:** That Traffic Engineering and Operations Condition No. 14 be included in the draft plan of subdivision approval.

**Public Works Department - Capital Planning and Implementation Division, Strategic and Environmental Planning Section**

The extension of the Redcliff Court cul-de-sac is classified as a local road extension and its construction would be classified as a Schedule “A” undertaking, and not require Environmental Assessment (EA) work. The existing cul-de-sac circle will not need to be closed, but will become extended as a result of additional development. Thus, no road closure pertaining to the site is needed and no EA work is required.

**Public Health & Community Services Section – Culture and Recreation Division**

This Section notes that the applicant will be required to pay 5% Cash-in-Lieu of parkland dedication payment.

**Public Works Department – Operations and Maintenance Division, Forestry Section**

A review of the plans and an on-site investigation for the development show that there are municipal forestry concerns and conflicts. The section would request that all trees within this development area be identified as municipal or private and that a tree preservation plan be submitted for all trees on municipal property. The plan for Tree Removal/Preservation shall be prepared by a Certified Arborist or Landscape Architect to be submitted for approval. All municipal trees that are to remain on the property will require full tree preservation measures as per City of Hamilton policy. This section also requests that a Landscape Plan be submitted by the developer for comment as per the New Development Tree Planting Policy. The developer shall agree to provide and implement, at the developer’s expense, a Street Tree Planting Plan for road allowance trees as prepared by a Certified Arborist or Landscape Architect to be submitted for approval prior to any street tree plantings.
Recommendations: That Development Planning Standard Condition Nos. 12 and 17 (Appendix “C”, Conditions 2(b)) be included in the draft plan of subdivision approval.

Hamilton Conservation Authority

The subject property is located within the Borer’s Creek subwatershed, in close proximity to the drainage divide between Borer’s Creek, which is within the Hamilton Conservation Authority’s jurisdiction, and Grindstone Creek being in Conservation Halton’s jurisdiction. Stormwater quantity control for this site is provided by the existing pond at Rock Chapel Golf Course to the west. For stormwater quality control, Level 2 treatment is required as Borer’s Creek is a Type 2 watercourse despite being channelized in some sections. Due to the size of the development, lot level control is acceptable. In this regard, the Authority recommends that grassed swales be provided in the rear of Lots 3, 4, and 5, with drainage directed northward toward Dundas Street. They expect that Lots 1 and 2 will drain southward to Overdale Avenue. A site grading and drainage plan will be required to confirm drainage of the site in addition to a sediment and erosion control plan.

Recommendations: That Hamilton Conservation Authority Standard Conditions 1 and 2 (Appendix “C”, Conditions 2(c)) and Hamilton Conservation Authority Condition 15 be included in the draft plan of subdivision approval.

Niagara Escarpment Commission

The property is located within the Urban Serviced Area of Waterdown which is designated by the Niagara Escarpment Plan (NEP) as “Urban Area”. All lands in the community of Waterdown designated for urban use purposes were removed from the Niagara Escarpment Development Control Area in May, 1993 and replaced by the provisions in Zoning By-law No. 90-145-Z. The general area both to the east and west has been largely developed by single family residential developments, the most recent of which is the development consisting of lots fronting along both Redcliffe Court and Goldenview Court. The area for proposed lot creation at the terminus of Redcliffe Court supports a thin stand of trees. The two lots proposed along Overdale Avenue are at a higher elevation than the developed lots to either side. It is presumed that the grade will be reduced to meet those at the boundaries of the existing lots. The intended size of the lots to be created will be consistent with the sizes of adjacent lots.

In the NEP-designated “Urban Area”, permitted uses and the creation of new lots are subject to the provisions in municipal Official Plans and Zoning By-laws that do not conflict with the NEP. The former Hamilton-Wentworth Official Plan and the former Town of Flamborough Official Plan do not conflict with the NEP in this instance. The NEC has no objection, in principle, to the lot revisions.

The NEC recommends that the City include a condition to incorporate submission of a lot grading plan, sediment and erosion control plan and lot servicing plan for the approval of the City. Since the trees at the end of Redcliffe Court could provide some aesthetic value to the proposed lots and the area, the City may wish to consider
submission of a tree preservation plan, the concept of which would show how the trees could be incorporated into the housing developments to the satisfaction of the City. These conditions have been addressed through Development Engineering Standard Condition Nos. 7, 21, and 24 and Development Planning Standard Condition No. 12.

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 33 property owners within 120 metres of the subject lands. No written responses were received as a result of this circulation. Notice of the Public Meeting will be given in accordance with 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

:HT
Attachs. (4)
Rockcliffe Heights Annex (Revised) (25T90005(R)) – Conditions of Draft Approval

1. That this approval apply to the Draft Plan of Subdivision entitled “Rockcliffe Heights Annex”, as revised in red, dated January 20, 2005, prepared by Ashenhurst Nouwens Limited, as shown on Appendix “B” to Report PED05187, showing a maximum of five (5) lots for single detached dwellings and the extension of Redcliff Court.

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
       Standard Conditions Nos. 1, 2, 7, 15, 21, 24, 25, 26, 27, 29, and 32;

   (b) Development Planning
       Standard Conditions Nos. 3, 4, 5, 8, 9, 10, 12, 17, 20, and 21;

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

3. That the Owner dedicates a road widening, approximately 5 feet (1.524 metres) in width, to the City of Hamilton along Dundas Street East to tie into the road widenings taken for Plan 62M-994 and Plan 62M-604 for the full length of the 208 Dundas Street East property by Certificate on the Final Plan of Subdivision.

4. That the Owner dedicates Block 9 to the City of Hamilton, for the purpose of a road widening, by Certificate on the Final Plan of Subdivision.

5. That the Owner agree in writing to provide a 2.5 metre wide easement around the bulb of Redcliff Court for the purposes of accommodating underground utilities to the appropriate utilities.

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

7. That the Owner pay for their proportionate share of watermain, sanitary/storm sewers and road works on Redcliff Court and Overdale Avenue fronting the proposed development.
8. That the Owner provide sufficient securities to the City of Hamilton to ensure that any existing municipal works (i.e. sidewalk, roads, etc.) on Redcliff Court and Overdale Avenue will be repaired at the owner’s sole expense to the satisfaction of the Manager of Development Engineering.

9. That the Owner agree in writing to rebuild any disturbed sections of Redcliff Court and Overdale Avenue for the whole width of the road, to the satisfaction of the Manager of Development Engineering.

10. That the Owner submit a Storm Water Management report to determine what impacts runoff from the site will have on the downstream water course and provide recommendations for any necessary mitigative measures to the satisfaction of the Manager of Development Engineering.

Development Planning

11. That the Owner agree, in writing, that no building permit shall be applied for or issued for Blocks 2, 3, and 5 until these blocks have been consolidated with adjacent lands to the east, to the satisfaction of the City of Hamilton, Director of Development and Real Estate.

12. That the Owner agree, in writing, that Block 7 and Block 8 will be transferred to the adjacent lots to the east in Registered Plan 62M-994.

13. That the Owner withdraws the OMB draft approved plan of subdivision “Rockcliffe Heights Annex” (25T90005).

Traffic Engineering and Operations Section

14. That the driveway locations for Lots 3 to 5 (inclusive) be shown on the approved engineering drawings and be located to the satisfaction of the Supervisor of Traffic Planning.

Hamilton Conservation Authority

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