SUBJECT: Application for Approval of a Draft Plan of Subdivision, Known as “Carlson Estates”, for Lands Located at 264 Highland Road West (Stoney Creek) (PED06386) (Ward 9)

RECOMMENDATION:

(a) That approval be given to **Subdivision Application 25T-200523, by 1435520 Ontario Inc. and Joe Inverso Electric, (Ben De Rubeis and Joe Inverso), owners**, to establish a draft plan of subdivision, known as “Carlson Estates”, for the creation of 8 lots for single detached dwellings, on lands known municipally as 264 Highland Road West, as shown on Appendix “A” to Report PED06386, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06386, and the following:

(i) Acknowledgement by the City of Hamilton that there will be no responsibilities for cost sharing with respect 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 Policy, as approved by Council.
EXECUTIVE SUMMARY:

The applicant has applied for the approval of a Draft Plan of Subdivision, known as “Carlson Estates”, (see Appendix “B”); in order to permit the development of 8 lots for single detached dwellings on the lands known as 264 Highland Road West.

This proposal has merit and can be supported since the draft plan of subdivision is consistent with the Provincial Policy Statement, and it conforms to the Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan. The proposal is considered to be compatible with the existing, and proposed development in the surrounding neighbourhood.

BACKGROUND:

Proposal

The purpose of this application is for the approval of a draft plan of subdivision consisting of 8 lots for single detached dwellings. A total of 4 lots are proposed to front onto Second Road West, 2 lots fronting onto the new, westerly leg of Carlson Street, and 2 lots fronting onto Highland Road West (see Appendix “B”).

It is noted that the 2 lots fronting onto Highland Road West are zoned Residential “R6” Zone and the remainder of the lands are zoned Single Residential (Holding) “R2-30(H)” Zone (see Appendix “A”). The proposed lots have a minimum lot frontage of 15.24 metres, and a minimum lot area of 473.65 square metres. The proposed lots comply with the minimum lot frontage and minimum lot area requirements of the Residential “R6” Zone and the Single Residential “R2” Zone. It is noted that the Holding ‘H’ symbol can be removed once the applicant/owner has entered into a Subdivision Agreement with the City.

Details of Submitted Application

**Owner/Applicant:** 1435520 Ontario Inc. and Joe Inverso Electric (Ben De Rubeis and Joe Inverso)

**Location:** 264 Highland Road West, Stoney Creek

**Description:**

- **Frontage:** 30.48 metres (Highland Road West)
  87.79 metres (Second Road West)

- **Depth:** 112.3 metres (east side)

- **Lot Area:** 0.56 hectares
EXISTING LAND USE AND ZONING:

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<thead>
<tr>
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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Single detached dwelling</td>
<td>Residential “R6” Zone and Single Residential (Holding)</td>
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<td></td>
<td></td>
<td>“R2-30(H)” Zone</td>
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<tr>
<td><strong>Surrounding Lands</strong></td>
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<tr>
<td>North</td>
<td>Maplewood Park</td>
<td>Park “P” Zone</td>
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<tr>
<td>South</td>
<td>Single detached dwellings</td>
<td>Single Residential “R1” Zone</td>
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<tr>
<td>East</td>
<td>Single detached and</td>
<td>Residential “R6” Zone</td>
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<td></td>
<td>Semi-detached dwellings</td>
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<tr>
<td>West</td>
<td>Single detached dwellings</td>
<td>Single Residential “R1” and “R3” Zones</td>
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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 the Stoney Creek Official Plan.

   (ii) It will implement the “Low Density Residential” designation in the approved West Mountain Planning District, Heritage Green Secondary Plan of the Stoney Creek Official Plan.

   (iii) The size of the proposed lots comply with the zoning applying to the subject lands.

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

   (v) It will provide additional housing opportunities on the Stoney Creek west mountain and implement the “Low Density Residential” designation in the Valley Park Neighbourhood Plan.

2. The approval of this application represents an opportunity for residential infilling and will make use of existing services. Further, approval of this application will allow for the extension of services and the establishment of the westerly leg of Carlson Street into the neighbourhood, allowing for further residential infilling to occur on the lands to the east.
3. In accordance with the City of Hamilton's Parkland Dedication and Cash-in-Lieu of Parkland By-law, the applicant is subject to a parkland dedication, or Cash-in-Lieu of Parkland dedication payment. 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 and Cash-in-Lieu of Parkland By-law includes a phase in provision (Section 13) for Cash-in-Lieu payments for parkland as follows:

- January 1, 2006 to December 31, 2006: 4% 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% of the land value determined as of the day before the day of building permit issuance.

4. In accordance with the City’s Sidewalk Policy, a sidewalk will be provided on the north side of Carlson Street. (Included as Development Engineering Condition No. 10).

5. The applicant is proposing to develop the subject lands without a temporary turning circle at the easterly end of Carlson Street. It is City Policy that a temporary turning circle be required if the length of road proposed is longer than 45 metres form the centreline of the intersecting street (Second Road West). As the establishment of the westerly leg of Carlson Street is longer than 45 metres (56.5 metres), a temporary turning circle is required to be provided.

Staff has red-line revised the draft plan of subdivision (see Appendix “C”) to include a temporary turning circle which results in Lots 2 and 5 being temporarily unbuildable. As a condition of draft plan approval (Included as Development Engineering Condition No. 14 of Appendix “D”), the applicant will be required to provide a temporary turning circle with a turning radius of 18 metres and a 13 metre radius at the curb.

6. The two lots fronting on Highland Road West are zoned Residential “R6” Zone. The balance of the subject lands are zoned Single Residential (Holding) “R2-30 (H)” Zone. The Holding ‘H’ symbol cannot be removed until the applicant has entered into a Subdivision Agreement with the City. A rezoning application to remove the Holding ‘H’ symbol will be required to be submitted at that time.

7. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “D”, including the City’s applicable 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, required daylight triangles, and servicing costs have also been included.
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ALTERNATIVES FOR CONSIDERATION:

The subject lands are zoned Residential “R6” Zone and Single Residential (Holding) “R2-30(H)” Zone in the Stoney Creek Zoning By-law No. 3692-92. A single detached dwelling is located on these lands. Should this application not be approved, the existing situation would remain unchanged.

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.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

This application has been reviewed with respect to the Provincial Policy Statement (PPS) and it is consistent with Policy 1.1.1 (a), which focuses growth in urban 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. The applicant, as a condition of draft plan approval, will be required to conduct an archaeological assessment of the entire development property and mitigate, through the preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. This is addressed through Development Planning Standard Condition No. 10 under 2.(2) of Appendix “D”.

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 City to the year 2020. Therefore, as the nature of the application is seeking approval of a residential plan of subdivision on full municipal services, this proposal conforms to the Hamilton-Wentworth Official Plan policies.
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City of Stoney Creek Official Plan

The subject lands are designated “Residential” on Schedule “A”, General Land Use Plan, and “Low Density Residential” on Schedule “A3”, Secondary Plan, West Mountain Planning District, Heritage Green Section, in the Stoney Creek Official Plan.

Staff has reviewed this application against the Official Plan Policies and notes that this proposal conforms to the Official Plan.

Valley Park Neighbourhood Plan

The subject lands are designated “Low Density Residential” on the Valley Park Neighbourhood Plan. The proposed draft plan conforms to the Neighbourhood Plan in terms of land use designation and road pattern.

RELEVANT CONSULTATION:

Agencies/Departments Having No Objection

- Budgets, Taxation and Policy Services, Corporate Services Department.
- Revenues Division, Corporate Services Department.
- Public Health and Community Services Department.
- Roads and Traffic Division, Public Works Department.
- Parking Services, Planning and Economic Development Department.
- Capital Planning and Implementation Section, Public Works Department.
- Culture and Recreation Division, Public Health and Community Services Department.
- The Hamilton Wentworth District School Board.

The Hamilton Conservation Authority advised that they had no objections to this proposal subject to the applicant preparing and implementing an erosion and sediment control plan, a stormwater management report and a lot grading plan. These are addressed through the Hamilton Conservation Authority’s Standard Condition Nos. 1 and 2, and Condition 17 of Appendix “D”.

Open Space Development and Park Planning Section, Public Works Department, advised that the applicant would be required to provide a 1.5 metre high chainlink fence for all lots backing onto Maplewood Park, and that the grading of the lots shall not significantly increase the stormwater runoff into the park. As such, plans and securities are required to be submitted as draft plan conditions (Condition Nos. 18 and 19 of Appendix “D”) to address both of these issues.
Public Consultation

In accordance with the Public Participation Policy approved by Council on May 29, 2003, this application was pre-circulated to all property owners (a total of 92) within 120 metres of the subject lands. In addition, a Public Notice sign was placed on the subject lands. To date, staff has not received any response from the public. Notice of the Public Meeting was provided in accordance with the Planning Act, and was mailed on September 12, 2006.

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 has participated in this process as they were invited to submit comments as part of the pre-circulation of the applications to property owners with 120 metres of the subject lands.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Existing services will be used as part of this development.

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

:PAM
Attachs. (4)
CONDITIONS OF DRAFT APPROVAL

1. That this approval apply to the red-line revised draft plan of subdivision, known as “Carlson Estates”, prepared by Ashenhurst Nouwens Ltd. and signed by Marcus Nouwens, O.L.S. dated October 11, 2005, as shown on Appendix “C” to Report PED06386, showing a total of 6 single residential lots (Lots 1 to 6), 2 Blocks (Blocks 7 and 8) for future single residential lots and, one (1) Block (Block 9) for a 0.3 metre reserve. Carlson Street will be dedicated to the City as a public highway.

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, 3, 6, 14, 15, 17, 20, 21, 22, 23, 24, 25, 26, 27, and 29.
   (2) Development Planning Condition Nos. 2, 3, 4, 5, 10, 12, 17, 18, 20 and 21.
   (3) Hamilton Conservation Authority Condition Nos. 1 and 2.
   (4) Bell Canada Condition Nos. 1 to 3.
   (5) Canada Post Condition No. 1.

Development Engineering

3. That the owner agree in writing to make cash payment to the City Of Hamilton in-lieu of providing Horizontal and Vertical Control Survey Monumentation

4. That the owner agrees in writing that no clearing or grubbing of the subject lands commence until such time as a tree preservation plan has been approved to the satisfaction of the Manager of Forestry, Public Works Department, and all grading plans and siltation and erosion control plans, as part of the engineering submission, have been approved to the satisfaction of the Manager of Development Engineering.

5. That all storm drainage, siltation and erosion control, lot grading and noise control plans be implemented to the satisfaction of the City of Hamilton.

6. That the owner pays to the City any outstanding commutation charges assessed against the lands in the plan.
7. That the final plan of subdivision for any phase of the draft approved plan not be registered until adequate storm and sanitary sewer outlets have been provided to the limit of each phase proposed for registration, to the satisfaction of the Manager of Development Engineering.

8. That the owner prepares a geotechnical report and implement the report’s recommendations, to the satisfaction of the Manager of Development Engineering.

9. That the owner agrees to submit a servicing report, which shall also address storm water management as it relates to quality all to the satisfaction of the Manager of Development Engineering.

10. That the owner installs sidewalks in accordance with City policy on the north side of Carlson Street adjacent to the owner’s lands. Further that the owner shall include a notice in all Purchase and Sale Agreements advising future homeowners of these sidewalk requirements.

11. That the owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the “Keeping Soils on Construction Sites” manual. The owner shall demonstrate how he will implement and monitor the plan to the satisfaction of the Manager of Development Engineering.

12. That the owner pays to the City the owner’s proportionate share of the cost of existing sewers, watermains, roads, curbs and sidewalks on both Second Road West and Highland Road.

13. That the owner dedicate to the City of Hamilton by deed two 4.5 m by 4.5 m daylight triangles at the intersection of Carlson Street and Second Road West.

14. That the owner shall, at his expense construct a temporary turning circle of minimum right of way radius R=18.0m with a minimum asphalt radius R=13.0m at the east limit of Carlson Street. Based on the configuration of the final turning circle the affected lots shall be declared temporarily unsuitable for building until Carlson Street has been extended easterly.

15. That the owner dedicates land on the Final Plan 3.048m wide to the City of Hamilton adjacent to Highland Road for road widening purposes. The required land is shown as Parts 4, 5 and 6 on Plan 62R-13593.

16. That the owner agrees that no blasting will take place without a pre-blast survey completed and that adequate monitoring will be conducted by a qualified consultant.
17. That the owner agree in writing to install a 1.5 m high chain-link fence along the north and south limits of Block 164.

Hamilton Conservation Authority

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

Open Space Development and Park Planning, Public Works

19. That the owner provide fencing for all lots and blocks adjacent to Maplewood Park, with 1.5 metre high chainlink fence, to be constructed by the owner, and to the City’s satisfaction. The fencing shall be shown on a plan to demonstrate the location and construction of the fencing, for approval by the Director of Capital Planning and Implementation. Additionally, the appropriate securities shall be taken for the value of the fencing. The installation of the fencing, or any other construction activities, shall not damage the existing park vegetation in any way, including due to soil compaction of the root zone from construction equipment, therefore, tree hoarding shall be installed, to the City's satisfaction, and the location and construction of such hoarding shown on a plan for the approval by the Director of Capital Planning and Implementation.

20. That the owner agree that the grading of the lots in the draft plan shall not significantly increase the stormwater runoff onto the park property. The grading of the lots shall be shown on a grading plan, indicating slopes, to the satisfaction of the Director of Capital Planning and Implementation.