SUBJECT: Applications for Approval of a Draft Plan of Subdivision, “Copes Court”, and for Changes in Zoning, for Lands Located at 38, 42, and 56 Copes Lane (Stoney Creek) (PED07240) (Ward 11)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200620, by Tom Cope, Marzio Pompeani and Conchita Chiarella, Owners, to establish a draft plan of subdivision known as “Copes Court”, on lands known municipally as 38, 42 and 56 Copes Lane, as shown on Appendix “A” to Report PED07240, subject to the following conditions:

(i) That this approval apply to “Copes Court”, as redline revised, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated January 9, 2007, showing thirteen lots (Lots 1-13) for single detached dwellings, three blocks (Block 15, 16 and 18) for a maximum of eleven future single detached dwellings, one block (Block 14) for a creek channel, one block (Block 17) for a temporary cul-de-sac, one block (Block 19) for a 0.3m reserve, and the extension of one public street shown as Aquamarine Drive, attached as Appendix “B” to Report PED07240, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council and with the Special Conditions attached as Appendix “E”.

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development, in accordance with the City’s Financial Policies for Development.
(b) That approval be given to **Zoning Application ZAC-06-104, by Tom Cope, Marzio Pompeani and Conchita Chiarella, Owners**, for changes in zoning from the Rural Residential “RR” Zone to the Single Residential “R2-54” Zone (Block 1), to the Single Residential “R2-56” Zone (Block 2), to the Single Residential “R2-58” Zone (Block 4), and to the Conservation/Hazard Land (P5) Zone (Block 5); and from the Rural Residential “RR” Zone and the Single Residential “R2-50” Zone to the Single Residential “R2-57” Zone (Block 3), to permit thirteen lots and three blocks for single detached dwellings, and an open creek channel, on lands known municipally as 38, 42 and 56 Copes Lane (Stoney Creek), as shown on Appendix “A” to Report PED07240, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED07240, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 2, of Zoning By-law No. 3692-92.

(iii) That the draft By-law, attached as Appendix “D” to Report PED07240, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be added to Schedule “A”, Map Nos. 1150 and 1151, of Zoning By-law No. 05-200.

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

Tim McCabe
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applicants have applied for the approval of a draft plan of subdivision in order to permit the development of thirteen lots for single detached dwellings and three blocks for future single detached dwellings (maximum of 11 lots), one block for an open creek channel, one block for a temporary cul-de-sac, one block for a 0.3m reserve, and the extension of a municipal roadway (Aquamarine Drive), on lands known municipally as 38, 42 and, 56 Copes Lane.
The 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 the applications is for the approval of a draft plan of subdivision (see Appendix “B”) to develop the subject lands for:

- 13 lots for single detached dwellings having frontage on Copes Lane and the future extension of Aquamarine Drive (Lots 1-13).
- 2 blocks for future single detached dwellings having frontage on the future extension of Aquamarine Drive (Blocks 15 and 16).
- 1 block for future single detached dwellings having frontage on the future extension of Copes Lane (Block 18).
- 1 block for an open creek channel (Block 14).
- 1 block for a temporary cul-de-sac (Block 17).
- 1 block for a 0.3 metre reserve (Block 19).

The thirteen lots and three blocks for single detached dwellings are to be rezoned to site-specific Single Residential “R2” Zones, while the open creek channel (Block 5) would be rezoned to the Conservation/Hazard Land (P5) Zone in By-law No. 05-200, as amended by the new Open Space and Parks By-law No. 06-166.

The proposed lots for single detached dwellings range in size from a minimum lot frontage of 15.0 metres to 22.8 metres. Lot areas for the entire development are consistent with the parent “R2” Zone and will be in excess of the minimum requirements of 460 square metres for an interior lot and 505 square metres for a corner lot.

The applicant proposes changes and modifications in zoning to implement the draft plan, as shown on Appendix “A”. Specifically, the applicant has requested the following zoning modifications:
Minimum Lot Frontage:

- The minimum lot frontage for Block 18 and Lots 1 to 4 shall be 19.5 metres, whereas 15.0 metres is required (see red-lined draft plan – Appendix “B”).
- The minimum lot frontage for Lots 5 to 10 shall be 22.8 metres, whereas 15.0 metres is required (see red-lined draft plan – Appendix “B”).
- The minimum lot frontage for Lots 11 to 13 shall be 15.0 metres, which is consistent with the parent “R2” zone (see red-lined draft plan – Appendix “B”).
- The minimum lot frontage for Blocks 15 and 16 shall be 21.0 metres, whereas 15.0 metres is required (see red-lined draft plan – Appendix “B”).

Minimum Front Yard:

- The minimum front yard shall be 4.5 metres, except 5.8 metres to an attached garage or carport where the garage door or entrance to a carport faces a street, whereas 6 metres is required.

Minimum Side Yard:

- The minimum westerly side yard adjacent to the existing Rural Residential “RR” Zone shall be 2.0 metres for a two-storey elevation, whereas 1.25 metres is required.
- On a corner lot, the minimum side yard abutting a flankage lot line shall be 3.0 metres, which is consistent with the parent “R2” zone, except where a garage fronts onto the flankage lot line, then the minimum to the garage shall be 5.5 metres.

Maximum Lot Coverage:

- 45% for two-storey dwellings and 50% for one-storey dwellings, whereas 40% is permitted.

Details of Submitted Application

**Owner:** Tom Cope, Marzio Pompeani, and Conchita Chiarella

**Applicant:** Marz Homes (Trillium) Inc., c/o Dan Gabrielle

**Location:** 38, 42 and 56 Copes Lane, Stoney Creek

**Description:**
- Frontage: +/-155.6 metres
- Depth: +/- 150.4 metres
- Lot Area: +/- 2.6 hectares
EXISTING LAND USE AND ZONING:

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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<td>Rural Residential “RR” Zone and Single Residential “R2-50” Zone</td>
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<td><strong>Surrounding Lands</strong></td>
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<td>Lake Ontario</td>
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<td>South</td>
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<td>East</td>
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<td>West</td>
<td>Single detached dwellings</td>
<td>Rural Residential “RR” Zone</td>
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ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   (i) It is consistent with the Provincial Policy Statement.
   (ii) It conforms to the Hamilton-Wentworth Official Plan.
   (iii) It conforms with the “Residential” and “Low Density Residential” designations in the City of Stoney Creek Official Plan.
   (iv) It conforms with the “Low Density Residential” designation in the approved Trillium Neighbourhood Plan.
   (v) The proposed development is considered to be compatible with the existing and planned development in the immediate area.

2. The approval of this application represents an opportunity for residential infilling and will make use of existing services. Further, the approval of this application will allow for the extension of services and the establishment of the northerly and westerly leg of Aquamarine Drive into the neighbourhood, allowing for further residential infilling to occur on the lands to the north of the Bridgeport Subdivision.

3. The proposed draft plan, as redline revised, comprises thirteen lots (Lots 1-13) for single detached dwellings, and three blocks (Blocks 15, 16 and 18) for future single detached dwellings, as shown on Appendix “B”. The proposed Zoning By-law Amendments (Appendix “C” and “D”) allow the lands to be developed in
accordance with the proposed draft plan of subdivision “Copes Court”, and provide for the following site-specific modifications:

**Single Residential “R2-54” Zone (By-law No. 3692-92)**

The proposed lots and block within Block 1 (see Appendix “A”) have been established with an increased minimum lot frontage of 19.5 metres, whereas 15.0 metres is required, and can accommodate seven lots. The site-specific zoning also permits these lots to have a reduced minimum front yard of 4.5 metres with no encroachments and 5.8 metres to an attached garage or carport that faces the street, whereas 6.0 metres is required and encroachments are usually permitted to project up to 1.5 metres for balconies, canopies, unenclosed porches and decks. This zone also permits a reduced minimum yard of 2.0 metres for a building and 1.5 metres for balconies, canopies, unenclosed porches and decks, to the hypotenuse of the daylight triangle, whereas 3.0 metres is required. These reduced setbacks are consistent with the Bridgeport Subdivision to the south and encourages street-oriented dwellings with adequate parking requirements. This zone also permits a minimum side yard of 2.0 metres for a second floor elevation adjoining the property to the west, whereas 1.25 metres is required. Furthermore, lot coverage has been increased from 40% to 45% for two-storey dwellings and 50% for one-storey dwellings. Staff supports these modifications, since they are considered to be minor in nature and the subdivision will be subject to Architectural Control Guidelines (see Special Condition No. 1 of Appendix “E”).

**Single Residential “R2-56” Zone (By-law No. 3692-92)**

The proposed lots within Block 2 (see Appendix “A”) have been established with an increased minimum lot frontage of 22.8 metres, whereas 15.0 metres is required, and can accommodate six lots. The site-specific zoning also permits these lots to have a reduced minimum front yard of 4.5 metres with no encroachments and 5.8 metres to an attached garage or carport that faces the street, whereas 6.0 metres is required and encroachments are usually permitted to project up to 1.5 metres for balconies, canopies, unenclosed porches and decks. This zone also permits a reduced minimum yard of 2.0 metres for a building and 1.5 metres for balconies, canopies, unenclosed porches and decks, to the hypotenuse of the daylight triangle, whereas 3.0 metres is required. These reduced setbacks are consistent with the Bridgeport Subdivision to the south and encourage street-oriented dwellings with adequate parking requirements. This zone also permits a minimum side yard of 2.0 metres for a second floor elevation adjoining the property to the west, whereas 1.25 metres is required. Furthermore, lot coverage has been increased from 40% to 45% for two-storey dwellings and 50% for one-storey dwellings. Staff supports these modifications, since they are considered to be minor in nature and the subdivision will be
subject to Architectural Control Guidelines (see Special Condition No. 1 of Appendix “E”).

Single Residential “R2-57” Zone (By-law No. 3692-92)

The proposed lots within Block 3 (see Appendix “A”) have been established with the standard minimum lot frontage requirement of 15.0 metres, as per the parent “R2” zone, and can accommodate three lots. The site-specific zoning permits these lots to have a reduced minimum front yard of 4.5 metres with no encroachments and 5.8 metres to an attached garage or carport that faces the street, whereas 6.0 metres is required and encroachments are usually permitted to project up to 1.5 metres for balconies, canopies, unenclosed porches and decks. This is consistent with the Bridgeport Subdivision to the south and encourages street-oriented dwellings with adequate parking requirements. Furthermore, lot coverage has been increased from 40% to 45% for two-storey dwellings and 50% for one-storey dwellings. Staff supports this modification, since it is considered to be minor in nature and the subdivision will be subject to Architectural Control Guidelines (see Special Condition No. 1 of Appendix “E”).

Single Residential “R2-58” Zone (By-law No. 3692-92)

The proposed lots within Block 4 (see Appendix “A”) have been established with an increased minimum lot frontage of 21.0 metres, whereas 15.0 metres is required, and can accommodate up to eight lots, pending further land division. The site-specific zoning also permits these lots to have a reduced minimum front yard of 4.5 metres with no encroachments and 5.8 metres to an attached garage or carport that faces the street, whereas 6.0 metres is required and encroachments are usually permitted to project up to 1.5 metres for balconies, canopies, unenclosed porches and decks. This is consistent with the Bridgeport Subdivision to the south and encourages street-oriented dwellings with adequate parking requirements. Furthermore, lot coverage has been increased from 40% to 45% for two-storey dwellings and 50% for one-storey dwellings. Staff supports these modifications, since they are considered to be minor in nature and the subdivision will be subject to Architectural Control Guidelines (see Special Condition No. 1 of Appendix “E”).

Conservation/Hazard Land (P5) Zone (By-law No. 05-200)

Block 5 on Appendix “A” is to be developed as an open creek channel. The proposed zoning is consistent with the Conservation/Hazard Land (P5) Zone provisions set out in By-law No. 05-200, as amended by the new Open Space and Parks By-law No. 06-166.
4. At the time of submission of this application, it was determined that there were several existing built heritage and cultural landscape features on the subject properties, including several buildings and structures, as well as a woodlot, tree lined driveways, mature individual trees and open views of the lake. Accordingly, it was suggested that a Cultural Heritage Assessment be completed to identify and document the built and cultural heritage landscape features. Subsequent to the submission of the application, the buildings and a considerable amount of the trees were removed. Notwithstanding, it is appropriate that the City has a historical record of the subject properties. In this regard, the applicant has agreed to undertake a Cultural Heritage Assessment, which is included as Special Conditions Nos. 25 and 26 in Appendix “E”.

5. Through Amendment No. 99 to the Stoney Creek Official Plan, the Stoney Creek Open Spaces and Natural Environment System (SCONES), the subject site was identified as a Core Area (Class 2) Woodlot, whereby an Environmental Design Analysis (EDA) was required to be prepared by a qualified environmental consultant, to the satisfaction of the City. Subsequent to the submission of this application and through the review of the EDA by staff, it has been determined that the EDA was insufficient given that the natural features of the site, namely the woodlot, have been impacted. However, requiring the applicant to submit a more detailed analysis would not serve any useful purpose. In this regard, the applicant has agreed to compensate for the loss of habitat by providing enhanced landscaping and plantings, which is addressed through Special Condition Nos. 28 and 29 in Appendix “E”.

6. The proposed draft plan has identified a temporary turning circle for Copes Lane, outside of this draft plan and on lands held by another owner. It should be noted that this turning circle has only been suggested for further review and must be agreed to by all owners/parties affected.

7. The applicant is proposing to develop the subject lands with a temporary turning circle at the westerly end of Aquamarine Drive. However, in consultation with the adjacent land owner, this temporary turning circle has been redline revised to be shifted 5.0 metres easterly with a turning radius of 18.0 metres. As a condition of draft plan approval (included as Special Condition No. 15 of Appendix “E”), 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.

8. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the applicant is subject to 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 each building permit for the lots within the draft plan.
9. In accordance with the City’s Sidewalk Policy, a sidewalk will be provided on the south and west sides of Aquamarine Drive. (Included as Special Condition No. 19 - Appendix “E”.)

10. Approval of this Draft Plan of Subdivision will be subject to the special conditions included in Appendix “E”, including the applicable City’s Standard Form Subdivision Agreement. Several special conditions have already been addressed in this report. In addition, conditions relating to payment for survey monumentation, required daylight triangles, and servicing costs have also been included.

11. In response to the Public Consultation Process, a total of two responses were received (see Appendix “F”). The concerns raised included: the Aquamarine temporary cul-de-sac; elevations and grading; parking and sidewalks; and the Copes Court temporary cul-de-sac.

Aquamarine Temporary Cul-de-Sac

This concern was with respect to the distance of the temporary cul-de-sac (Block 17 – Appendix “B”) from the abutting property and how to provide for adequate buffering. This has been mediated by the applicant and the property owner to the west and, subsequently, has been red-line revised with the cul-de-sac being shifted 5 metres further east.

Elevations and Grading

The second concern is with regards to elevations and grading, which will all be addressed via the Standard Form Subdivision Agreement and Special Conditions No. 9 and 24 (see Appendix “E”), in order to ensure that all post-development overland stormwater flows match the pre-development flows and that the grading will not adversely affect adjacent land owners.

Sidewalks and Parking

The third concern raised was with regards to the location of sidewalks and parking. Sidewalks will be provided on the south and west sides of Aquamarine Drive within this subdivision (see Appendix “E” – Special Condition No. 19), and will be not be provided on the north side of Copes Lane, but are proposed on the south side of Copes Lane through the adjacent Bridgeport subdivision. On-street parking is determined once the road is built and residents request parking privileges and/or restrictions on the street. Therefore, at this time, the residents in the vicinity should contact the Hamilton Municipal Parking Section of the Planning and Economic Development Department.
Copes Court Temporary Cul-de-Sac

The final concern, raised by the public, is with regards to the location of the Copes Court temporary cul-de-sac, which, through Comment No. 6 above, has been addressed by stating that this turning circle is outside of this draft plan, and has only been suggested for further review and must be agreed to by all owners/parties affected.

ALTERNATIVES FOR CONSIDERATION:

The subject lands are zoned Rural Residential “RR” Zone and Single Residential “R2-50” Zone in Stoney Creek Zoning By-law No. 3692-92. Should the proposed draft plan of subdivision and change in zoning be denied, the subject lands could be developed for only one single detached dwelling on each of the three existing lots having frontage on Copes Lane.

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 change in Zoning.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The applications have been reviewed with respect to the Provincial Policy Statement (PPS) and they are 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 condition is addressed through the Standard Form Subdivision Agreement.

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 housing units in the City to the year 2020. Additionally, Policy B-9.2 states that the City shall consider the protection and preservation of Regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse effects and encourages maintenance and protection. The historical, cultural and archaeological resources will be addressed through the Standard Form Subdivision Agreement and Special Conditions No. 25 and 26. Therefore, as the nature of the application is seeking approval of a residential plan of subdivision on full municipal services, the proposal conforms to the Hamilton-Wentworth Official Plan policies.

City of Stoney Creek Official Plan

The subject lands are designated “Residential” on Schedule ‘A’, General Land Use Plan; “Lakeshore Protection Area” on Schedule ‘B’ – Stoney Creek Open Spaces & Natural Environment System; and “Low Density Residential” on Schedule “A4”, Trillium Neighbourhood, Urban Lakeshore Area Secondary Plan, in the Stoney Creek Official Plan.

Policy A.1.2.12 identifies that the “Low Density Residential” designation within the respective Secondary Plans shall permit single family detached, duplex and semi-detached dwellings at a density range of 1 to 29 units per Net Residential Hectare. Furthermore, the Urban Lakeshore Area Secondary Plan, Policy 13.4.9, indicates that the residential densities shall not exceed 13 units per Net Residential Hectare west of Fifty Road. Since the proposed density of this development is 6.5 to 7.0 units per Net Residential Hectare, both these policies have been met.

The subject lands back onto Lake Ontario. Policy B.3.2.3 of the Official Plan requires that any new development adjacent to the lake shall provide adequate shoreline protection for the preservation of the lakeshore environment against erosion or pollution, to the satisfaction of the Ministry of the Environment and the Ministry of Natural Resources. Shoreline protection works have been installed across the rear property line of Blocks 15 and 16 and are addressed through the Hamilton Conservation Authority’s requested Special Condition No. 8 (Appendix “E”), to conform to the plans as approved by the Hamilton Conservation Authority on October 26, 2006.

Therefore, this proposal for single residential development conforms to the “Residential”, “Lakeshore Protection Area” and the “Low Density Residential” designations within the City of Stoney Creek Official Plan.
Trillium Neighbourhood Plan

The Trillium Neighbourhood Plan was originally approved by Council on July 11, 1995, and amended on October 26, 1999. Neighbourhood Plans do not form part of the Stoney Creek Official Plan, but guide the development and redevelopment of urban neighbourhoods and reflect Council’s intention regarding ultimate development.

The subject lands are designated “Low Density Residential” on the Trillium 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.
- Forestry and Horticulture Section, Operations and Maintenance Division, Public Works Department.
- Strategic and Environmental Planning Division, Public Works Department.
- Ministry of Transportation.
- Parking Services, Planning and Economic Development Department.
- Open Space Development and Park Planning Section, Capital Planning and Implementation Division, Public Works Department.
- Horizon Utilities Corporation.

Public Health and Community Services Department

Public Health Services does not object to the proposed draft plan of subdivision as submitted. Approval is based on properties being properly connected to existing municipal sewers and water supply. They have also provided further information for the applicants’ information, which has been captured in Special Conditions Nos. 3 and 4 of Appendix “E”.

Roads and Traffic Division, Public Works Department

The Roads and Traffic Division has no comments pertaining to the rezoning of these lands, but advise that Access to Lot 4 (see Appendix “B”) must be situated outside of the daylight triangle dedication. This has been captured through Special Condition No. 27 of Appendix “E”.
Subject: Applications for Approval of a Draft Plan of Subdivision, “Copes Court”, and for Changes in Zoning, for Lands Known as 38, 42 and 56 Copes Lane (Stoney Creek) (PED07240)(Ward 11) - Page 13 of 16

Plant Capital and Planning Section, Water & Wastewater Treatment Division, Public Works Department

The Plant Capital and Planning Section, Water & Wastewater Treatment Division, Public Works Department, advised that there are no means for servicing Block 18, as well as there is no indication as to the future plans for the lands west of the ends of Aquamarine Drive and Copes Lane. Given the large scale proposed subdivision on the lands, it is recommended that a temporary watermain be established, at the developer’s cost, on an easement along the west sides of Lot 10 and Block 18 to provide water circulation between Aquamarine Drive and Copes Lane. This is addressed through Special Condition No. 23 of Appendix “E”.

Hamilton Conservation Authority

The Hamilton Conservation Authority provided the following comments:

Blocks 15 and 16 abut the Lake Ontario shoreline and, as such, are affected by the HCA Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04. A permit is required from the HCA for development within the regulated area. In October 2006, the HCA issued permits for the construction of a tiered armour stone shorewall along the Lake Ontario shoreline on the subject property. However, the shorewall has not been constructed as per the approved plans and is currently in violation of Regulation 161/06. As it currently exists, the wall will not adequately protect future in-land development from both the erosion and flood hazards associated with Lake Ontario. In order to address the violation and adequately protect future development from the Lake Ontario hazards, some sections of the wall will have to be re-constructed or modified to conform to the approved plans prior to any development of Blocks 15 and 16.

The application indicates that the Copes Court subdivision will utilize the stormwater management pond for the Bridgeport Phase I subdivision. However, based on our review of the design, the pond sizing does not account for the ultimate fully developed state of the Copes Court subdivision. The applicant should provide written confirmation that the Bridgeport stormwater management pond has sufficient capacity to handle the input from the Copes Court development.

Based on the above noted comments, the Hamilton Conservation Authority will require the following conditions to be included within the draft approval:

1. That the owner prepares and implements an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:
a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated.

b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff.

c) Any disturbed area not scheduled for further construction within forty-five days will be provided with a suitable temporary mulch and seed cover within seven days of the completion of that particular phase of construction.

d) All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.

This condition is addressed through the Standard Form Subdivision Agreement Conditions Nos. 3.3a) and 4.1c).

2. That the applicant modifies the existing tiered armour stone shorewall to conform to the plans approved by the Hamilton Conservation Authority in order to resolve an existing violation prior to any development taking place on Blocks 15 and 16. The Hamilton Conservation Authority has advised this will be addressed through Special Condition No. 8 of Appendix “E”.

3. That the applicant prepares and implements an Environmental Design Analysis (EDA), to the satisfaction of the Hamilton Conservation Authority. This condition has been satisfied through the submission of the Environmental Design Analysis, prepared for Copes Court Subdivision by Seferian Design Group Ltd., dated May 8, 2007, and the Hamilton Conservation Authority supports the conditions suggested by the Environmental Design Analysis and as imposed through Special Condition Nos. 28 and 29 of Appendix “E”.

4. That the applicant provides written confirmation that the Bridgeport stormwater management pond has sufficient capacity to handle the input from the Copes Court development. This will be addressed through Special Condition No. 24 of Appendix “E”.

5. That the applicant prepares and implements a lot grading and drainage plan, to the satisfaction of the Hamilton Conservation Authority. This is addressed through the Standard Form Subdivision Agreement Condition 4.1c).

6. That the Subdivision Agreement include a clause and identify on the grading plan(s) that a permit is required from the Hamilton Conservation Authority under its Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, prior to the
commencement of any grading or construction activities on Blocks 15 and 16. This is addressed as Special Condition No. 8 of Appendix “E”.

**Hamilton-Wentworth District School Board**

The Hamilton-Wentworth District School Board has no objections to the rezoning changes or proposed draft plan of subdivision. However, the Winona Elementary School is currently at full capacity and, therefore, the Board will require the following recommendations to be included as conditions of draft approval:

**Condition 1** That the owner, at their expense, places adequate signage on the site based on Board specifications, advising that “Students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board Transportation Policy.” This is addressed as Special Condition No. 5 of Appendix “E”.

**Condition 2** That the owner is required to include, in all agreements of purchase and sale, notice to purchasers advising that “Students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board Transportation Policy.” This is addressed as Special Condition No. 6 of Appendix “E”.

**Condition 3** That any rental or lease agreement required for occupancy include, in all agreements to renters or lesasers, a clause advising that “Students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board Transportation Policy.” This is addressed as Special Condition No. 7 of Appendix “E”.

**Bell Canada**

Bell Canada has requested that conditions be imposed to ensure that sufficient wire-line communication/telecommunication infrastructure will be available within the proposed development and should any easement be required, that the owner grants Bell such easement. These conditions have been captured through the Standard Form Subdivision Agreement Condition No. 2.6.

**Ministry of Natural Resources**

The Ministry of Natural Resources has identified that shoreline protection will require a work permit and that all building setbacks shall be taken from the natural shoreline, as well as identifying that no groynes will be permitted. These comments have been
addressed through the standard zoning provisions for the shoreline and through Special Condition No. 8 of Appendix “E”.

Public Consultation

In accordance with the Public Participation Policy approved by Council, this application was pre-circulated to all property owners (a total of 21) within 120 metres of the subject lands. In addition, a Public Notice sign was placed on the subject lands. To date, staff has received 2 responses from the public (see Appendix “F”), which have been addressed in the Analysis/Rationale Section of this Report. Notice of the Public Meeting was provided 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
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

:TH

Attachs. (6)
Location Map

Subject Property: 38, 42, 56 Copes Lane, Stoney Creek

- **Block 1**: Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R2-64" Zone in By-law No. 3692-92.
- **Block 2**: Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R2-66" Zone in By-law No. 3692-92.
- **Block 3**: Change in Zoning from the Rural Residential "RR" Zone and the Single Residential "R2-50" Zone to the Single Residential "R2-57" Zone in By-law No. 3692-92.
- **Block 4**: Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R2-68" Zone in By-law No. 3692-92.
- **Block 5**: Change in Zoning from the Rural Residential "RR" Zone to the Conservation/Hazard Land (P5) Zone in By-law No. 05-200.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 38, 42, and 56 Copes Lane

WHEREAS the City of Hamilton Act. 1999, Statutes 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 Stoney Creek" 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 of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section _____ of Report 07-_____ of the Economic Development & Planning Committee at its meeting held on the ______ day of ______, 2007, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 2 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:

   (a) by changing the zoning from the Rural Residential “RR” Zone to the Single Residential “R2-54” Zone, the lands comprising “Block 1”;

   (b) by changing the zoning from the Rural Residential “RR” Zone to the Single Residential “R2-56” Zone, the lands comprising “Block 2”;
(c) by changing the zoning from the Rural Residential “RR” Zone and the Single Residential “R2-50” Zone to the Single Residential “R2-57” Zone, the lands comprising “Block 3”;

(d) by changing the zoning from the Rural Residential “RR” Zone to the Single Residential “R2-58” Zone, the lands comprising “Block 4”;

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

2. That Subsection 6.3.7, “Special Exemptions”, of Section 6.3 Single Residential “R2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “R2-54”, as follows:

“R2-54  38, 42, and 56 Copes Lanes, Schedule “A”, Map No. 2

Notwithstanding the provisions of paragraphs (b), (c) and (g) of Subsection 6.3.3 of the Single Residential “R2” Zone, on those lands zoned “R2-54” by this By-law, the following shall apply:

(b) Minimum Lot Frontage: 19.5 metres;

(c) Minimum Front Yard: 4.5 metres, except 5.8 metres to an attached garage or carport where the garage door or entrance to a carport faces a street;

(g) Maximum Lot Coverage: 45 percent for two-storey dwellings and 50 percent for one-storey dwellings.

In addition to the provisions of Section 6.3.3 (d) of the Single Residential “R2” Zone, on those lands zoned “R2-54” by this by-law, no part of any second floor elevation or higher shall be located closer than 2.0 metres to a Rural Residential “RR” Zone.

Notwithstanding the provision of Section 4.13.1 “Special Setbacks – Daylight Triangles”, and paragraph (d) of Section 4.19.1 “Yard Encroachments – General Application” on those lands zoned “R2-54” by this By-law, the following shall apply:

Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2.0 metres for a building and 1.5 metres for balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same. Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may NOT project into any
required front yard. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard."

3. That Subsection 6.3.7, “Special Exemptions”, of Section 6.3 Single Residential “R2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “R2-56”, as follows:

“R2-56 38, 42, and 56 Copes Lanes, Schedule “A”, Map No. 2

Notwithstanding the provisions of paragraphs (b), (c) and (g) of Subsection 6.3.3 of the Single Residential “R2” Zone, on those lands zoned “R2-56” by this By-law, the following shall apply:

(b) Minimum Lot Frontage: 22.8 metres;
(c) Minimum Front Yard: 4.5 metres, except 5.8 metres to an attached garage or carport where the garage door or entrance to a carport faces a street;
(g) Maximum Lot Coverage: 45 percent for two-storey dwellings and 50 percent for one-storey dwellings.

In addition to the provisions of Section 6.3.3 (d) of the Single Residential “R2” Zone, on those lands zoned “R2-56” by this by-law, no part of any second floor elevation or higher shall be located closer than 2.0 metres to a Rural Residential “RR” Zone.

Notwithstanding the provision of Section 4.13.1 “Special Setbacks – Daylight Triangles”, and paragraph (d) of Section 4.19.1 “Yard Encroachments – General Application” on those lands zoned “R2-56” by this By-law, the following shall apply:

Any lot located at the intersection of two or more roads will require a minimum yard to the hypotenuse of the daylight triangle of 2.0 metres for a building and 1.5 metres for balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same. Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may NOT project into any required front yard. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard."
4. That Subsection 6.3.7, “Special Exemptions”, of Section 6.3 Single Residential “R2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “R2-57”, as follows:

“R2-57  38, 42, and 56 Copes Lanes, Schedule “A”, Map No. 2

Notwithstanding the provisions of paragraphs (b), (c) and (g) of Subsection 6.3.3 of the Single Residential “R2” Zone, on those lands zoned “R2-57” by this By-law, the following shall apply:

(b) Minimum Lot Frontage: 15.0 metres;  
(c) Minimum Front Yard: 4.5 metres, except 5.8 metres to an attached garage or carport where the garage door or entrance to a carport faces a street;  
(g) Maximum Lot Coverage: 45 percent for two-storey dwellings and 50 percent for one-storey dwellings.

Notwithstanding the provision of paragraph (d) of Section 4.19.1 “Yard Encroachments – General Application” on those lands zoned “R2-57” by this By-law, the following shall apply:

(d) Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may NOT project into any required front yard. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard. “

5. That Subsection 6.3.7, “Special Exemptions”, of Section 6.3 Single Residential “R2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “R2-58”, as follows:

“R2-58  38, 42, and 56 Copes Lanes, Schedule “A”, Map No. 2

Notwithstanding the provisions of paragraphs (b), (c) and (g) of Subsection 6.3.3 of the Single Residential “R2” Zone, on those lands zoned “R2-58” by this By-law, the following shall apply:

(b) Minimum Lot Frontage: 21.0 metres;
(c) Minimum Front Yard: 4.5 metres, except 5.8 metres to an attached garage or carport where the garage door or entrance to a carport faces a street;

(g) Maximum Lot Coverage: 45 percent for two-storey dwellings and 50 percent for one-storey dwellings.

In addition to the provisions of Section 6.3.3 (d) of the Single Residential “R2” Zone, on those lands zoned “R2-58” by this by-law, no part of any second floor elevation or higher shall be located closer than 2.0 metres from a Rural Residential “RR” Zone.

Notwithstanding the provision of paragraph (d) of Section 4.19.1 “Yard Encroachments – General Application” on those lands zoned “R2-58” by this By-law, the following shall apply:

(d) Balconies, canopies, unenclosed porches and decks, including a cold cellar underneath same, may NOT project into any required front yard. Balconies, canopies, unenclosed porches and decks may project into any required rear yard not more than 4 metres. Notwithstanding the foregoing, any deck or patio which is less than 0.3 metres in height may be located in any required yard.

6. No building or structure shall be erected, altered, extended or enlarged, or shall any building or structure or part thereof be used, or shall any land be used, except in accordance with the Single Residential “R2” Zone provisions, subject to the special requirements referred to in Sections 2, 3, 4 and 5.

7. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this day of , 2007.

FRED EISENBERGER
MAYOR

KEVIN C. CHRISTENSON
CLERK

ZAC-06-104
Schedule "A"
Map Forming Part of By-Law No. 07-____
to Amend By-law No. 3692-92

This is Schedule "A" to By-Law No. 07-
Passed the .......... day of ...................., 2007

Clerk
Mayor

Subject Property 38, 42 and 56 Copes Lane, Stoney Creek

Block 1: Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R2-54" Zone.

Block 2: Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R2-66" Zone.

Block 3: Change in Zoning from the Rural Residential "RR" Zone and the Single Residential "R2-50" Zone to the Single Residential "R2-67" Zone.

Block 4: Change in Zoning from the Rural Residential "RR" Zone to the Single Residential "R2-68" Zone.

Block 5: Refer to By-law No. 05-200.

Scale: N.T.S.
File Name/Number: ZAC-06-104, 25T-200620
Date: Sept 5, 2007
Planner/Technician: TH/KA

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
CITY OF HAMILTON

BY-LAW No. 

To Amend Zoning By-law No. 05-200,

56 Copes Lane (Stoney Creek)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report of the Economic Development and Planning Committee at its meeting held on the day of , 2007, recommended that Zoning By-law No. 05-200, be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No.'s. 1150 and 1151 of Schedule “A” to Zoning By-law No. 05-200, are amended by incorporating additional Conservation/Hazard Land (P5) Zone boundaries for the applicable lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;

2. 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 [yellow] day of [yellow], 2007.

______________________________  ________________________________
Fred Eisenberger               Kevin C. Christenson
Mayor                          City Clerk

ZAC-06-104
Schedule "A"
Map Forming Part of By-Law No. 07-____
to Amend By-law No. 05-200

56 Copes Lane, Stoney Creek
Change in Zoning from the Rural Residential "RR"
Zone to the Conservation/Hazard Land (P5) Zone
in By-law No. 05-200.
1. That the owner agree that prior to the registration of the draft plan of subdivision, that Urban Design/Architectural Guidelines be approved for the draft plan and included as an Appendix to the Subdivision Agreement, to the satisfaction of the Director of Planning.

2. That the owner agrees to retain a qualified Urban Designer/Architect, to administer architectural development standards for those lots subject to architectural control prior to the issuance of building permits to the satisfaction of the Director of Planning. Furthermore, the owner agree to adhere to those lots identified in the Urban Design/Architectural Guidelines and submit building plans for the lots to the City’s Urban Designer/Architect for review and approval prior to the issuance of a building permit.

3. That the owner agree that any existing septic tank be pumped out by a licensed contractor, collapsed and/or refilled with suitable material to prevent it from caving in, to the satisfaction of the Medical Officer of Health, Public Health Services, City of Hamilton.

4. That the owner agree that any existing abandoned water wells are plugged in accordance with Ontario Regulation 903/90 under the Ontario Water Resource Act. (Environment Ontario’s Fact Sheet entitled: “Water Wells and Groundwater Supplies Recommended Methods of Plugging Water Wells” are available from the Ministry of Environment) to the satisfaction of the Medical Officer of Health, Public Health Services, City of Hamilton.

5. That the owner, at their expense, place adequate signage on site based on Hamilton-Wentworth District School Board specifications advising that “Students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board’s Transportation Policy.”

6. That the owner include, in all agreements of purchase and sale, notice to purchasers advising that “Students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board Transportation Policy.”

7. That the owner agree that any rental or lease agreement required for occupancy include, in all agreements to renters or lessears, a clause advising that “Students from this development are likely to be redirected
to schools outside of the area with available capacity and that students may be transported as governed by the Board Transportation Policy.”

8. That the Subdivision Agreement include a clause and identify on the grading plan(s) that a permit is required from the Hamilton Conservation Authority under its Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04 prior to the commencement of any grading or construction activities on Blocks 15 and 16.

9. That the owner agrees to submit a plan, prepared by a qualified professional engineer in accordance with the “Erosion & Sediment Control Guidelines for Urban Construction December 2006” manual, showing the design and location of siltation and erosion control devices on the lands of the draft plan, to the satisfaction of the Director of Development Engineering and the Hamilton Conservation Authority.

10. That the final plan of subdivision not be registered until sanitary sewers, storm sewers, watermains and road access are available to service the lands of the draft plan; to the satisfaction of the Director of Development Engineering.

11. That the owner agree to remove all dead or diseased trees within the City’s road allowance as required by reconstruction on existing streets and pay all costs for replacement of such street trees to the satisfaction of the Director of Development Engineering.

12. That the owner agree to prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns to the satisfaction of the Director of Development Engineering.

13. That 4.5 metre x 4.5 metre daylight triangle be established on the final plan of subdivision at the intersection of Aquamarine Drive and Copes Lane to the satisfaction of the Director of Development Engineering.

14. That 4.5 metre x 4.5 metre daylight triangle be established on the final plan of subdivision at the “L” shaped bends on Aquamarine Drive to the satisfaction of the Director of Development Engineering.

15. That the owner agrees, at their expense, to construct a temporary turning circle with minimum asphalt radius R=13.0m, minimum outside radius R=18.0 at the west limits of Aquamarine Drive.
16. That the owner agrees to pay their proportionate share of the actual cost for the existing sewers, watermains and roads on Copes Lane adjacent to Lots 1 to 4 inclusive of the draft plan, to the satisfaction of the Director of Development Engineering.

17. That the owner agrees, in writing, to secure their proportionate share of the estimated cost of future sewers, watermains and roads on Copes Lane adjacent to Block 18 inclusive of the draft plan, to the satisfaction of the Director of Development Engineering.

18. That the owner agrees that Block 18 be declared unsuitable for building until Copes Lane is extended westerly to the satisfaction of the Director of Development Engineering.

19. That the owner agrees to install 1.5m sidewalks in accordance with City policy on the south and west sides of Aquamarine Drive to the satisfaction of the Director of Development Engineering.

20. That the owner agrees that all costs associated with the abandonment, removal, relocation and associated restoration of the existing storm sewer and maintenance easement located in Lot 13 and Block 14 will be at the expense of the owner, to the satisfaction of the Director of Development Engineering.

21. That the owner agrees to provide an easement within Block 15 for purposes of a maintenance access to the open channel to the satisfaction of the Director of Development Engineering.

22. That Block 14 be dedicated to the City of Hamilton for the purposes of stormwater management, to the satisfaction of the Director of Development Engineering.

23. That the owner agrees that a temporary watermain be established, at the owner's expense, within an easement along the west side of Lots 10 and Block 18 to provide for watermain looping purposes to the satisfaction of the Director of Development Engineering.

24. That the owner agrees to identify and implement all necessary Stormwater Quality Control measures all to the satisfaction of the Director of Development Engineering and the Hamilton Conservation Authority.

25. That the owner agrees to undertake and submit a Cultural Heritage Assessment to identify and document all built and cultural heritage landscape features. The Cultural Heritage Assessment should include historical research and a written description of all structures and cultural
landscape features, including photographic documentation, in a report prepared by an appropriately qualified professional to the satisfaction of the Manager of Community Planning and Design.

26. That the owner agree to conserve and protect those features of cultural heritage value or significance as part of the subdivision agreement, to the satisfaction of the Manager of Community Planning and Design.

27. That the owner agree to indicate the driveway location for Lot 4 on the engineering drawings, all to the satisfaction of the Manager of Traffic Engineering & Operations and the Director of Development Engineering.

28. That the owner agree to submit a Landscaping Plan prepared by a certified Landscape Architect (OALA) to the satisfaction of the Manager of Community Planning and Design, which outlines the following areas of replanting:

   a) Overall, within the proposed lots 1 to 13 and Block 18, planting large caliper (50mm minimum) trees to increase the canopy cover over time.

   b) Preservation and protection of remaining blocks of natural habitat and trees in good condition (as determined by an arborist) as well as the identification of extensive replacement and/or enhancement plantings in relation to potential building envelopes with views to the Lake within Blocks 15 and 16. This will include the arborist conducting treatments on damaged trees where deemed appropriate to increase their chance of survival.

29. That the owner agree to hire a certified arborist to monitor the entire site over the next 3 years and replace any trees that die, to the satisfaction of the Manager of Community Planning and Design.
February 22, 2007

City of Hamilton
Planning & economic Development Department
Development & Real Estate Division (East)
Attention: Mr. Trevor Horzelenberg, Planner
City Hall, 71 Main Street West, 6th Floor
Hamilton, Ontario
L8P 4Y5

Dear Mr. Horzelenberg:

Re: File 25T-200620/zac-06-14
“Copes Court”

I have a number of concerns regarding the “Copes Court” development and would very much like to receive the staff report prior to the public meeting.

My first concern is to do with the cul de sac at the end of Aquamarine Drive. I would like more information as to what will actually be included as a buffer between my property line and the end of the road. The plan I have shows it ending right at my property line. As this is in the middle of my property, depth wise, I am very concerned with the light pollution the cars heading west on Aquamarine Drive will cause. You mentioned there should be a 5m spacing from the asphalt to my property line. I would like to see some barrier or planting as a buffer to protect me from any light trespass.

My second concern, which would also impacts light trespass, is the elevation of the road and the houses via the established elevation including my driveway and buildings. This is also my concern for the future extension of Copes Lane to Jones Road. While Jones Road is below the elevation of the old Cope Lane access road I noticed that new Copes Lane to the east of my property looks to be 2 to 3 feet higher than the old Copes Lane. I would like some assurance that the elevation of the new Copes Court and especially Aquamarine Drive as well as the extension of Copes Lane to Jones Road will not make my property look to be a “hole”. As well aesthetics it could have a major effect on water drainage. I’d very much like to know what the actual elevation differences would be?

My last concern is the location of any sidewalks and parking, mainly along Cope Lane. During earlier hearings approving the new subdivision to the south of “Copes court” I was assured the sidewalk on Copes Lane would be located on the south side of Copes Lane. As I stated then, my concern was what would happen when Copes Lane was
extended to Jones road. I felt the sidewalk should be located to the southside with the higher density of houses and thus higher usage. I am sure people would be able to make better use of it on that side and would be safer.

This is also true with the parking, as I own almost 500ft of frontage along the north side of Copes Lane and will not require any street parking, I feel it would also be best served to have the parking where the most houses will be located as well as safer access to the sidewalk. Having to cross the street to their homes would also be a safety concern.

If these above “minor” issues can be resolved I have no objection to the proposed development of Copes Court.

I will look forward to receiving your staff report, hopefully addressing these issues to my satisfaction.

Yours very truly,

Michael S. Schwenger
Property owner 30, 34, 8 & 16 Copes Lane
Horzelenberg, Trevor

From: Anthony G. DiCenzo | Sent: Wednesday, March 14, 2007 3:59 PM
To: Horzelenberg, Trevor
Co: 
Subject: File No. 25T-200620/ZAC-06-104
Importance: High

Please be advised that I act on behalf of DiCenzo Construction Company Limited, the owner of the lands abutting the parcel which is the subject of the above-noted application.

I am in receipt of a copy of your letter dated February 14, 2007, pertaining to the application. The proposed draft plan of the applicant attached thereto shows a temporary turning circle to be constructed on my client's lands. I have met with the applicant and, while all parties have the common goal of moving forward co-operatively in the establishment of the turning circle on my client's lands, no formal or final agreement has been reached in such regard. The applicant's engineering consultant is presently reviewing certain servicing constraints which may have an impact on the location of the turning circle, which is the first step in such an agreement being put into place. I would accordingly ask that your file reflect that the proposed plan attached to your letter, and future notices/approvals referencing same, should not be construed as binding upon, or consented to by, my client vis à vis the location of the turning circle.

Kindly acknowledge your receipt of this correspondence by response e-mail. Please further ensure that I am provided with a copy of the staff report, and the date of the Public Meeting addressing same, at this e-mail address or alternatively at 1070 Stone Church Road East, Unit 41, Hamilton, Ontario, L8W 3K8.

Thank you.

Anthony G. DiCenzo.

__________________________________________
Anthony DiCenzo
DiCenzo & Associates
Professional Corporation