SUBJECT: Application for Approval of a Draft Plan of Subdivision, "Marina Point on Baseline", for Lands Located at 1306, 1326 and 1340 Baseline Road, East of Winona Road, in the Former City of Stoney Creek (PED06172) (Ward 11)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200315, by A. DeSantis DeVelopments Ltd. (Tony DeSantis), owners, to establish a draft plan of subdivision, known as “Marina Point on Baseline,” on lands located on Part of Lot 3, Concession 1 (Stoney Creek), as shown on Appendix “B” to Report PED06172, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06172, and the following:

(i) Acknowledgement that the City agrees to pay from the Development Charge Reserve urbanization costs across the City's park frontage along Baseline Road based on the road urbanization cost; and,

(ii) That payment of Cash-in-Lieu of parkland be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the blocks within the plan of subdivision. The payment will be based on the value of the lands on the day prior to the day of the issuance of each building permit;

all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council.
EXECUTIVE SUMMARY:

A. DeSantis DeVelopments Ltd. has submitted an application for approval of a draft plan of subdivision, referred to as “Marina Point on Baseline,” for the creation of 28 lots for single detached dwellings, and a townhouse block consisting of approximately 73 units, in the Winona North Neighbourhood in Stoney Creek.

The Department supports the proposed amendments as they are consistent with good planning principles and are appropriate for the development of the land. The proposed development is also considered to be consistent with, and complementary to, the existing and planned development in the Winona North and Fifty Point Neighbourhoods.

BACKGROUND:

History

When the Stoney Creek Official Plan was adopted by Stoney Creek Council and approved by the Minister of Municipal Affairs and Housing in 1986, the subject lands were designated “Highway Commercial.” The Winona North Neighbourhood Plan was adopted by Stoney Creek Council on September 23, 1986. Similarly, the subject lands were identified as “Highway Commercial.” The Neighbourhood Plan also identified a Neighbourhood Collector Road, the extension of East Street from Baseline Road to the North Service Road, running through the western portion of the subject lands.

OPA 03-21 and ZAC-03-71

On October 29, 2003, Council passed By-law No. 03-307 to adopt Amendment No. 104 to the City of Stoney Creek Official Plan to redesignate the subject lands from “Highway Commercial” to “Low Density Residential” and “Medium Density Residential”. In addition, By-law No. 03-308 was passed to amend Stoney Creek Zoning By-law No. 3692-92 to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Single Residential “R3” Zone and Multiple Residential “RM3” Zone.
Proposal

The proposed draft plan of subdivision is referred to as “Marina Point on Baseline”, and consists of 28 lots for single detached dwellings with a minimum frontage of 12 metres, and a block for approximately 73 townhouse units with associated parking and amenity areas (see Appendix “B”).

Applicant:  A. DeSantis DeVelopments Limited

Agent:  A.J. Clarke and Associates Limited

Location:  1306, 1326 and 1340 Baseline Road, east of Winona Road, in the North Winona Neighbourhood (Stoney Creek) (See Appendix “A”)

Property Size:  Area: 3.93ha (9.7 acres)
Frontage: 413 metres (1,355 feet) on Baseline Road and 440 metres (1,444 feet) on North Service Road

Existing Land Use and Zoning:

<table>
<thead>
<tr>
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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Subject Land</td>
<td>Vacant</td>
<td>Single Residential “R3” and Multiple Residential “RM3” Zones</td>
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<tr>
<td>North</td>
<td>Residential</td>
<td>Single Residential “R1”, “R2” and “R2-41” Zones</td>
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<tr>
<td>West</td>
<td>Vacant</td>
<td>Neighbourhood Development “ND” Zone</td>
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<td>South</td>
<td>North Service Road/QEW, Stop 50 Truck Shop/Motel and vacant</td>
<td>Neighbourhood Development “ND”, Highway Commercial “HC”, and Agricultural Specialty “AS” Zones</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
<td>Major Institutional (Holding) “I(H)” 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 with the “Urban Area” designation of the Hamilton-Wentworth Official Plan.

   (iii) It conforms with and implements the “Residential” designation of the City of Stoney Creek Official Plan.
SUBJECT: Application for Approval of a Draft Plan of Subdivision, "Marina Point on Baseline", for Lands Located at 1306, 1326 and 1340 Baseline Road, East of Winona Road, in the Former City of Stoney Creek (PED06172) (Ward 11) - Page 4 of 9

(iv) It conforms with and implements the “Low Density Residential” and “Medium Density Residential” designations of the Urban Lakeshore Area Secondary Plan.

(v) The proposed lots for single detached dwellings comply with the Single Residential “R3” Zone, and are compatible with existing and planned residential development in the surrounding neighbourhood. The proposed block for townhouse units complies with the Multiple Residential “RM3” Zone.

2. The proposed lots for single detached dwellings and the townhouse block all have frontage on an existing municipal road and, as such, no new roads are required to be constructed as part of the proposed draft plan of subdivision. However, the applicant will be required to contribute to the costs of the urbanization of Baseline Road (Development Engineering Condition No. 5).

3. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “C”, including several of the City’s standard conditions of approval. Several special conditions will also apply, including construction a storm sewer on Baseline Road to accommodate the proposed development and the surrounding lands (Development Engineering Condition No. 8). Other conditions have already been referenced in the report or are referenced in the discussion of departmental/agency comments.

4. In accordance with the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the application is subject to a parkland dedication, or a Cash-in-Lieu of parkland dedication payment. The application would be subject to a dedication of five percent (5%) of the total land area of the subject property. However, given that the subject lands are not designated for a future park, the City does not require the inclusion of a land dedication from the draft plan of subdivision.

Therefore, in accordance with City By-laws, a cash payment to the City of Hamilton, in-lieu of the conveyance of the land, will be required prior to the issuance of each building permit for the lots within the plan. The City’s Parkland Dedication Policies include a phase-in provision for Cash-in-Lieu of parkland requirements for residential plans of subdivision. A Cash-in-Lieu payment of four percent (4%) of the land value is required until December 31, 2006, and from January 1, 2007 and onward, a payment of five percent (5%) of the land value is required. The payment will be based on the value of the lands on the day prior to the day of the issuance of each building permit.
ALTERNATIVES FOR CONSIDERATION:

If the application is not approved, the lands could not be developed in accordance with the approved zoning for the subject lands.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: Urbanization costs across the City's park frontage along Baseline Road based on the road urbanization cost, funded from the Development Charge Reserve.

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 Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities “shall have regard to” policy statements under the Act. (Note: application falls under Transition Provisions of Bill 26).

Staff concludes that the proposed amendments conform with the principles and policies of the PPS.

Hamilton-Wentworth Official Plan:

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 states that a wide range of urban uses, based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately ninety-six per cent (96%) of new residential housing units in the Region to the year 2020. As the nature of the application is to permit a residential plan of subdivision on full municipal services, the proposal conforms to the policies of the Hamilton-Wentworth Official Plan.
City of Stoney Creek Official Plan – Lakeshore Secondary Plan

The subject lands are designated as “Low Density Residential” and “Medium Density Residential” on Schedule “A4”, Secondary Plan – Urban Lakeshore Area in the Stoney Creek Official Plan. The proposed subdivision conforms with these designations.

Winona North Neighbourhood Plan

The Winona North Neighbourhood Plan was approved by Council on September 23, 1986, and updated on March 19, 1996. Neighbourhood Plans are intended to be a general guide plan for the development and redevelopment of urban neighbourhoods, and reflect Council’s intention regarding ultimate development, however, they do not form part of the Stoney Creek Official Plan.

The subject property is identified as “Highway Commercial.” In addition, a Neighbourhood Collector Road is also identified on the subject property. A Council resolution is required to amend the Neighbourhood Plan to reflect the proposed changes to the Official Plan and Secondary Plan. While staff supported the proposed land use changes through the Official Plan Amendment application, the need for the Neighbourhood Collector Road had to be addressed further at the draft plan approval stage. As a result, the resolution to amend the Neighbourhood Plan was not included in the staff report on the applications to amend the Official Plan and Zoning By-law, and is now included in this report.

Stoney Creek By-law Zoning No. 3692-92

The subject lands are zoned Single Residential “R3” Zone and Multiple Residential “RM3” Zone in By-law No. 3692-92.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Public Health & Community Services Department, Culture and Recreation Division
- Public Works Department, Operations and Maintenance Division, Forestry Section

**Corporate Services Department, Budgets Section**, request that the following condition be included:

“That the applicant pay the required sewer rate for the Baseline Municipal Act Project, By-law 01-116 to the Budgets, Taxation & Policy Section of the Corporate Services Department, City Hall” (Included as Development Planning Standard Condition No. 19).
Public Works Department, Traffic Engineering and Operations Section has advised that the applicant has proposed to eliminate the East Street extension between Baseline Road and the North Service Road as contained in the Winona North Neighbourhood Plan. In this regard, staff has reviewed the number of new trips generated by this development and it appears that the additional volumes will not have a serious impact on Baseline Road should the East Street extension be eliminated. The applicant must submit an engineering report on Lot 28 to confirm sightlines for motorists turning from Baseline Road to the North Service Road once Lot 28 has been developed including location of fences and other permitted structures. No access to the North Service Road will be granted from Lot 28. Driveway access to Baseline Road for lot 28 must be located along the westerly lot line. We approve of the location of the accesses in principle, but the applicant should be advised that an application must be made to the Public Works for a Driveway Approach Approval, the detailed design of which will be prepared by this Department. A copy of the approved plan must be submitted. These plans should accurately indicate the location of the existing curbs and all street fixtures which may affect driveway location i.e. poles, fire hydrants, trees etc. (Public Works Department (Traffic Engineering and Operations Section) Condition No. 16).

Public Health and Community Services Department, Health Protection Branch has no objections to the draft plan of subdivision application, provided any existing or proposed dwellings(s) constructed on the lots are properly connected to the available municipal sewers and water supply. Any existing water wells on the subject lands must be abandoned according to MOE Guidelines, and any existing septic tanks must be emptied by a licensed sewage hauler, then filled to prevent collapse (Included as Social and Public Heath Services Department Standard Condition No.’s 1 to 3).

Hamilton Street Railway advises that it supports walkways on both sides of all streets to and from this development to Baseline Road, that public transit service is presently provided by Trans-Cab from the HSR fixed route transfer point at Stoney Creek Municipal Service Centre on Jones Road, with no Sunday or Holiday service provided at present, and development densities and the desire of the municipality to continue to levy transit taxes will determine whether this area eventually receives fixed route bus service.

Hamilton Conservation Authority has recommended approval of the application subject to preparation and implementation of an Erosion and Sediment Control Plan (Hamilton Conservation Authority Standard Condition No. 1). The Preliminary Stormwater Management Report for Marina Point on Baseline, prepared by A.J. Clarke and Associates Ltd., dated May 2004, was submitted to the Authority on May 20, 2004, for review. A follow-up letter dated May 12, 2005, was provided to address concerns in the Authority’s letter dated June 16, 2004. While the Authority is now in a position to provide Draft Plan Conditions, the Authority still has some concerns and questions regarding the proposed stormwater management for the site. As a result, Hamilton Conservation Authority Standard Condition No. 2 is included. The applicants must also
prepare and implement a Lot Grading Plan (Hamilton Conservation Authority Condition No. 17).

Ministry of Transportation advise that the Ministry requires any new buildings above and below ground (including detention ponds) to be setback a minimum distance of 14 metres from the North Service Road. The owner must be made aware that Ministry permits are required for all buildings located within 46 metres from the North Service Road property line and a radius of 396 metres from the centrepoint of the QEW and Winona Road prior to any construction being undertaken. As a Draft Plan approval condition, we will require a copy of a site grading and servicing plan, and a drainage report indicating the intended treatment of the calculated runoff and its impact on Ministry highway infrastructure to be submitted for Ministry review and approval (Included as Ministry of Transportation Standard Condition No. 1 and Condition No. 18).

Bell Canada has advised that adequate telecommunication facilities exist within the area, therefore, Bell Canada does not require any easement or lease. The following paragraph(s) are to be included as conditions of draft plan approval:

“1. The Owner shall be requested to enter into an agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the municipality, and if no such conditions are imposed, the owner shall advise the municipality of the arrangement made for such servicing (Included as Bell Canada Standard Condition No. 1).

Public Consultation

As per Council’s policy on Public Participation, no public consultation was undertaken by the Department for the subject subdivision application since the applicant held an Information Open House for the applications to amend the Official Plan and Zoning By-law in 2003. This Open House was advertised (notices hand-delivered) to all homes within a distance of approximately 200 metres from the subject lands, and included a copy of the proposed draft plan of subdivision. The application for the approval of the Draft Plan of Subdivision was submitted with the Official Plan Amendment and Zoning By-law Amendment applications, and it has not changed. All the issues that were raised at the Open House were addressed in the initial staff report on the Official Plan and Zoning By-law Amendment Applications. In addition, a Public Notice sign was erected on the property in July 2005, and Notice of the Public Meeting has been given in accordance with the provisions of the Planning Act.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☒ Yes ☐ No
Shelter, care and satisfying employment are accessible to all Hamiltonians. Higher density housing units are being provided along with single detached dwellings.

Environmental Well-Being is enhanced. ☒ Yes ☐ No
Human health and safety are protected. Noise attenuation measures will be included to protect future residents from noise from the Queen Elizabeth Way.

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

:PJD
Attachments. (3)
Location Map

File Name/Number: 25T-200315
Date: May 9, 2006
Appendix "A"
Scale: N.T.S.
Planner/Technician: PD/NB

Subject Property
1306, 1326 and 1340 Baseline Road, Stoney Creek
“Marina Point on Baseline” 25T-200315 – Conditions of Draft Approval

1. That this approval apply to “Marina Point on Baseline”, dated August 12, 2003, prepared by A.J. Clarke & Associates Ltd. and certified by B.J. Clarke, O.L.S., as shown on Appendix “B” to Report PED06172, showing 28 lots for single detached dwellings (Lots 1 to 28), and one block for block townhouses (Block 29).

2. That the following standard conditions from Appendix “A” Report PD01184 – Streamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process apply:
   
   (a) Development Engineering Condition No.’s 1 to 3, 7, 11, 12, 14 to 17, 21 to 27, 29 and 33;
   
   (b) Development Planning Condition No.’s 3 to 5, 8 to 10, 12, 13, 17 to 21;
   
   (c) Social and Public Heath Services Department Condition No.’s 1 to 3;
   
   (d) Bell Canada Condition No. 1;
   
   (e) Ministry of Transportation Condition No. 1; and,
   
   (f) Hamilton Conservation Authority Condition No.’s 1 and 2.

Development Engineering

3. 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.

4. That the owner pays to the City the owner’s proportionate share of the cost of existing sewers and water main on Baseline Road.

5. That the Owner agrees to urbanize Baseline Road from the North Service Road to Winona Road, to the satisfaction of the Manager of Development Engineering.

6. That the owner shall submit a detailed Storm Water Management report in accordance with current/ applicable Storm Water Management Guidelines to the satisfaction of the Manager of Development Engineering and all other appropriate agencies. In the event lands are required for a
stormwater facility, the owner agrees to convey such lands to the City of Hamilton.

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 and watermain 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 agrees to construct a storm sewer on Baseline Road to accommodate the proposed development and the surrounding lands, to the satisfaction of the Manager of Development Engineering.

9. That the owner, through a soil consultant or other qualified consultant, shall: check existing wells which provide potable water supply to other properties located within a reasonable distance of the subject lands to establish the existing depth of water within wells prior to the commencement of construction; monitor these wells during construction; and check wells for a period of one year after the completion of construction. If any problems arise, they must be appropriately addressed by the owner to the satisfaction of the Manager of Development Engineering.

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

11. That the owner shall construct noise control measures, at the owner’s expense, as recommended in the approved Noise Impact Study, to the satisfaction of the Manager, Development Engineering.

12. That the owner will obtain all necessary permits from MTO to construct within the 14.0m minimum building setback from the North Service Road right-of-way.

13. That the owner agrees to convey sufficient lands to the City of Hamilton for the purposes of a storm drainage easement/channel between Lots 16 and 17 as shown on the submitted draft plan, to the satisfaction of the Manager of Development Engineering and the Hamilton Conservation Authority. Furthermore, the Owner agrees to meet the requirements of the MTO related to drainage conveyance and channel width.

14. That the owner ensures that the east and west entrances align centerline to centerline with Creanona Boulevard and East Street respectively, to the satisfaction of the Manager of Development Engineering.
15. That the Owner agrees to construct the accesses to Baseline Road at a minimum width of 10.5m, to the satisfaction of the Traffic Section of the Public Works Department and the Manager of Development Engineering.

Public Works Department (Traffic Engineering and Operations)

16. That the applicant prepare an engineering report for Lot 28 to confirm the sightlines for motorists turning from Baseline Road to the North Service Road, once Lot 28 has been developed, including the location of fences and other permitted structures, to the satisfaction of the Supervisor of Traffic Planning.

Hamilton Conservation Authority

17. That the applicant prepare and implement a lot grading plan to the satisfaction of the Hamilton Conservation Authority.

Ministry of Transportation

18. That the owner shall submit a copy of site grading and servicing plans to the satisfaction of the Ministry of Transportation of Ontario.