SUBJECT: Application for Approval of a Draft Plan of Subdivision “Mountain Garden” and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08292) (Ward 9)

RECOMMENDATION:

(a) That approval be given to Draft Plan of Subdivision Application 25T-200722, by Carriage Gate Homes Inc., Owners, to establish a draft plan of subdivision known as “Mountain Garden”, on lands located within Part of Lot 25, Concession 8 (Saltfleet), in the former City of Stoney Creek, as shown on Appendix “A” to Report PED08292, subject to the following conditions:

(i) That this approval apply to “Mountain Garden”, 25T-200722, prepared by PEIL Ltd. (now IBI Group), and certified by Dan McLaren, O.L.S., dated December 20, 2007, as red-line revised by revision 1, dated September 22, 2008, showing 61 lots (Lots 1-61) for single detached dwellings, 3 street townhouse blocks (Blocks 62-64), 1 group townhouse block (Block 65), the extension of Highgate Drive (Street “C”), and the creation of 2 additional public roads (Streets “A” and “B”), attached as Appendix “C” to Report PED08292, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “D” to Report PED08292;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit for the lots (Lots 1 - 61) within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day
SUBJECT: Application for Approval of a Draft Plan of Subdivision “Mountain Garden” and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08292) (Ward 9) - Page 2 of 19

prior to the day of issuance of each building permit. Payment of Cash-in-Lieu of Parkland for Blocks 62-65 will be calculated in accordance with the City’s Parkland Dedication By-law currently at a rate of 1 hectare for each 300 dwelling units proposed, and shall be based on the value of the lands on the day prior to the issuance of the first building permit;

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

(b) That approval be given to Official Plan Amendment Application OPA-07-032, by Carriage Gate Homes Inc., Owners, for Official Plan Amendment No., to amend Schedule “A3”, Secondary Plan - West Mountain Planning District, Heritage Green from “Elementary School” to “Low Density Residential ” (Block 1) and “Medium Density Residential” (Block 2), and from “Low Density Residential” to “Medium Density Residential” (Block 3) of the Official Plan for the City of Stoney Creek, for the lands located within Part of Lot 25, Concession 8 (Saltfleet), as shown on Appendix “A” to Report PED08292, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “E” to Report PED08292, be adopted by City Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

(c) That approval be given to Zoning Application ZAC-07-106, by Carriage Gate Homes Inc., Owners, for changes in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-35” Zone (Block 1), Single Residential “R4-23” Zone (Blocks 2 and 6), and Multiple Residential “RM2-16” Zone (Blocks 3 and 7); from the Single Residential “R2” Zone to the Single Residential “R4-23” Zone (Block 4); and from the Single Residential “R3” Zone to the Single Residential “R4-23” Zone (Block 5), as shown on Appendix “B” to Report PED08292, on the following basis:

(i) That the draft By-law, attached as Appendix “F” to Report PED08292, 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. 16 of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the City of Stoney Creek upon finalization of Official Plan Amendment No.
EXECUTIVE SUMMARY:

The purpose of these applications is to amend the City of Stoney Creek Official Plan and Zoning By-law, and for approval of a draft plan of subdivision known as “Mountain Garden” (see Appendix “C”), to permit the development of the lands for 61 single detached dwelling lots, 3 street townhouse blocks for approximately 51 dwelling units, 1 group townhouse block for approximately 44 units, the extension of Highgate Drive, and the establishment of 2 additional internal roads.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement, and conform with the Hamilton-Wentworth Official Plan. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area.

BACKGROUND:

History

The subject lands are located on the east side of Highbury Drive, south of an existing park, west of the proposed Highgate Drive extension and Upper Centennial Parkway corridor, in the former City of Stoney Creek, now in the City of Hamilton. The lands are legally described as Part of Lot 25, Concession 8 (Saltfleet), in the former City of Stoney Creek (see Appendix “A”).

The current City of Stoney Creek Official Plan designations that apply to the property were substantially established through the West Mountain - Heritage Green Section secondary planning process, and predominantly designate the southern portion of the lands “Low Density Residential”. The northern half of the property is currently designated “Elementary School”.

(d) That upon finalization of Official Plan Amendment No. ___ and the implementing Zoning By-law, the approved Highland Neighbourhood Plan be amended to reflect the revised designations and road pattern.
Proposal

The applicant has submitted a plan of subdivision application, together with applications to amend the policies and regulations of the City of Stoney Creek Official Plan and Zoning By-law in a manner that will allow the implementation of the proposed plan of subdivision.

Since the submission of the original application in December 2007, and the initial notice of a complete application and precirculation to neighbouring residents on April 7, 2008, the proposal has been revised based on input from planning staff and circulated agencies, as well as to address concerns raised by neighbouring residents at a developer-sponsored Open House held on June 2, 2008 (further discussion concerning agency and neighbourhood input can be found in the section of this report entitled “Relevant Consultation”). The culmination of these revisions has resulted in the development proposal presented in this report. The particulars of each application required to implement the Owner's proposal are found below:

Official Plan Amendment:

This proposal seeks to amend the Official Plan by redesignating the designated “Elementary School” lands to “Low Density Residential” and “Medium Density Residential” (Blocks 1 and 2, respectively, on Appendix “A”), and a “Low Density Residential” block to “Medium Density Residential” (Block 3 on Appendix “A”).

Plan of Subdivision:

The proposed plan of subdivision (see Appendix “C”) is intended to create:

- 61 Single Detached dwelling lots (Lots 1-61);
- 3 Street townhouse blocks for up to 51 dwelling units (Blocks 62-64);
- 1 Group townhouse block for 44 dwelling units (Block 65);
- 1 Future development block (Block 66) for a single detached dwelling; and,
- A 0.3 metre reserve (Block 67).

Access to the proposed development will be via the extension of Highgate Drive (Street “C”), and the creation of two additional internal public roads (Streets “A” and “B”);

Zoning By-law Amendment:

A corresponding application to amend the Stoney Creek Zoning By-law is also required to rezone portions of the lands from Neighbourhood Development “ND” to Single Residential “R4-23” (Blocks 2 and 6 on Appendix “B”), Multiple Residential “RM3-35” (Block 1 on Appendix “B”), and “RM2-16” (Blocks 3 and 7 on Appendix “B”), and from Single Residential “R2” and “R3” to Single Residential “R4-23” (Blocks 4 and 5 on
SUBJECT: Application for Approval of a Draft Plan of Subdivision “Mountain Garden” and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08292) (Ward 9) - Page 5 of 19

Appendix “B”). Each zone will contain site-specific provisions, which are described in greater detail later in this report.

Details of Submitted Applications

Location: Part of Lot 25, Concession 8 (Saltfleet), in the former City of Stoney Creek. (See Appendix “B”)

Owners: Carriage Gate Homes Inc.

Agent: IBI Group (Sergio Manchia)

Property Size: Area: 5.744 hectares
Frontage: 254.42 metres (Highbury Drive)
Depth: varies

Servicing: Full Municipal Servicing

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant</td>
<td>Neighbourhood Development “ND” Zone and Single Residential “R2” and “R3” Zones</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North: Park</td>
<td>Neighbourhood Park (P1) Zone</td>
<td></td>
</tr>
<tr>
<td>West: Existing Residential</td>
<td>Single Residential “R2-19” Zone and Single Residential “R3” Zone</td>
<td></td>
</tr>
<tr>
<td>South: Existing Residential</td>
<td>Single Residential “R3” Zone</td>
<td></td>
</tr>
<tr>
<td>East: Vacant, Cemetery and Commercial Plaza</td>
<td>Community Shopping Centre “SC2-2” Zone, Single Residential “R4-21” Zone and Open Space (P4) Zone</td>
<td></td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. The proposed Official Plan Amendment, changes in zoning, and draft plan of subdivision have merit and can be supported for the following reasons:

   (i) They are consistent with the Provincial Policy Statement, as they represent an opportunity for growth in settlement areas.

   (ii) They conform to the Hamilton-Wentworth Official Plan.

   (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area.

   (iv) The proposed development represents good planning by, among other things, providing a compact urban form.

2. The applicant has applied for an amendment to the Stoney Creek Official Plan to redesignate the portion of the subject lands proposed to include medium density residential uses from “Low Density Residential” and “Elementary School” to “Medium Density Residential” on Schedule “A3”.

   With respect to the redesignation of the elementary school site, Official Plan policy allows for low density residential uses to be permitted on sites that are considered unnecessary by the school boards. As both the Hamilton-Wentworth District School Board and Hamilton-Wentworth Separate School Board have not expressed an objection, the current policy environment will allow those portions of the subject lands to be used for single detached residential purposes without an amendment to the Plan. However, an amendment is required for the large townhouse block and the proposed street townhouse blocks along the extension of Highgate Drive (Blocks 62-64 and 65 on Appendix “C”), as the density proposed is greater than that originally envisioned in the Secondary Plan land use schedule.

   The lands to be redesignated to permit higher density townhouse blocks are located in areas removed from existing lower density residential development, and/or are located in transitional areas abutting the commercially designated lands along Upper Centennial Parkway. In turn, this lot configuration allows for single detached dwellings to be located adjacent to built up areas to the west, and aids in efficiently intensifying residential land uses, while addressing concerns with respect to compatibility adjacent to existing low density residential development. This higher density development also assists in achieving a compact urban form where the residential uses are conveniently located near commercial opportunities to the south and east, as well as recreational/parkland uses to the north.
While the single detached dwelling lots proposed at the north-west portion of the subject lands fronting along Highbury Drive (Lots 1 to 11 on Appendix “C”) would be permitted without amendment to the Plan, staff is recommending this portion also be redesignated from “Institutional” to “Low Density Residential” to reflect the intended use.

Staff supports the proposed changes to the City of Stoney Creek Official Plan.

3. The proposed plan of subdivision will consist of 61 single detached dwelling lots accessed by Highbury Drive and two new internal roads. Group and Street Townhouse blocks will be located along the proposed extension of Highgate Drive and the west side of Street “B”, abutting the commercial lands along Upper Centennial Parkway. The extension of Highgate Drive is proposed to have a right-of-way width of 20 metres, while internal Streets “A” and “B” will have right-of-way widths of 18.0 metres. According to the proponents’ Functional Servicing Report, the lands fronting onto Highbury Drive will be serviced by the existing 250mm sanitary sewer and 400mm watermain within the existing road allowance. New sanitary sewer and watermain infrastructure will be installed in the proposed public roads to service the remainder of the development. The stormwater from the site will be collected and conveyed via the existing stormsewers within Candlewood Drive and Highbury Drive to downstream stormwater management ponds. Development Engineering staff has advised that there is currently system capacity to accommodate the proposed servicing scheme.

Staff has had consideration for the criteria contained in Subsection 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advise that:

(a) It complies with the Provincial Policy Statement.

(b) It is a logical and timely extension of existing development and services, and is in the public interest.

(c) It conforms/will conform with the policies of the Official Plan.

(d) The lands can be appropriately used for the use for which it is to be subdivided.

(e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system.

(f) The dimensions and shape of the lots are appropriate.
(g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval, and Subdivision Agreement.

(h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval, together with proponent-driven, quality-control improvements to the receiving downstream stormwater management pond.

(i) Adequate municipal services are available, the particulars of which will be determined as part of the standard conditions of draft plan approval and Subdivision Agreement.

(j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision.

(k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the plan of subdivision.

(l) Efforts will be made, where possible, during development and thereafter, to efficiently use and conserve energy in that the north-south orientation of the building lots provide an opportunity for passive solar energy gain.

(m) The proposed block townhouses will be subject to Site Plan Control, while the remainder of the proposed subdivision will not.

4. The applicant has requested amendments to the City of Stoney Creek Zoning By-law No. 3692-92 in order to provide development regulations to implement the draft plan of subdivision. The requested amendment includes site-specific regulations for each of the single detached dwelling, block townhouse and street townhouse uses as follows:

**Single Detached Dwellings (Lots 1-61):**

The proposed Single Residential Zone will have the regulations of the “R4” zone with the following site-specific special provisions:
SUBJECT: Application for Approval of a Draft Plan of Subdivision “Mountain Garden” and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08292) (Ward 9)

- Page 9 of 19

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Currently Required</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Area:</td>
<td>310sq.m for interior lots.</td>
<td>304sq.m for interior lots.</td>
</tr>
<tr>
<td></td>
<td>400sq.m for corner lots.</td>
<td>384sq.m for corner lots.</td>
</tr>
<tr>
<td>Minimum Lot Frontage:</td>
<td>13m for corner lots.</td>
<td>12m for corner lots.</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>6m</td>
<td>4.5m to the dwelling.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6.0m to the attached garage.</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>1.25m</td>
<td>1.25m on one side, 0.0m on the other, where there is a Maintenance Easement over the abutting yard. 1.25m on flankage yard of a corner lot.</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td>7.5m</td>
<td>7.0m</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td>40%</td>
<td>55%</td>
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</table>

Block Townhouses (Block 65):

The proposed Block Townhouse Zone will have the regulations of the “RM3” zone with the following site-specific special provisions:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Currently Required</th>
<th>Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Lot Frontage:</td>
<td>50.0m</td>
<td>40.0m</td>
</tr>
<tr>
<td>Minimum Front Yard:</td>
<td>7.5m</td>
<td>4.5m to the dwelling.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>6.0m to the attached garage.</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>6.0m</td>
<td>3.0m</td>
</tr>
<tr>
<td>Minimum Rear Yard abutting Single Detached Dwellings or a Street:</td>
<td>7.5m</td>
<td>6.0m</td>
</tr>
<tr>
<td>Minimum Distance between Buildings on the Same Lot:</td>
<td>15.0m and 3.0m between end walls.</td>
<td>12.0m and 3.0m between end walls.</td>
</tr>
<tr>
<td>Minimum Landscape Open Space:</td>
<td>50% of Lot Area.</td>
<td>37% of Lot Area.</td>
</tr>
<tr>
<td>Location of more than 3 Parking Spaces:</td>
<td>Min. 3m from a dwelling unit.</td>
<td>Min. 2m from a dwelling unit.</td>
</tr>
</tbody>
</table>
Street Townhouses (Blocks 62-64):

The proposed Street Townhouse Zone will have the regulations of the “RM2” zone, with the following site-specific special provisions:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Currently Required</th>
<th>Requested</th>
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<tbody>
<tr>
<td>Minimum Lot Area:</td>
<td>180sq.m for Interior Lots.</td>
<td>114sq.m for Interior Lots.</td>
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<tr>
<td></td>
<td>240sq.m for End Unit Lots.</td>
<td>153sq.m for End Unit Lots.</td>
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<tr>
<td></td>
<td>270sq.m for Corner Lots.</td>
<td>210sq.m for Corner Lots.</td>
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<tr>
<td>Minimum Lot Frontage:</td>
<td>6.0m for Interior Lots.</td>
<td>4.5m for Interior Lots.</td>
</tr>
<tr>
<td></td>
<td>8.0m for End Unit Lots.</td>
<td>6.0m for End Unit Lots.</td>
</tr>
<tr>
<td></td>
<td>9.0m for Corner Lots.</td>
<td>6.0m for Corner Lots.</td>
</tr>
<tr>
<td>Minimum Side Yard:</td>
<td>2.0m for End Unit Lots.</td>
<td>1.5m for End Unit Lots.</td>
</tr>
<tr>
<td></td>
<td>3.0m for Corner Lots.</td>
<td>1.5m for Corner Lots.</td>
</tr>
<tr>
<td>Minimum Rear Yard:</td>
<td>7.5m</td>
<td>6.0m</td>
</tr>
<tr>
<td>Minimum Privacy Area:</td>
<td>36sq.m</td>
<td>27sq.m</td>
</tr>
<tr>
<td>Minimum Landscape Area:</td>
<td>30%</td>
<td>26%, which may include privacy area</td>
</tr>
<tr>
<td>Maximum Lot Coverage:</td>
<td>50%</td>
<td>53%</td>
</tr>
</tbody>
</table>

Staff supports the proposed changes to the Zoning By-law, subject to easements being created over the lots adjacent to the side yards for future maintenance purposes, which is a requirement within the Standard Form Subdivision Agreement (Section 5.11).

5. While the proponent is not proposing to dedicate parkland as part of the proposed development, the proposal is consistent with the West Mountain Planning District policies with respect to parkland dedication. As no parkland is being dedicated, in accordance with the City’s Parkland Dedication and Cash-in-Lie of Parkland By-law, the proposed development is subject to a Cash-in-Lieu of parkland dedication payment.

For the proposed single detached lots (Lots 1-61), the payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit. The density of the proposed townhouse blocks (Blocks 62 to 65) may result in the alternate dedication rate of 1ha per 300 dwelling units if the net density of development is between 20 and 75 dwelling units per hectare, inclusive. As proposed, the highest density based on the
proponent’s proposed unit yield is 32.8 units per net residential hectare, and the resulting land dedication rate is higher than if calculated using the 5% of land area calculation.

At the rate of 5% of the total area, 0.29 hectares of land would be required to be dedicated. At the rate of 1 hectare per 300 dwelling units, 0.52 hectares are required to be dedicated.

The applicant is proposing to establish a number of larger blocks within the subdivision. As the unit count is, therefore, not currently finalized, the final amount of land to base the calculation for the required Cash-in-Lieu of parkland cannot currently be determined. Payment of Cash-in-Lieu of Parkland for Blocks 62 to 65 will be calculated at a rate of 1 hectare for each 300 dwelling units proposed, and shall be based on the value of the lands on the day prior to the issuance of the first building permit. This requirement is included in the Standard Form Subdivision Agreement (Section 1.6).

6. The proponents have undertaken a Phase 1 archaeological assessment of the subject lands, which has identified the potential for archaeological resources to be found on site and require the completion of a Phase 2 assessment. Therefore, no demolition or soil disturbances shall take place on the subject property prior to the approval of the Director of Planning and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements. This requirement is included in the Standard Form Subdivision Agreement (Section 3.4 a ii)).

7. With the recent clarification that the school site is not needed, the revised layout of the subject lands is the result of efforts to achieve the most efficient use of designated residential lands. Due to the alternative use of the school site and change in the road layout, it is not practical to connect the north and south stubs of Highgate Drive. As a result, three existing residential lots immediately southeast of the subject lands at Nos. 169, 173 and 177 Highgate Drive will require address changes to “Candlewood Drive”. The arrangements for reassigning the municipal address for the three lots are found in Special Condition 2 of Appendix “D”, and include the provisions that the developer will pay reasonable costs associated with the street name change.

8. Appendix “D” identifies other special draft plan conditions to address site-specific issues and matters raised by agencies during circulation of the applications, including requiring the installation of fencing, at the expense of the Owner, along the lot lines of Lot 1 and Block 65 that abut the public park located to the immediate north and cemetery to the east (Condition No. 3 of Appendix “D”).

9. Staff received several letters, e-mails, and a petition (see Appendix “G”) in response to the pre-circulation of the application.
Upon review of the various correspondence received from residents, it was evident that concerns fell into three general categories, which included: a) impact on existing neighbourhood character; b) technical issues; and c) process issues. With the understanding that it would be much easier to address these issues at a neighbourhood meeting, rather than at a statutory Public Meeting, arrangements were made between the proponent, the Ward Councillor, and City planning staff to hold a proponent-sponsored Public Open House. The Open House was used as a forum to discuss concerns, and ultimately resulted in 3 residents volunteering to meet further with the proponent to discuss means of dealing with all of the concerns raised.

A subsequent meeting was held between the neighbourhood representatives and the proponent to discuss concerns in more detail. The originally submitted plan has been revised and replaced with the proposed plan that is the subject of this report in an attempt to address neighbours' concerns.

A description of the concerns and staff discussion respecting the concerns is contained below:

a) **Impact on the existing neighbourhood character:**

Residents expressed concern about the impact of the proposed development on the existing neighbourhood character. Of particular concern, was the introduction of additional townhouses facing existing single detached dwelling lots along Highbury Drive. Specific impacts cited included such things as resale value of existing homes, potential nuisance complaints, community morale, and loss of green space.

It was made evident that concerns respecting neighbourhood character centred around the layout of the originally submitted draft plan of subdivision proposal that had proposed street townhouses along Highbury Drive, immediately opposite existing single detached dwellings, together with an entrance to the northerly street townhouse block on the former school site directly onto Highbury Drive. In response, the proponent has redesigned the proposed subdivision so that all residential lots fronting onto Highbury Drive will be single detached dwellings. In addition, the entrances to the proposed townhouse block will be located on the proposed extension to Highgate Drive. As a result, in the area along Highbury Drive, where existing and proposed development meet, there will be a similar streetscape in terms of unit type, lot frontage and setback characteristics.

b) **Technical Issues:**

**Parking:**

Concerns were expressed that inadequate parking may be provided within the proposed townhouse block and that excess parking would spill over onto Highbury Drive. **
Drive, thereby constricting the travelled portion of the road, particularly in winter when more roadway is lost to ploughed snow. In response, staff can advise that the future townhouse block will be subject to Site Plan control, where it will be necessary to demonstrate, among other things, that an adequate number and size of parking spaces is provided on-site so that the parking generated by the development will be self-contained.

**Increased Traffic on Highbury:**

Concerns were expressed that the additional residential unit yield proposed on the subject lands will increase traffic onto Highbury Drive. While staff agrees that an increase in traffic is inevitable, it must be noted that Highbury Drive is designated and constructed as a collector road, wherein planned traffic volumes are based on the understanding that the road is to act as a link between neighbourhood roads and arterial roads such as Rymal Road East or Upper Centennial Parkway. Through a traffic report endorsed by City Traffic Department staff, it has been confirmed that Highbury Drive, with its 26.0m wide right-of-way, can accommodate the level of traffic generated by the proposed development.

**Changing Municipal address at south end of Highgate:**

As noted earlier in the report, with the School Boards no longer requiring the northerly lands for school purposes, the use of the property for residential purposes has resulted in a change in the proposed road layout to orderly and efficiently use the property. As a result, a road name change will be required now that Highgate Drive will not continue in a southerly direction to meet up with the existing stub road. The proponent will be responsible for all reasonable costs incurred by the Owners and the City as a result of the road name and municipal address change (Appendix “D”, Special Condition 2).

**Overextension of Municipal Services:**

Concerns have been expressed that the additional development would result in problems for municipal services as they approach capacity. The proponents have submitted a functional servicing report to support their proposal to demonstrate the feasibility of servicing. Upon review, Development Engineering staff is satisfied that existing infrastructure can support the unit yield proposed on the subject lands.

**Need for more school space:**

Concerns have been expressed that the combination of additional development and redesignation of the school site will result in the need for additional student capacity that cannot be accommodated in existing school facilities. As part of this
proposal, the application was circulated to both the HWDSB and HWSSB, neither of whom expressed concern about the change in land use.

c) **Process:**

**Changing Official Plan designations with expectation that they are fixed:**

Concerns were expressed by a number of residents about how the Official Plan is being changed when there was originally an expectation that the development of the subject land would include single detached dwellings and a new elementary school.

In response, the Planning Act acknowledges that Official Plans may change, and provides a public process to ensure that adequate technical review and public input is undertaken prior to making a decision to amend an Official Plan. With the acknowledgement that the School Boards have not advised of a need for the subject lands for school purposes, changes to the original Plan are inevitable. Planning staff is satisfied that the development application review process, which in this case included additional public consultation above and beyond the minimum statutory requirements of the Planning Act, has resulted in a development proposal that represents good land use planning and is responsive to the issues and concerns raised by the Community.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, the lands could only be developed in accordance with the current policies of the Official Plan, which would permit low density residential development, subject to a Zoning By-law Amendment.

**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 applications for Amendments to the Official Plan and Zoning By-law, and for approval of a Draft Plan of Subdivision.
SUBJECT: Application for Approval of a Draft Plan of Subdivision “Mountain Garden” and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08292) (Ward 9) - Page 15 of 19

POLICIES AFFECTING PROPOSAL:

**Provincial Policy Statement:**

These applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with policies that focus growth in Settlement Areas 1.1.3.1.

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. Where significant archaeological resource must be preserved on site, only development and site alteration which maintains the heritage integrity of the site may be permitted. The applicant has submitted a Stage 1 archaeological assessment for the entire property, which indicated that additional Stage 2 work is required.

Policy 1.7.1 (e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety.

As the nature of the application is for the creation of a draft plan of subdivision for residential purposes, the proposal is consistent with the policies of the Provincial Policy Statement, as conditions with respect to archaeology and noise abatement are addressed in the Standard Form Subdivision Agreement (Section 3.4 a) ii)), and via conditions of draft plan approval (Condition No. 1 of Appendix “D”), respectively.

**Hamilton-Wentworth Official Plan:**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas.

Policy B-9.2 requires that the City consider 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 are to be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection.

Therefore, as the nature of the applications is for amendments to the Official Plan and Zoning By-law to permit the development of a draft plan of subdivision, the proposal
conforms to the Hamilton-Wentworth Official Plan, provided the conditions of draft plan approval are satisfied prior to development.

City of Stoney Creek Official Plan:

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

The applicants are proposing to redesignate the “Elementary School” lands and a portion of the “Low Density Residential” lands to “Medium Density Residential” to permit block and street townhouses. The remainder of the proposed development containing single detached dwellings will remain “Low Density Residential”.

The relevant sections of these designations are found below:

“SUBSECTION A.5 - INSTITUTIONAL

5.2.8 Notwithstanding the policies set out above, in areas designated Institutional and/or Elementary School, residential uses may be permitted without amendment to this Plan, provided they are compatible with the surrounding area and are in keeping with the policies of this Plan.

SUBSECTION A.1 - RESIDENTIAL

1.2.12 The Residential Densities within the respective Residential land use designations identified by the SECONDARY PLANS shall be as follows:

a) LOW DENSITY - approximately 1 to 29 units per Net Residential Hectare. This designation permits predominantly single family detached, duplex and semi-detached dwellings. These types of dwellings are to be generally located at the interior of Residential Neighbourhoods adjacent to local roads.

b) MEDIUM DENSITY - approximately 30 to 49 units per Net Residential Hectare. This designation permits predominantly town house dwellings and walk-up apartments. Generally, these types of dwellings are to be located at the periphery of the Residential Neighbourhoods adjacent to arterial roads and/or collector roads.

1.2.17 In the evaluation of any proposal for multiple family residential development (triplex, fourplex, sixplex, attached housing and apartment dwellings), the relevant Secondary Plan policies of this Plan shall apply. In addition, Council shall be satisfied that:
SUBJECT: Application for Approval of a Draft Plan of Subdivision “Mountain Garden” and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08292) (Ward 9) - Page 17 of 19

a) Schools and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the proposal;

b) The height, bulk and arrangement of buildings and structures will achieve harmonious design and will not conflict with the existing and/or expected development of the surrounding area. In this regard, Council may require the developer to submit evidence that wind and shadows will not have a harmful effect upon adjacent areas;

c) Appropriate off-street parking, landscaped areas, protection for abutting residential uses, where warranted, and other accepted site planning features can be satisfactorily accommodated on the proposed site; and,

d) Ingress and egress to the property will be so designed as to minimize traffic hazards and congestion on surrounding streets.”

The proposed amendments, as discussed above, will still maintain the general intent of the Secondary Plan to provide a mix of uses, a variety of housing types and tenures, and will permit a form of development that it is consistent with and complementary to the planned and existing development in the immediate area.

Neighbourhood Plan:

The subject lands are designated “Public Elementary School” and “Low Density Residential” in the approved Highland Neighbourhood Plan. The Highland Neighbourhood Plan will require an amendment following adoption of the Official Plan, zoning changes, and the draft plan, to reflect the revised designation, road pattern and renamed road.

RELEVANT CONSULTATION:

Agencies/Departments that Did not Respond or Have no Concern or Objections

- Public Works Department (Forestry and Horticulture Section, Capital Planning and Implementation Division, Open Space Development and Park Planning Section).
- Corporate Services Department (Budgets, Taxation and Policy Sections, Finance).
- Public Works Department (Traffic Engineering and Operations Section).
- Hamilton-Wentworth District School Board.
- Hamilton-Wentworth Separate School Board.
- Hamilton Street Railway.
Horizon Utilities has advised that any required electrical servicing shall be in accordance with Horizon Utilities Conditions of Services and Policies, and included the following requirements:

- An underground loop primary electrical distribution system will be required to service the development. Provisions will be required for any proposed of future three phase General Service Customer(s) within the subject lands.

- Easements may be required, and will be identified on completion of the design of the electrical distribution system.

- The developer may choose to retain an electrical consulting engineer and approved electrical contractor to design and install the entire electrical distribution system to Horizon Utilities standard and approval.

- The developer will be required to enter into a Residential Subdivision Development Agreement with Horizon Utilities, which outlines their detailed costs and requirements for servicing within the subject lands.

The applicant is urged to contact Horizon Utilities’ Engineering Department well in advance of building permits being issued in order to determine their detailed servicing requirements.

Bell Canada has requested conditions of approval be included (Condition Nos. 18 and 19 of Appendix “D”)

Canada Post has advised that they will be providing delivery service via their Community Mailbox program, and require conditions of approval (Condition Nos. 20 and 21 of Appendix “D”).

The Niagara Peninsula Conservation Authority has advised that it has no issue with the proposed Zoning By-law Amendment or Official Plan Amendment, as proposed.

With respect to storm water management, they have requested:

1) Provide confirmation that the existing Deerfield Estates stormwater management facility has been designed to provide stormwater quality and quantity controls for the portion of the proposed development draining into the facility.

2) Detail how stormwater quality and quantity controls are to be implemented for the remainder of the development. This can be addressed as a requirement in the Subdivision Agreement.

3) Prior to construction, the NPCA will require that detailed grading, storm servicing, stormwater management, construction sediment control, and
SUBJECT: Application for Approval of a Draft Plan of Subdivision “Mountain Garden” and Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located Within Part of Lot 25, Concession 8 (Saltfleet) (Stoney Creek) (PED08292) (Ward 9)

landscape drawings be submitted to this office for review and approval. We would ask that this be added as a condition of draft plan approval.

Item (1) above has been confirmed by City Development Engineering staff. Items 2 and 3 will be included as conditions of approval, as found in the Standard Form Subdivision Agreement.

Public Consultation

In accordance with the Bill 51 changes to the Planning Act and Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the applications was circulated to 71 property owners within 120 metres of the subject property on February 28, 2008. A Public Notice Sign was also posted on the subject lands, and subsequently relocated to a more visible location along Highgate Drive on May 20, 2008. As a result of preliminary circulation and notice, staff received: 1) a form letter submitted by 23 area residents, one copy of which is included at Page 28 of Appendix “G”; 2) 19 separate letters/e-mails; and 3) a petition expressing concerns signed by 92 residents (some of which submitted separate individual letters of concern), all of which are discussed in the Analysis/Rationale section of this report. Copies of the comments received at the time of writing of this report are found in Appendix “G”.

Notice of the Public Meeting was given in accordance with the requirements 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.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Consumption of all natural resources is reduced.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Hamilton's high-quality environmental amenities are maintained and enhanced.

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

:CPB
Attachments. (7)
Subject Property

Proposed Zoning Changes

Block 1: Change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM3-35" Zone, modified.

Block 2 & 6: Change in Zoning from Neighbourhood Development "ND" Zone to Single Residential "R4-23" Zone, modified.

Block 3 & 7: Change in Zoning from Neighbourhood Development "ND" Zone to Multiple Residential "RM2-16" Zone, modified.

Block 4: Change in Zoning from Single Residential "R2" to Single Residential "R4-23" Zone, modified.

Block 5: Change in Zoning from Single Residential "R3" Zone to Single Residential "R4-23" Zone, modified.
Special Conditions of Draft Plan of Subdivision Approval for “Mountain Garden”

Development Planning:

1. That prior to preparation of a Subdivision Agreement by the City, the Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning.

2. That prior to registration, the Owner shall initiate a street name change to rename the south leg of Highgate Drive to Candlewood Drive by submitting the required processing fee for a “Change of Street Name” to the Legislative Approvals Section.

Development Engineering:

3. That prior to servicing, the Owner shall include in the engineering design for the draft plan lands, installation of a minimum 1.5m high galvanized chain link fence along the north limits of Lot 1 and Block 65, which side yards abut City parkland, and along the east limits of Block 65 extending to Highgate Drive, to the satisfaction of the Director of Development Engineering.

4. That prior to servicing, the Owner agrees to prepare a detailed stormwater management report to address quality and quantity control. The report shall address the 5-year and 100-year storm including provisions for a major overland flow route. The Owner shall also demonstrate how increased densities will be accommodated for by the existing storm outlets, to the satisfaction of the Director of Development Engineering.

5. That prior to servicing, the Owner agrees, in writing, that in the event that groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the Owner will submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, to identify any significant recharge and discharge zones, to provide recommendations to mitigate the groundwater impacts and to undertake the works as recommended, including monitoring, all to the satisfaction of the Director of Development Engineering.
6. That **prior to servicing**, 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. Where, in the opinion of the City, if any problems arise, they must be appropriately addressed by the Owner, to the satisfaction of the Director of Development Engineering.

7. That **prior to servicing**, the Owner shall include in the engineering design, the installation of 1.5m wide sidewalks, in accordance with City policy on the east side of Highbury Drive, both sides of Street “C”, the south side of Street “A”, and both sides of Street “B” south of Street “A”, to the satisfaction of the Director of Development Engineering.

8. That **prior to servicing**, the Owner shall include in the engineering design, the driveway locations for Lots 36 to 45, inclusive, and Lots 48 and 49, to the satisfaction of the Director of Development Engineering and the Manager of Traffic Engineering and Operations.

9. That **prior to registration**, the Owner shall, at his expense, construct a temporary turning circle with minimum asphalt radius R=13.0m, minimum outside radius R=18.0 at the east limit of Street “C”. Any blocks affected by this temporary turning circle shall be declared unsuitable for building until such time as Street “C” is extended northerly as public road allowance, all the satisfaction of the Director of Development Engineering.

10. That **prior to servicing**, the Owner agrees that Block 66 cannot be developed until such time as it is merged with the adjacent lands for the creation of a residential lot, to the satisfaction of the Director of Development Engineering.

11. That **prior to servicing**, the Owner prepares a geotechnical report and implements the report’s recommendations, to the satisfaction of the Director of Development Engineering.

12. That **prior to servicing**, the Owner shall include in the engineering design, verification that the proposed watermain system provides adequate domestic and fire flows, to the satisfaction of the Director of Development Engineering.

13. That **prior to the registration**, the Owner agrees that Lots 20 to 33, inclusive, and Lots 50 to 61 inclusive, shall not be developed until such time as full municipal services, including sanitary sewer, storm sewer, watermain, sidewalk and roadway are extended, at the Owner’s cost, from Foxmeadow Drive to Street “A” at the west limits of the subject lands, to the satisfaction of the Director of Development Engineering.
14. That prior to the registration, the Owner pays their proportionate share of the cost for the existing road works, sewers and watermain along the east side of Highbury Drive from the south limit of the subdivision (at Lot 19) to the north limit of the subdivision (adjacent to the south limit of the park), to the satisfaction of the Director of Development Engineering.

15. That prior to the registration, the Owner agrees, at his expense, to reconstruct Highbury Drive, as required, from the south limit of the subdivision (at Lot 19) to the north limit of the subdivision (adjacent to the south limit of the park), to the satisfaction of the Director of Development Engineering.

16. That prior to the registration, the Owner agrees to pay his fair share towards the quality control retrofit of the existing SWM facility, located in the Deerfield Estates Subdivision, to which a portion of the subject lands drain, to the satisfaction of the Director of Development Engineering.

17. That the Owner agrees to acquire lands adjacent to the east limit of the subdivision to establish a minimum 20.0 metre wide roadway width at the north limit of Street “C” (Highgate Drive). In the event that the lands outside the limits of the subdivision cannot be acquired, the Owner agrees to revise the draft plan to ensure that the alignment of Street “C”, at a width of 20.0m, is entirely within the limits of the draft plan, to the satisfaction of the Director of Development Engineering.

Bell Canada:

18. That the Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable at a minimum the effective delivery of communication/telecommunication services for emergency management services.
19. That the Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the Owner/Developer shall be responsible for the relocation of such facilities or easements.

**Canada Post:**

20. That the Owner shall include on all offers of purchase and sale, a statement that advises the prospective purchaser:

   i) That the home/business mail delivery will be from a designated Centralized Mail Box;

   ii) That Developers/Owners be responsible for officially notifying the purchasers of the Centralized Mail Box locations prior to the closing of any home sales.

21. That the Owner will further agree to:

   i) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes;

   ii) Identify the pads above on the engineering servicing drawings. The pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision;

   iii) Determine the location of all centralized mail facilities in cooperation with Canada Post (Lots 1, 23, 39 and Block 65), and to post the location of these sites on appropriate maps, information boards and plans.
Amendment No. [ ]

to the

Official Plan for the former City of Stoney Creek

The following text together with Schedule “A” [Schedule “A3”, Secondary Plan - West Mountain Planning District (Heritage Green)], attached hereto, constitute Official Plan Amendment No. [ ].

Purpose:

The purpose of this Amendment is to redesignate the subject lands from “Elementary School” to “Low Density Residential” and “Medium Density Residential”; and from “Low Density Residential” to “Medium Density Residential” on Schedule “A3”, Secondary Plan - West Mountain Planning District (Heritage Green), in order to permit a development of single-detached dwellings and townhouses.

Location:

The lands affected by this Amendment are located on the east side and south of the corner of Highbury Drive, north of Candlewood Drive, and south of Cline Park.

Basis:

- The proposed Amendment is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe.

- The proposed Amendment is consistent with the former Region of Hamilton-Wentworth Official Plan.

- Official Plan policy allows for residential uses to be permitted on sites designated “Elementary School” that are considered unnecessary by the School Boards. Both the Hamilton-Wentworth District School Board and Hamilton-Wentworth Separate School Board have no objections to the alternative residential use and the current policy environment will allow those portions of the subject lands to be used for single detached residential purposes without amendment to the Plan. However, an amendment is required to provide a policy basis to permit a townhouse block as the density proposed is greater than that originally envisioned in the Secondary Plan land use schedule.
• The lands to be redesignated to permit higher density townhouse blocks are considered compatible with existing development, as they are located in an area removed from existing lower density residential development to the west. The subject amendment will aid in efficiently intensifying residential land uses, while addressing concerns with respect to compatibility adjacent to existing low density residential development. This higher density development also assists in achieving a compact urban form where the residential uses are conveniently located near commercial opportunities to the north and east, as well as recreational/parkland uses to the north.

• In addition, although the proposed low-density residential use of the lands at the northwest portion of the subject lands abutting Highbury Drive would currently be permitted by Official Plan policy, the redesignation from “Elementary School” to “Low Density Residential” is being sought to recognize the intended use.

**Actual Changes:**

1. Schedule “A3”, Secondary Plan - West Mountain Planning District (Heritage Green), be revised by redesignating the subject lands from:
   
   a) “Elementary School” to “Low Density Residential”,
   
   b) “Elementary School” to “Medium Density Residential”, and,
   
   c) “Low Density Residential” to “Medium Density Residential”,

   as shown on the attached Schedule “A” to this Amendment.

**Implementation:**

An implementing Zoning By-law Amendment and Plan of Subdivision will give effect to this Amendment.

This is Schedule "1" to By-law No. [blank], passed on the [blank] day of [blank], 2008.

The

City of Hamilton

_______________________  ________________________
Fred Eisenberger    Kevin C. Christenson
Mayor      Clerk
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at Highbury Drive

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 08-________ of the Economic Development and Planning Committee at its meeting held on the __________ day of __________, 2008, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), upon the approval of Official Plan Amendment No. __________;

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

1. That Map No. 16 of Schedule “A”, appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
Appendix “F” to Report PED08292
(Page 2 of 5)

(a) by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-35” Zone, the lands comprised in “Block 1”;

(b) by changing the zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM2-16” Zone, the lands comprised in “Blocks 3 and 7”;

(c) by changing the zoning from the Neighbourhood Development “ND” Zone to the Single Residential “R4-23” Zone, the lands comprised in “Blocks 2 and 6”;

(d) by changing the zoning from the Single Residential “R2” Zone to the Single Residential “R4-23” Zone, the lands comprised in “Block 4”;

(e) by changing the zoning from the Single Residential “R3” Zone to the Single Residential “R4-23” Zone, the lands comprised in “Block 5”;

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

2. That Subsection 6.10.7, “Special Exemptions”, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “RM3-35”, as follows:

“RM3-35” Schedule “A”, Map No. 16

Notwithstanding the provisions of Paragraphs (b), (c), (f), (j), (m) of Subsection 6.10.3, and Paragraph (e) of Subsection 6.10.5 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-35” by this By-law, the following shall apply:

(a) Minimum Lot Frontage: 40.0 metres

(b) Minimum Front Yard:
   4.5 metres to the dwelling
   6.0 metres to the attached garage

(c) Minimum Side Yard: 3.0 metres

(d) Minimum Rear Yard abutting Single Detached Dwellings or a Street: 6.0 metres

(e) Minimum Distance between Buildings on the Same Lot: 12.0 metres, except 3.0 metres between end walls

(f) Minimum Landscape Open Space: 37% of Lot Area
(g) Location of More than 3 Parking Spaces:

3. That Subsection 6.9.6, “Special Exemptions”, of Section 6.9 Multiple Residential “RM2” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “RM2-16”, as follows:

“RM2-16” Schedule “A”, Map No. 16

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e), (f), (g) and (i) of Subsection 6.9.3 of the Multiple Residential “RM2” Zone, on those lands zoned “RM2-16” by this By-law, the following shall apply:

(a) Minimum Lot Area:        - 114 square metres for Interior Lots
                               - 153 square metres for End Unit Lots
                               - 210 square metres for Corner Lots
(b) Minimum Lot Frontage:    - 4.5 metres for Interior Lots
                               - 6.0 metres for End Unit Lots
                               - 6.0 metres for Corner Lots
(c) Minimum Front Yard:      - 4.5 metres to the dwelling
                               - 6.0 metres to the attached garage
(d) Minimum Side Yard:        - 1.5 metres for End Unit Lots
                               - 1.5 metres for Corner Lots
(e) Minimum Rear Yard:        - 6.0 metres
(f) Minimum Privacy Area:     - 27 sq. metres
(g) Minimum Landscape Area:   - 26%, which may include privacy area
(i) Maximum Lot Coverage:     - 53%

4. That Subsection 6.5.7, “Special Exemptions”, of Section 6.5 Single Residential “R4” Zone, of Zoning By-law No. 3692-92 (Stoney Creek), be amended by adding a new special exemption, “R4-23”, as follows:

“R4-23” Schedule “A”, Map No. 16

Notwithstanding the provisions of Paragraphs (a), (b), (c), (d), (e) and (g) of Subsection 6.5.3 of the Single Residential “R4” Zone, on those lands zoned “R4-23” by this By-law, the following shall apply:
(a) Minimum Lot Area: - 304 square metres for Interior Lots
- 384 square metres for Corner Lots

(b) Minimum Lot Frontage
Corner Lot: - 12.0 metres

(c) Minimum Front Yard: - 4.5 metres to the dwelling
- 6.0 metres to the attached garage

(d) Minimum Side Yard:
No part of any dwelling shall be located closer than 1.25 metres on one side and 0.0 metres to a side lot line on the other provided that a maintenance easement is entered into between the owners of the abutting lands and properly registered on title of each of the abutting lots, except as provided in Clause (i) below:

(i) on a corner lot, the minimum side yard abutting the flankage lot line shall be 1.25 metres.

(e) Minimum Rear Yard: - 7.0 metres

(g) Maximum Lot Coverage: - 55%

5. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Multiple Residential “RM3-35” Zone on Block 1, the Multiple Residential “RM2-16” Zone on Blocks 3 and 7, and the Single Residential “R4-23” Zone on Blocks 2, 4, 5 and 6, subject to the special requirements referred to in Sections 2, 3 and 4.

6. That 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 ______, 2008.

__________________________  _________________________
FRED EISENBERGER          KEVIN C. CHRISTENSON
MAYOR                      CLERK

ZAC-07-106
Schedule "A"

Map Forming Part of By-Law No. 08-____
to Amend By-law No. 3692-92

Subject Property

Proposed Zoning Changes

Block 1: Change in zoning from Neighbourhood Development "ND" Zone to Multiple Residential "R3-15" Zone, modified.
Block 2 & 6: Change in Zoning from Neighbourhood Development "ND" Zone to Single Residential "RA-23" Zone, modified.
Block 3 & 7: Change in Zoning from Neighbourhood Development "ND" Zone to Multiple Residential "R3-15" Zone, modified.
Block 4: Change in Zoning from Single Residential "R2" to Single Residential "RA-23" Zone, modified.
Block 5: Change in Zoning from Single Residential "R3" Zone to Single Residential "RA-23" Zone, modified.
May 1, 2008

City Clerk
Economic Development and Planning Committee
City of Hamilton
77 James Street North, Suite 400
Hamilton, ON L8R 2K3

RE: Applications for an Official Plan Amendment, Zoning By-law Amendment and Approval of Draft Plan of Subdivision known as “Mountain Garden”
Highgate Drive, Stoney Creek
File No: OPA-07-032, ZAC-07-106 and 25T-200722

Dear Sir or Madame:

We are writing to object to the proposed changes and are requesting to be notified of the following:

• The adoption of the proposed Zoning By-law Amendment, or of the refusal of a request to amend the Zoning By-law, File No ZAC-07-106

• The proposed Official Plan Amendment, or of the refusal of a request to amend the Official Plan, File No: OPA-07-032.

Sincerely,

[Signature]

Petar and Susan Guzina
54 Highbury Drive
Stoney Creek, ON L8J 2T4
File # OPA 07-032, ZAC-07-106 and 25T-200722 APPLICATIONS FOR PLAN AMENDMENT STONEY CREEK

From: Cerio, John

Sent: Thursday, May 08, 2008 12:35 PM

To: Clark, Brad; Bell, Chris

Subject: File # OPA 07-032, ZAC-07-106 and 25T-200722 APPLICATIONS FOR PLAN AMENDMENT STONEY CREEK

Hello Mr. Bell and Mr Clark,

I would like to thank you both for taking the time to speak with me by phone earlier this week regarding the above noted application. As I mentioned to you, I share many of the concerns already expressed by a number of my neighbours. I would like to highlight the following points for your consideration at this time:

- A notice was not posted on the proposed site. The obvious issue with this is that it serves to exclude the residents who fall outside the 120 meter notice boundary but live in the area from knowing about the application and hence voicing any concerns. Fortunately, some of us were made aware through other residents. Given this apparent oversight, I believe it is reasonable to expect the City to post a notice as soon as possible and to extend the deadline for written comments.

- We have been experiencing traffic related and other issues in our area for some time now, many I believe are as a direct result of the already existing mixed income neighbourhoods in our broader area. The City has a responsibility to mitigate adverse impacts on traffic, quality of life and home resale (while appraisal values may not change significantly, the ability to sell one’s home most certainly will) thorough responsible planning.

- With all due respect, the City of Hamilton seems to have a history of bending to the wants of developers vs. addressing (not just listening to) the concerns of residents.

- When push comes to shove, I think it’s also prudent to assume that most developers will put their need for profit ahead of the best interests of the existing residents—we need to be diligent in ensuring developers do what they say they are going to do.

Chris – You mentioned that you would look into why a sign was not posted on the affected site and have one erected as soon as possible. In addition, you indicated that the deadline for written comments would be extended.

Brad – I appreciate your efforts thus far to communicate some of the issues to the developer and especially with regard to attempting to arrange a separate/additional meeting between the residents and the developer. I also understood from our conversation that this meeting is to precede the public meeting to be held by the Economic Development and Planning Committee.

Kindly ensure that I receive notification of any public meetings regarding this situation as well as a copy of the staff report. Thank you for considering my comments.

Respectfully,

John Cerio

05/08/2008
Good Afternoon Chris;

A recent petition was circulated thru out the neighbor hood with several hundred names to the list.

After review of the proposed subdivision I'm very upset at the planning objectives of the city.

You see, some time ago (17 years) when we built our house the applications for zoning changes within our subdivision have dramatically impacted our value of home and to some degree quality of life.

I'm not one to continue moving but please take into consideration the following;

1) 17 years ago Proposed old age home on the corner of Rymal and Whitedeer and adjacent road Candlewood. (Across from St Marks)

2) Point 1: Re zoned and Urban Native development housing put in along with low income town homes.

3) Town homes re zoned for increased Dwellings and higher Density level then originally stated some years prior on Pinewoods and Highgate

4) Original Plan: School was proposed on the land in discussion, new development is to be built majority Town Homes

5) Town homes on Gatestone, Foxtrot and Highbury.
The proposal currently out lines min amounts of town homes which I'm sure the builder will exceed to maximize profitability.

Having said that the Density level for single dwelling homes would then be approx 25% and 75% Town homes

Within 1.5 square km our density level of townhomes versus single dwelling homes within this region is very high. If you compare the value of our homes to other residential areas I'm sure you wouldn't find as high of density level of town homes. IE Ancaster Meadowlands.

With the recently report in the Hamilton Spectator which quoted Hamilton must increase its level of low income housing, why does it have to be in our neighborhood as I believe we already have a sufficient amount of townhomes within the 1.5 km area???

Finally; We within the neighborhood were to be advised by letter regarding this new proposal, when asked none of our neighbors did receive notice.

Our block is the original neighborhood that built here 17 years and all very close!!

Mr. Brad Clark has been informed of our concerns and we look forward to receiving notification of the meeting by the city
Bell, Chris

From: Teresa Movre
Sent: Tuesday, May 06, 2008 11:17 PM
To: Bell, Chris; Clark, Brad; Eisenberger, Fred
Subject: File No: OPA-07-032, ZAC-07-106 and 25T-200722

File No: OPA-07-032, ZAC-07-106 and 25T-200722

It is with disappointment and irritation that I send this email.

Approximately 18 years ago my husband and I purchased a home to be built on Highbury Drive. Wanting to make an informed decision we did our homework before deciding to build a home in this area. Numerous trips to City Hall to look at the "Neighbourhood Plans", we wanted to make sure we spent our hard earned money on a house that would not only grow in value but be pleasing to the eye. This was a brand new sub-division in Stoney Creek and we did not want our future home surrounded by low-gearied to income housing and town homes...as I am sure most people don't. According to these plans a school was to be built behind Cline Park and single family homes lined the streets. As a matter of fact when we were in the middle of building our home someone questioned us regarding the size of our 2500 square foot home...claiming they were monitoring the sizes to make sure the homes that were being constructed were of an appropriate size...they didn't want a small home to be built in this sub-division.

Though out the years we realized the displayed plans really meant nothing. At any point in time City Hall can simply change the plans and build what ever they see fit. The fact that they probably wouldn't build it in their own neighbourhood doesn't make any difference...they can simply place low-gearied to income housing and numerous town homes in "my" neighbourhood. When City Hall displays a Neighbourhood plan and tax payers make a decision to purchase a home based on these plans isn't it wrong to completely change the plans? I would never have purchased my home if I knew the area would be saturated with town houses.

I am hoping Hamilton City Hall will respect their tax-payers and listen to our concerns...although I am not very optimistic this will happen. The money of the "Big" builders is probably more appealing then the respect of the local tax...
payerns.

Please send me up-dates on this topic.

Sincerely,

Boris & Teresa Movre
39 Highbury Drive
Stoney Crrek, ON
Re: applications for an Official Plan Amendment, Zoning By-law amendment and approval of draft plan of subdivision know as "Mountain Garden" located on Highgate Drive, Stoney Creek.

Dears Sir/madam I must oppose applications OPA-07-032, ZAC-07-106 AND 25T-200722 for the following reasons .

1/ I did my "due diligence" when purchasing this home. I made specific inquiries with the listing agents and then following up with the City, regarding who owned the land across the street from this house, what its zoning was, and what was its intended use. In looking at homes to purchase, I specifically avoided houses that were near townhouses or if they were adjacent vacant land I inquired as to its future.

2/ There are already close to 500 townhouse units existing within a 1 kilometer radius of my home and the property North of Highland Road has yet to be developed.

3/ There are 2 modern schools in this neighborhood that already have portables. We don't need any additional population density.

4/ The proposals ultimately send traffic through the middle of a neighborhood and into 2 school zones as well as the main entrance to Cline Park. This new subdivision should access the outside world via an uninterrupted Highgate Drive with stoplights at Upper Centennial rather then ridiculously sending traffic through residential streets.

5/ There are stigmas associated with townhouses that may cause an unfair devaluing of properties in the area. Townhouses tend to created unsightly parking and snow plowing issues. Highbury Drive near Cline Park is already very populated with overflow parking from the park during the sports season.

6/ We are already experiencing a high incidence of crime, I have had at least 3 vehicle entries, 2 attempted thefts of my vehicles causing damage to the door and steering columns, 2 thefts of the entire vehicle from my driveway as well as having 2 windshields smashed by a drunken teenager walking by. My daughter was attacked at 8pm in the evening in the walkway behind Fortinos, on her way home from her job at McDonalds by an adult male. Will increasing population density help this?

6/ I have contacted Jim Hamum in the past regarding water pressure issues, I was told it was a known problem up here and was related to a bottleneck in some piping. Fire hydrants are also affected, to my knowledge this has never been rectified. Increasing population density increases the strain on our infrastructure.
7/ Accountability. A home is a huge investment, mine represents a large portion of my retirement plan. When people make inquiries regarding future use of vacant land when purchasing a home, who should be held responsible if that changes to the detriment of the homeowners? Do people not have a right to know what they are moving into? Does this process need to be re-examined? There is much neighborhood objection to this project and I believe an outcome that ignores the wishes of existing homeowners will set the tone for all future developments in Hamilton by proving regardless what you have been told, anything can happen to undeveloped lands adjacent to new home developments.

8/ I also believe this process should be made more homeowner friendly. Responding in writing is intimidating for some, also it is not clearly indicated written submissions can be submitted by email, meetings are all scheduled during the day. People are supposed to take a day off work to have their say? Surveys sent to affected homes may create a better response and give the public the input they deserve. Furthermore, how many of the homes that received the information mailing ARE Townhouses

In closing, I as well as others made all possible inquiries regarding the future land use across from my home before purchasing. I made a conscious decision to live adjacent to an elementary school and a conscious decision to avoid townhouses and the stigmas associated with them. This proposal appears to be designed to create the largest possible revenue for the developer and the city and shows absolutely no regard for existing residents, The City has a huge obligation here to existing homeowners who did their homework before purchasing, to protect their property values and maintain an expected standard of homes in the area as well as not overpopulating or establishing new roads where traffic and headlights burden existing residents and affecting their long established quiet enjoyment of life.

Respectfully
Scott McDermid
60 Highbury Drive Stoney Creek
Dear Mr. Clark 

Dear Mr. Bell 

Just to add to my wife's letter 

We were in the same situation 15 years ago when we had a zoning change proposal for the land that was designated for a Church and the builders (Robinson homes I believe) wanted the zoning change to medium density housing. The subject land is now Urban Native Housing located on Foxnedow and Hwy 53. Again the city (old Stoney Creek) changed the zoning and we were not allowed to voice our concerns because we were not informed in time. We did have a meeting at Stoney Creek City Hall were we thought we had a chance to voice our concerns and maybe stop the zoning change, instead we got told how nice the buildings were going to look and get constructed. This was a done deal and we had no recourse. I was present at that meeting and I am sure, as my neighbours are, that Mr. Clark you were present at the meeting as a citizen of Stoney Creek and had the same concerns as we did as you lived in our neighbourhood. 

I am amazed at how the city allows changes to zoning once the Official plan has been approved. The only people who benefit from the change are the builders. The builders seem to appease the city requirements, under the official plan, when they submit the proposed plan for the new subdivisions and they get approval for construction. They promise land for school, churches and green space. But once approved the builders have a very disturbing pattern of applying for an Official Plan amendment and get their wish. What is an OFFICIAL PLAN, who approves it, why is it called OFFICIAL and why does it get changed? As my wife's letter stated, we did our home work prior to buying our lot. We went to city hall and they showed us the "Official Plan" and we decided to buy based on the land use on the "Official Plan". We were suppose to have a school across cline park, we saw land designated for churches, and plenty of single family homes. The only medium density was to be on Pinewoods Avenue with what the builder at the time said was going to be high end town houses. Well this is what really happened the high-end town housed became geared to income or subsidized housing (Kiwanis homes). The Church land became geared to income housing or subsidized housing (Urban Native homes) and it also included town home across the street. The school land across Cline park is now slated to have high density housing on what looks like the majority of the land in question. I can't help but think this letter I am writing is in vain. I think this application for an "Official Plan" amendment has been approved and we are to late. Please let me know if I am wrong? I don't think I am wrong, I see the same old pattern as the Urban native homes happening again. I did not see any sign for proposed zoning changes, I did not receive any letters for proposed changes and I suspect we are going to have a neighbourhood meeting telling us how great the town houses are going to look and all the new materials they are using to build it. 

I believe the builder has every intention of building high end town homes, but reality is this, if people won't pay for the high end town houses, the builder will drop the prices and use lower quality material so that he can sell these town homes at what ever lower price they can get or if the land owner realizes it does not make business sense to build these type of houses they will sell the land to the highest bidder, which as history has shown is low income or subsidized housing group. This change does effect the neighbourhood housing prices, even if it drops only 1% it is 1% to much. I love were I live, I enjoy living in Stoney Creek, but I know in my neighbourhood we have our fair share of town houses and enough is enough. It is time to stop changing the Official plan and let the citizen and the people who pay taxes have the opportunity to make an informed decision when buying their property. Stop letting the builders pull the rug from under our feet every time they see an opportunity to make money. If you can't do this, I respectfully request a change the title of "OFFICIAL PLAN" to "The Proposed Official Plan Until the Builders are Satisfied". I want to be clear stop the Official Plan amendment and the Zoning by-law amendment. 

Mr. Clark and Mr. Bell I don't know were you live in the city but I urge you to drive
around our neighbourhood and you will see first hand how many town houses are in a very small area. Please hold the builders accountable for their approved subdivision plan and send a message that they can not arbitrarily change approved plans, by not supporting this proposed Official Plan and Zoning amendment.

Respectfully Yours
Enio Di Nardo
22 Promenade Drive
Stoney Creek
L8J 2T3

-----Original Message-----
From: Lisa Di Nardo
Sent: Monday, May 05, 2008 9:52 PM
To: bclark@hamilton.ca
Cc: Lisa Di Nardo
Subject: File # OPA 07-032, ZAC-07-106 and 257-200722 APPLICATIONS FOR PLAN AMENDMENT
STONEY CREEK

Dear Mr. Clark,

We would like to address the zoning issues regarding the applications for an Official Plan amendment, Zoning by-law amendment and approval of a draft plan of subdivision known as Mountain Garden, located on Highgate Drive, Stoney Creek.

My husband and I are extremely concerned and angry, regarding the amount of high density and medium density housing being constructed in our area. At the time of our home purchase, we did our homework and investigated what the proposed zoning issues were. At that time, we were told possibly a school, and more single home dwellings would be constructed. We feel were misled by the city and yourself who had assured us this type of development would be minimal. Also we are very angry with the fact that only FOUR homes were sent letters by Mr. Bell in regards to this issue of the rezoning. This is extremely sneaky on the part of the planning department. We feel this is a deliberate attempt to hastily sneak through the new zoning proposals without properly notifying those concerned in our neighbourhood. This affects everyone living in this area.

We feel that this particular area of Stoney Creek has become a dumping ground for more than our share of town homes, high density housing, low income housing. We encourage you, as an elected councillor and representative to Ward 9, to drive through the above mentioned section of Stoney Creek and see for yourself. This includes low income town houses as well as other medium/high density housing. We have recently started a petition in our neighbourhood expressing our concerns since many of the residents are in an uproar about the above stated proposal. A reminder that many of these residents have been loyal and supported you over the past many years in this ward. We are counting on you to voice our concerns at city hall. We do not mind taking our share of town homes but feel other districts and municipalities should be receiving equal constructions with this type of development. We live on Promenade Drive where the majority of the homes are retail and appraised at between 350 - 450,000. This kind of constant rezoning does nothing more than bring down property values of our homes. The side roads that often go into these complexes create much more traffic for our children and reduce our already precious green space.

Lastly, we would like to protest that any likelihood of a meeting regarding this issue at the Convention Centre, be scheduled for such a time other than the indicated 9:30 am time, so that the working class people and voters of Ward 9, can attend these meetings, rather than an early morning meeting when the majority of us tax payers are working. Please consider our concerns. We will also be addressing these issues with Mr. Bell, Mr. Mallard and S. Rocichaud. Please let us know of any meetings that arise from this ongoing issues. We thank you in advance, for addressing our serious concerns in this matter.

Sincerely,
Lisa & Enio Di Nardo, 22 Promenade Drive, Stoney Creek, L8J 2T3.
Bell, Chris

From: Deb Giroux
Sent: Tuesday, May 06, 2008 12:04 AM
To: Bell, Chris
Subject: Highbury Drive, Townhouse Plans

Dear Chris Bell,

Regarding File # OPA-07-032
# ZAC-07-106
# 25T-200722

In response to your Notice of Application to reZone future survey known as Mountain Garden, we are seriously concerned with the consequences and approval of this action.

Our street has all single family homes, our neighbourhood has street appeal, the presence of townhouses would take away from that. This would devalue what we have all strived for in an upscaled single family home community.

We have many areas of townhouses within a small radius of our home. Some of which are subsidized. We also have some very high end homes in our neighborhood. We are concerned about resale values to our single family homes. We take pride in the look of our homes, property and environment. We don't want lower income homes/families destroying what we have.

Parking and safety are a very big concern, with limited parking for townhouse owners/visitors, there will be street parking on Highbury Drive. There is a bus route on Highbury Drive and street parking on my side of the street. So now I can be guaranteed that the townhouse owners/visitors will be parking in front of my HOUSE. Not fair to me the owner of a single family home!!!!

It is a proven fact that townhouses and lower income housing provide more attention from police than areas with single family homes. Therefore providing my family with unpredictability, insecurity of the neighbourhood, public nuisance and decreased pleasure of my own home.

The change in the community spirit is enormous. People are so disheartened by the CHANGED proposal from single family homes to a whole community of townhouses. People have talked about selling and moving out before their homes are devalued by the presence of townhouses.

I have personally lived in a brand new freehold townhouse not far from where I live today. Within 4 years I have seen the police in my neighbourhood on many occasions for crimes such as pot grow operation, personal violence and assault, property damage, break and enters, speeding along the roadway almost hitting children, drinking and partying in public late into the wee hours of the morning and smoking of drugs in public. This was an upscaled executive townhouse community. Does this sound like a wonderful place to raise our children ?????
Would you want your established single family home community turned into a scenario like that????

I am thinking NOT.

This sounds to me like a money making venture for the Taxation Department. More crowded homes means for more tax dollars at the end of the day. Have we forgotten about the quality of life for those who have worked hard to afford the comforts of a single family home. We do have voices that need to be heard. We are very upset with the decision to RE-ZONE. We need for our families to feel safe and proud of where we live and not have MORE townhouses flooding our community.

The schooling issue poses another concern. St Mark opened about 6 years ago. We have 10 classes in portables. We are at the limit for our students. Where are the children from the townhouses going to attend school???

As you can see, I am a very unhappy home owner at 50 Highbury Drive. I did send you a letter by mail dated April 16, 2008. I have not heard back from you with regards to my concerns or a date for a public meeting to further discuss this decision to put townhouses across from my house.

We again wish to go on official record as apposing the Official Plan Amendment, Zoning By-law Amendment and Approval of a Draft Plan of Subdivision known a Mountain Garden.

Sincerely,

Debbie Giroux
David Heiliger

Looking for the perfect gift? Give the gift of Flickr!
Bell, Chris

From: Thomas Lee
Sent: Tuesday, May 06, 2008 9:25 AM
To: Bell, Chris
Cc: Clark, Brad
Subject: File No. OPA-07-032, ZAC-07-106 & 25T-200722

re: Applications for an Official Plan Amendment
    Zoning By-law Amendment and Approval of a Draft
    Plan of Subdivision known as "Mountain Garden"
    located on Highgate Drive, Stoney Creek

Chris, as owner of 44 Highbury Dr., My wife and I are OPPOSED to his proposed amendment. We purchased the property in 1991 and proceeded to build our dream home, with the expectation of a school to be built across from us, (block 1). Now we are advised that townhomes are proposed to be built on that land. This will not do, the possibility of single detached dwellings on the perimeter of Highbury might be acceptable, but not town homes.

We wish to be notified of any public meeting on the subject, when and where.

We wish to be notified of the adoption of Official Plan Amendment or refusal.

We wish to be notified of the adoption of Zoning By-Law Amendment or refusal.

We wish to be notified of the Decision by the City of Hamilton respect proposed Draft plan of Subdivision.

Thomas & Lauralyn Lee
44 Highbury Dr., Stoney Creek, On L8J 2T4

e-mail:
May 6, 2008

Chris Bell, City of Hamilton

for Peter J. De Iulio, Senior Project Manager
Planning and Economic Development Department
Planning Division – Development Planning – East Section
77 James Street North, Suite 400
Hamilton, ON L8R 2K3

File No: OPA-07-032, ZAC-07-106 and 25T-200722

RE: Application for an Official Plan Amendment,
Zoning By-law Amendment and Approval of a Draft
Plan of Subdivision known as “Mountain Garden”,
located on Highgate Drive, Stoney Creek

Dear Mr. Bell:

As a resident of this residential area for the past 16 years, please accept this letter as my
formal opposition against the approval of the Subdivision known as “Mountain Garden”.

It is my belief that the approval of Subdivision “Mountain Garden” would negatively affect the
current residents of this area through increased population (in comparison to the original
zoning plan for single family homes), increased automobile traffic and the decrease of
property value.

In the past 16 years I have witnessed the degradation in the quality of this area as a result of
another subdivision that has come into the area and feel that a new one would only
exasperate the current situation further.

This new subdivision – Mountain Garden – will bring an unwanted influx of residents and it will
increase automobile traffic thus making it unsafe for the children who attend one of the three
schools in the area. I am also of the opinion that installing lower value homes in the Mountain
Garden subdivision will drastically decrease the value of the single family homes that currently
exist.

This neighborhood is comprised of hard working people who take great pride in their homes,
their community and have great concern for the safety of their families. I expect that the
original zoning plan for single family homes stay intact and that the Draft Plan of Subdivision
Mountain Garden is dismissed.

Sincerely,

Fernando Pereira
Fernando Pereira, Resident of

42 Highbury Drive • Stoney Creek, ON • L8J 2T4
Phone:
Bell, Chris

From: Lisa Di Nardo
Sent: Monday, May 05, 2008 11:46 AM
To: Bell, Chris
Cc: Enio DiNardo; De Iulio, Peter; Mallard, Paul
Subject: File # OPA 07-032, ZAC-07-106 and 25T-200722 APPLICATIONS FOR PLAN AMENDMENT STONEY CREEK

Dear Mr. Bell,

I would like to address the zoning issues regarding the applications for an Official Plan amendment, Zoning by-law amendment and approval of a draft plan of subdivision known as Mountain Garden, located on Highgate Drive, Stoney Creek.

My husband and I are extremely concerned regarding the amount of high density and medium density housing being constructed in our area. At the time of our home purchase, we did our homework and investigated what the proposed zoning issues were. At that time, we were told possibly a school, and more single home dwellings would be constructed. We feel were mislead. Also we are very angry with the fact that only FOUR homes were sent letters by yourself. This is extremely sneaky on the part of the planning department. We feel this is a deliberate attempt to hastily sneak through the new zoning proposals without properly notifying those concerned.

We feel that this particular area of Stoney Creek has become a dumping ground for more than our share of town homes, high density housing, low income housing. We have recently started a petition in our neighbourhood expressing our concerns since many of the residents are in an uproar about the above stated proposal. We do not mind taking our share of townhomes but feel other districts and municipalities should be receiving equal constructions with this type of development. We live on Promenade Drive where the majority of the homes are retailed and appraised at between 350 - 450,000. This kind of constant rezoning does nothing more than bring down property values of our homes. The side roads that often go into these complexes create much more traffic for our children and near our already precious green space. Please consider our concerns. We will also be addressing these issues with Mr. Brad Clark, Mr. Mallard and S. Rocichaud. Please let us know of any meetings that arise from this ongoing issues. Sincerely, Lisa & Enio Di Nardo

Lisa Di Nardo
Daryl and Linda Roggie  
107 Candlewood Drive  
Stoney Creek, Ont.  
L8J 0A3  
May 3, 2008

Chris Bell, City of Hamilton  
Development Planning – East Section  
77 James Street North, Suite 400  
Hamilton, Ont.  
L8R 2K3  
Re: File #: OPA-07-032, ZAC-07-106 AND 25E-20072

Dear Sir:

We are long-time residents of the city, and are writing to express our concerns in regards to the proposed changes of the Zoning in the future survey known as “Mountain Gardens”. We have a number of concerns, listed below are the some of which are quality of life (neighborhood morale, safety issues, security issues, environmental issues) and others are related to potential loss of property values.

1. There is already an excessive number of townhouse complexes located within the neighborhood, many of which are subsidized housing units. While we realize that these units are necessary to provide all Hamiltonians with the basics of life like heat and shelter, however the ratio of single family dwellings to townhouse units seems to be out of scale within this neighborhood.

2. When we purchased our home, which is in the Losani “Highgate Estate” development on Candlewood, we did so only after reviewing the existing zoning plans for the area. We foresaw having a quiet development with a new school and future access to Centennial Parkway. We feel that having an additional flood of townhouses will undoubtedly drive down the resale value of our property.

3. We currently have safety and parking issues, with minimal road space for vehicles during the winter months, the influx of townhouse units will only magnify the problem. The safety of pedestrians using the walk through path to the Fortino’s property and of children walking and playing along the street may also be at risk.

4. We not sure if you are aware or not but there are constant nuisance call issues with the townhouse on the south side of Candlewood. The police are there quite often answering non-emergency and prank calls. Can you assure us and them that the new complexes won’t create another similar development and over-tax their resources?

5. The population density of this area is already a problem, some neighborhood children are being bussed because local schools can’t handle the number of students currently attending school. The influx of more townhouses will only make this situation worse.
6. Another issue with allowing multiple townhouse units will be the strain on local infrastructures. Is there sufficient capacity in the electrical grid? Can the current water supply and sewer system handle the increased load? Can the current public “HSR” transit system provide services to another large development?

7. The current neighborhood park area “Cline Park” has minimal green space for recreation and play, where are the children of the town house units going to go? I know from experience that children need places that they go to where they can burn off some excess energy; in a park they're less apt to get themselves into trouble.

Regards, Daryl and Linda Roggie

Cc; Brad Clark
May 1, 2008

Director of Development and Real Estate
Planning and Economic Development Department
City of Hamilton
77 James Street North, Suite 400
Hamilton, ON L8R 2K3

RE: Applications for an Official Plan Amendment,
Zoning By-law Amendment and Approval of Draft
Plan of Subdivision known as “Mountain Garden”
Highgate Drive, Stoney Creek
File No: OPA-07-032, ZAC-07-106 and 25T-200722

Dear Sir or Madame:

We are writing to object to the proposed draft and are requesting to be notified of the
decision of the City of Hamilton in respect to the following:


Sincerely,

[Signature]

Petar and Susan Guzina
54 Highbury Drive
Stoney Creek, ON L8J 2T4
May 1, 2008

Chris Bell
City of Hamilton
Planning and Economic Development Department – East Section
77 James Street North, Suite 400
Hamilton, ON L8R 2K3

RE: Applications for an Official Plan Amendment, Zoning By-law Amendment and Approval of Draft Plan of Subdivision known as "Mountain Garden" Highgate Drive, Stoney Creek
File No: OPA-07-032, ZAC-07-106 and 25T-200722

Dear Mr Bell:

In response to the Notice of Application to Re-Zone a future survey known as "Mountain Garden," we are writing to object to the proposed Plan Amendment for the following reasons:

1. **AESTHETICS-STREET APPEAL:** Single family homes would far better suit the street appeal of the neighborhood. In particular, we strongly urge the City to refuse the proposed plan to build townhomes in Blocks 62, 63, 64 and 65 along Highbury Drive. This is an established neighborhood of single family homes and street townhomes would not blend in well.

2. **RESALE VALUE:** When we bought our home two years ago and noticed that their was empty land across from us, we called to the city to ensure that it wasn’t zoned for medium density housing. Had we thought that a proposal to rezone was even going to be considered, we never would have bought our home on Highbury Drive. An excessive number of townhouses will certainly affect the resale value of surrounding single family homes.

3. **SCHOOLS:** Both the Catholic and Public schools in that catchment (St. Mark and Gatestone respectively) area are at capacity. Have the principals of these schools been notified of this proposed change? What about the parents who reside in the catchment areas? The schools are only a few years old and already have portables! Adding over a hundred townhouses would have serious consequences to the quality of our children’s educations and perhaps even require redefining the catchment areas. Furthermore, Gatestone Public School already has a large number of students that live in townhomes and even subsidized government housing. **Gatestone Public School's 2006-2007 EQAO results were below Board and Provincial Standards!** Furthermore, with all the recent development on Stoney Creek Mountain, the schools are becoming overcrowded. Bellmore Public School in Binbrook is already refusing to accept new students and will be sending all new students to Mount Albion (the next closest school to Gatestone!) Where would the City of Hamilton send all these new students? How would our schools cope with the influx of all these new students? PORTABLES ARE NOT THE ANSWER!

4. **SAFETY:** Ask anyone living on Highbury Drive and they will tell you that it is already a busy street. Furthermore, during the summer, the street is already used extensively for parking during soccer games at Cline Park. Adding over a hundred town homes in such a small area would greatly affect the traffic and parking in this area in a negative way.

We urge the city to refuse the Amendment to change the designation of the lands in Blocks 1, 2 & 3 to Medium Density Residential. We support a change to Low Density Residential.

Sincerely,

Petar and Susan Guzina
54 Highbury Drive
Stoney Creek, ON L8J 2T4

Cc: Brad Clark
Bell, Chris

From: Susan Clarkin
Sent: Saturday, April 26, 2008 9:35 PM
To: Bell, Chris
Subject: File: OPA-07-032, ZAC-07-106 and 25T-200722

I am writing on behalf of my family who reside at 34 Highbury Drive in Stoney Creek. We were quite upset when we heard about the above proposals. When we purchased the lot and built our home in 1993, we were under the understanding that we would someday have an elementary school beside our park. Since moving in we have had plenty of changes in our area. The traffic on our street has increased tremendously since then. First we had plenty of townhouses go up, including low income. I think it is four townhouse complexes in our area already. When originally what was appealing was that our area was all single detached homes. The way we see it, we have our fair share of townhouses already and absolutely disagree with any more going up. We received a Fortinos first and then the Walmart plaza and this too has contributed to the increase of traffic. Hey, I forgot about the high school Salt Fleet at the corner, try getting to the Red Hill via Highland in the morning, tons of congestion with drop offs.

All in all, we are against any further medium or high density building in the area and specifically across the street next to the park. We look forward to the public meeting that will take place, where our voice can be heard.

Susan Clarkin

04/28/2008
Bell, Chris

From: [Redacted]
Sent: Tuesday, April 22, 2008 12:48 PM
To: Bell, Chris
Subject: Mount Garden Development

Mr. Bell, I am writing to you about the proposal of townhouses identified as Block 62, 63 and 64. I do not want to see townhouses on the street of Highbury Drive because all the houses are single detached dwellings. In my opinion this will lower the value of the homes on the street. I am in agreement to put townhouses identified as Block 65 in this area. Please let me know when the meeting will be scheduled.
Dear Chris Bell

April 16, 2008

Regarding File # OPA-07-032
#ZAC-07-106
#25T-200722

We are home owners on Highbury Drive. We are very upset with the plans to build townhouses across from my home.

We bought this house March 2007; one of the biggest and most important reasons for selecting this particular home was that it was not in direct view of townhouses.

Let me explain, high density housing certainly comes with its own problems, higher noise pollution, road congestion, higher crime rates (this is proven) and lower property values immediately and certainly in the future. Curb appeal is also diminished when there is a mix of beautiful single family homes ($325,000 - $500,000) and more budget conscious townhouses which appeal to the lower socioeconomic clientele.

We have personal experience with living in a brand new townhouse development. We bought a beautiful freehold townhouse not far from this area. Initially the original owners took pride in their property and home ownership, however shortly there after many of the homeowners bought single family homes and the next influx of people caused concern for many of us who continued living in our townhouses. The class of people changed drastically, crime rates increased, road safety became and issue for our children, police vehicles were often seen in our neighbors driveways dealing with crimes ranging from, vandalism, domestic abuse to marijuana grow operation.

This is why we decided to move to Highbury Drive, a nice peaceful, SAFE environment in which we are comfortable and honoured to raise our family.

Our neighbors have been absolutely wonderful since we moved in; all of us have children and watch out for each others families and property.

The children in this area attend the Catholic School, St. Mark. It is on Whitdeeer St. It is within walking distance for our children. This area is safe for our children to walk to and from school with their peers. This school is already filled to capacity with 10 classes being housed in portables. Having townhouses built in our immediate area (across from my house) would increase the amount of children, cars, noise, crime, and instability in a neighborhood that is stable and secure.

Highbury Drive is also a bus route and has a large High School at the corner of Highland and Highbury. The traffic is already quite busy with students driving and buses going down the street till late at night. This is certainly not a very practical street to be putting high density housing.
We as home owners on Highbury Drive DEMAND that this decision of putting in high density townhouses on Highbury Drive be reassessed by the City of Hamilton's planning and Economic Development Planning.

We the home owners at 50 Highbury Drive, Stoney Creek Ontario hereby go on official record opposing the Official Plan Amendment, Zoning By-law Amendment and Approval of a Draft Plan of Subdivision known as "Mountain Garden", located on Highgate Drive, Stoney Creek.

We wish to be included in any upcoming meetings regarding the above disturbing matter.

Sincerely,

Deborah A Giroux

[Signature]

David Heiliger

[Signature]
Mr. Chris Bell and the Planning and Economic Development Dept., This proposed subdivision has a lot of Multiple Residential RM3 which already exists in the neighbourhood. We have low income on highgate as well as candlewood drive which is a challenge at the best of times to live and cope with. We also have a lot of townhomes on highbury drive near gatestone drive as well as new townhomes built by Toscani Develop. That are also across cline park approx. 100-200 units. Those new townhomes built by Toscani have already depreciated the neighbourhood because they were not architecturally consistent with the existing homes and townhomes in the area. In reality those townhomes not only look cheap but are very ugly. Highbury Drive neighbourhood is already flanked by many town homes and creating more townhomes will ruin the character and depreciate the homes that already exist. Everyone outside the 100 meter perimeter are also against this kind RM3 development. Everyone moved in this area with the city’s plans to build a school and single residential homes in the described zoning area. We are very opposed to this zoning proposal especially on highbury drive. We want single detached homes on highbury drive and not town homes. Thank you

Sincerely, Mike Marzilli
Hi Chris,
In regards to the proposal land identified on the location map as Block 1, 2 and 3 is not within the best interest of the Neighborhood development; as this proposal will reduce the value of the properties in the area. If the zoning is to be a mirror image of Ancaster Meadowlands then why would you introduce such development in this area? Our taxes are steadily going up and with this proposal again our property value will be affected.
However, single residential dwellings only will be my preference in the proposal mountain garden location.
Regards, Frank Mancino
Bell, Chris

From:  mike marzilli
Sent: Tuesday, April 08, 2008 10:57 PM
To: Bell, Chris
Subject: FW: File No: OPA-07-032, ZAC-07-106 and 25T-200722

From:  mike marzilli
Sent: April-06-08 10:50 PM
To: bell@hamilton.ca.
Subject: File No: OPA-07-032, ZAC-07-106 and 25T-200722

Dear Mr. Bell,

I would like to thank you for forwarding this information to me and the neighbourhood on Highbury Drive. The proposed by-law amendment for townhouses is totally unacceptable for our neighbourhood. Highbury Drive is already congested with traffic flowing from Hwy 53 and 20 Hwy not to mention the side streets. That is an enormous amount of townhouses that will ultimately depreciate our own individual property values. There are more arguments that can be made on our parts but I guess the ultimate question is what can we do as a neighbourhood to stop the amendment of the townhouses and keep it a single detached zone? Besides getting a petition signed and be present at the future meeting to voice our opinions and objections, what steps do we as a community have to take to ensure this does not happen in our neighbourhood? Or is it too late? We also plan on discussing this matter with Brad Clarke. Please respond at your earliest convenience.

Mike and Diana Marzilli
48 Highbury Drive, Stoney Creek

04/23/2008
Dear Sir and Madame,

This letter is in response to the circulated letter regarding the:

Notice of Complete Application and Preliminary Circulation for an Official Plan Amendment, Zoning By-Law Amendment and Approval of a Draft Plan Approval of a Draft Plan of Subdivision known as “Mountain Garden”, located on Highgate Drive, Stoney Creek.

We as a community are adamantly opposed to this proposed survey. The construction of 150-200 town homes is not a welcomed addition to our community. The character of this subdivision populated with single family dwelling would be compromised. The resale value of the already existing homes would depreciate. The neighbourhood is already surrounded by town homes, both “low income”, to average income homes. Adding more of these homes would increase traffic through an already busy road way, and pose a threat to the many young families living here.

When looking at the map supplied to us there was alot of information given to us, but there was no clarification as to the future plane of Block 65 located behind the outlined plan for Highbury Drive. What is planned for that area???? More town homes I guess. The City of Hamilton seems to be more concerned with generating tax revenue rather than allowing home owners to have pride in their homes and neighbourhoods. I ask you Sir if I were proposing such a development in your neighbourhood would you be so accepting. I would imagine NOT.

When building our home located at 48 Highbury Drive, we were happy to know that the land directly across from our home, “Mountain Garden” was owned by a developer whom had a much known reputation for building beautiful homes. This would have continued the characteristic of our neighbourhood. I feel I was mislead when I myself inquired as to the future plan of this piece of property. My husband and I went to great lengths to acquire our piece of property and have invested a great deal of money into our home. The proposed survey would take away from our investment.

It is time for the City to take a step back and to evaluate how this would affect the surrounding homes and home owners. It is also time for the people involved in this endeavour to put themselves into our shoes and see if this would be okay in your area. It is also time for the City of Hamilton to ensure that decisions that would be progressive for not only the Revenue Dept. But also the people who live and raise their families in these areas.

It is with hope we write you this letter, hoping that someone will consider the concerns we as a community have addressed. Hoping that someone will hear our voices. Hoping that someone will stand up for the average person. Hoping someone will stand up for safe secure communities to raise our children. Hoping!

Mike and Diana Marzilli

48 Highbury Drive, Stoney Creek
April 28, 2008

Chris Bell, City of Hamilton
Development Planning – East Section
17 James Street North, Suite 400
Hamilton ON L8R 2K3
Re: File #: OPA-07-032, ZAC-07-106 AND 25T-200722

Gentlemen,

In response to your Notice of Application to reZone future survey known as "Mountain Garden", we are seriously concerned with the consequences & approval of such action for the said following reasons:

1) AESTHETICS - STREET APPEAL:
   Single family dwellings would far better suit the street appeal of the neighbourhood seeing as we have excessive number of existing townhouses, many of which are subsidized rentals. This does not contribute to the aesthetics of our neighbourhood.

2) RESALE VALUE:
   An excessive glut of townhouses affects future resale of neighbouring homes. The newer section of Candlewood are recently built high end Losani homes.

3) PARKING & SAFETY ISSUES:
   It is conceivable, as it is with most townhouse developments, that there is limited Owner use parking & Visitor Parking. With that there would be an excessive number of vehicles using street parking. How safe is that for our community & our children?

4) NUISANCE FACTOR:
   Currently, the townhouses on the south side of Candlewood have been the cause of nuisance law issues. How can we be assured that this would not be the case with these condo townhouses. It would appear from the maps that it is basically going to be a “condo village”.

5) OVER EXTENSION OF MUNICIPAL SERVICES:
   How much extra stress will be instilled upon our services. E.g. Water & water pressure to the area? Hydro & “brown outs”?

6) COMMUNITY SPIRIT & MORALE
   When we bought our Losani home, it was because it was nestled securely in a well respected single residential community area. Resale purposes looked bright with the planned proposal of neighbouring single detached homes. NOT Townhouses!!

7) TAXATION:
   It is a given that the City of Hamilton would fare far better with collecting taxes from several hundred townhouses rather than the previously proposed single detached dwellings. It would seem that this Re Zoning is all about tax dollars & just how much it behooves the tax department to implement strategies to put more money in the City coffers.

8) HIGHGATE DRIVE:
   Why has the new plan not extended Highgate Drive rather than isolate 3 homes on the south side of development? How much confusion will be caused by this? If our street name is changed, who will look after the Change of Address etc. required? p.s. it will be equivalent to “Moving”.

Anticipate partaking in proposed upcoming Meeting.

Sincerely,

[Signature]

99 Candlewood Dr.
Stoney Creek, ON L8J 0A3
Saturday, April 26, 2008

To Whom It May Concern:

In regards to the development of MOUNTAIN GARDEN Subdivision (OPA-07-032, ZAC-07-106 and 25T-200722) we appose the monstrosity that the city of Hamilton is proposing for the Stoney Creek area. The emphasis on a GREEN environment has been compromised by this proposal in the following manners:

The proposed development will increase traffic which will increase pollution, as well will be hazardous for our children playing/crossing the roads; in addition to the reduction of green space for our area. So I ask why so much emphasis by our government and municipality officials on Waste Reduction and on Earth Day when all we seem to be doing at the city of Hamilton Development Department is not practicing what we preach.

If this is to be a Mount Garden then let’s take the name literally and restore what was lost by the ongoing development of the Stoney Creek mountain. Let’s think Green and give the Stoney Creek mountain a green space to let families take their children and pets and enjoy what we so much deserve since our property taxes are steadily going up.

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