SUBJECT: Applications for a Draft Plan of Subdivision Known as “Paradise Green” and for a Change in Zoning for Lands Located on Part of Lot 21, Concession 8, Municipally Known as 87 Edgehill Drive (Hamilton) (PED05116) (Ward 8)

COMMENDATION:

(a) That approval be given to Subdivision Application 25T200503, Winzen Ancaster Homes Phase II Limited, owner, to establish a draft plan of subdivision on lands described as Part of Lot 21, Concession 8, municipally known as 87 Edgehill Drive (Hamilton), comprising 6.79 hectares (16.78 acres), as shown on Appendix “B” to Report PED05116, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED05116 and the following:

(i) Acknowledgement by the City of Hamilton that funds have been allocated, in accordance with the Development Charges By-law, for cost-sharing for the stormwater management facility; and,

(ii) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit;

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

(b) That approval be given to Zoning Application ZAC-05-33, Winzen Ancaster Homes Phase II Limited, owner, for a change in zoning from the “AA” (Agricultural) District to “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified (Block “1”) to permit 20 single family dwellings upon additional land assembly, from the “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District, Modified (Block “2”) to permit 50 single
family dwellings with additional land assembly, and from “AA” (Agricultural) District to “A” (Conservation, Open Space, Park & Recreation) District (Block “3”) to permit the development of a stormwater management pond and open space/conservation uses on lands described as Part of Lot 21, Concession 8, municipally known as 87 Edgehill Drive (Hamilton), as shown on Appendix “A” to Report PED05116, subject to the following:

(i) That Block “1” be rezoned from “AA” (Agricultural) District to “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified.

(ii) That Block “2” be rezoned from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District, Modified.

(iii) That Block “3” be rezoned from “AA” (Agricultural) District to “A” (Conservation, Open Space, Park & Recreation) District.

(iv) That the draft By-law, attached as Appendix “D” to Report PED05116, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(v) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.

(c) That upon finalization of the implementing By-law, the Falkirk West Neighbourhood Plan be amended to reflect the change in designation from “Innovative Housing” to “Single and Double” Residential, and to revise the road network to add a cul-de-sac shown as Street ‘C’ on Appendix “B” to Report PED05116.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applicant has submitted applications for a draft plan of subdivision and change in zoning to facilitate the development of the subject lands, known as 87 Edgehill Drive in the City of Hamilton, for 58 lots for single detached dwellings, 12 blocks to be assembled with adjacent lands for 12 single detached dwelling units, as well as a stormwater management facility and open space/conservation lands, including a pedestrian trail. The proposed draft plan includes the extension of Edgehill Drive and Hannah Crescent from the south and east (“Tiffany Park”) and will also connect to the
street pattern already approved through the draft approved plan of subdivision to the north “Bayview Estates Phase II”. An amendment to the Falkirk West Neighbourhood Plan is required to accommodate the proposal.

This proposal has merit and can be supported since the changes in zoning and draft plan of subdivision are consistent with the Provincial Policy Statement and comply with the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan. The proposed zoning amendment will include site-specific zoning provisions to encourage reduced front yard setbacks and frontages to provide a greater street presence than traditional single family dwellings. In addition, the proposal includes adequate buffering from the Environmentally Significant Area (ESA) and Provincially Significant Wetland (PSW), and will incorporate an extension to a pedestrian and bicycle path system through the Falkirk West Neighbourhood.

BACKGROUND:

Proposal

The proposed development applications are for a change in zoning and approval to a draft plan of subdivision, for lands located at 87 Edgehill Drive, as shown on Appendix “A”. The plan of subdivision (Appendix “B”) is comprised of the following:

- 58 lots for single detached dwellings.
- 1 block for a stormwater management facility.
- 1 block for conservation/open space lands.
- 1 block for an ESA buffer, incorporating a pedestrian walkway/bike path.
- 12 blocks for assembly with adjacent lands yielding 12 single detached dwelling units.

The draft plan of subdivision includes the extension of the road pattern already established through the registered plan to the south and east and the draft approved plan to the north. Since the initial application, the applicant has revised the draft plan. The proposed revisions, which are incorporated on Appendix “B”, did not impact the number of lots and/or blocks on the draft plan. The revisions dealt with a redesign of the north cul-de-sac in front of Lot 52, as per comments from staff, an increase in the width of Block 73 to 15 metres adjacent to the proposed residential lots, as per comments from the Hamilton Conservation Authority, and an extension of Block 73 northward to link to Street ‘A’.

The proposed Zoning By-law Amendment (Appendix “A”) allows the lands to be developed in accordance with the proposed draft plan of subdivision “Paradise Green”. The proposal would rezone Block “1” from the “AA” (Agricultural) District to “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, to permit 20 single family dwellings upon additional land assembly; Block “2” from the “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District, Modified, to permit 50 single family dwellings with additional land assembly; and Block “3” from “AA” (Agricultural) District to “A” (Conservation, Open Space, Park & Recreation) District, to
permit the development of a stormwater management pond, and open space/conservation uses. The modifications to the residential zones would incorporate provisions that are consistent with the established zoning to the south and east of the subject lands, which will encourage a more innovative housing form.

Details of Submitted Application

Owner: Winzen Ancaster Homes Phase II Limited

Location: 87 Edgehill Drive, Ancaster (north side of Hamilton Drive)

Description: Total Area: 6.79 hectares (16.78 acres)  
Width: approximately 300 metres maximum (984 feet)  
Depth: approximately 228 metres maximum (748 feet)

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Vacant and Single Detached Dwellings</td>
<td>“C” – “H” (Urban Protected Residential, etc. – Holding) District, Modified and “C” (Urban Protected Residential, etc.) District</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings, Block Townhouses</td>
<td>“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified; “RT-20” (Townhouse – Maisonette) District, Modified; “C” (Urban Protected Residential, etc.) District; “AA” (Agricultural) District</td>
</tr>
<tr>
<td>South</td>
<td>Vacant, Single Detached Dwellings, Semi-Detached Dwellings</td>
<td>“D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified; “AA” (Agricultural) District</td>
</tr>
<tr>
<td>West</td>
<td>Open Space</td>
<td>“A” (Conservation, Open Space, Park &amp; Recreation) District</td>
</tr>
</tbody>
</table>
ANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: In accordance with the Development Charges By-law, funds have been allocated for cost-sharing for the stormwater management facility.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment and a Draft Plan of Subdivision.

ANCIES AFFECTING PROPOSAL:

Provincial Policy Statement

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

However, Policy 2.5.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site will be permitted. Therefore, as the subject lands have archaeological potential, staff recommends that the owner complete an archaeological assessment of the property in accordance with Standard Planning Condition No. 10, as provided for in Appendix “C”, Condition 2(b). Staff recognizes that the applicant has submitted an archaeological assessment, which is currently under review by Ministry of Culture staff.

Hamilton-Wentworth Official Plan

The subject lands are designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

As well, the property contains an Environmentally Significant Area (EIS No. 46 – Tiffany Creek Headwaters). An environmental impact study (Falkirk West Wetland Environmental Impact Study) was prepared for the first phase of development (25T96008) and reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG), as per Policy 1.2 of this Plan. As a result, a new EIS will not be required provided the recommendations of the previous study are implemented.
SUBJECT: Applications for a Draft Plan of Subdivision Known as “Paradise Green” and for a Change in Zoning for Lands Located on Part of Lot 21, Concession 8, Municipally Known as 87 Edgehill Drive (Hamilton) (PED05116) (Ward 8) - Page 6 of 15

(Development Planning Condition No. 15). The applicant has agreed to provide a 15 metre buffer adjacent to the ESA (shown as Block 73 on Appendix “B”), as per the recommendations of the EIS.

Therefore, as the nature of the applications is for the development of a residential plan of subdivision on full municipal services, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.

City of Hamilton Official Plan

The subject property is designated “Residential” and “Open Space” in the City of Hamilton Official Plan. The following policies of the City of Hamilton Official Plan, among others, are applicable to the proposed development:

“A.2.1.1 The primary uses permitted in the areas designated on Schedule “A” as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.

A.2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing, where practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

A.2.4.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule “A” as OPEN SPACE will include developed or undeveloped parks of local or area wide appeal; public or private recreation areas; pedestrian pathways; conservation uses; horticultural nurseries; forestry and wildlife management areas; and hazard lands which may pose a threat to life and property because of inherent physiographic characteristics (in accordance with the Hazard Lands provisions of Subsection A.3.1 of this Plan).

C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the need of present and future residents. Accordingly, Council will:

v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview.”
Therefore, as the application is for a residential plan of subdivision, which will incorporate appropriate zoning regulations regarding lot frontages and setbacks, and will protect and provide adequate buffering for the ESA, the proposal complies with the City of Hamilton Official Plan.

Falkirk West Neighbourhood Plan

The subject lands are designated as “Single and Double” Residential, “Innovative Housing”, “Stormwater Management Facility” and “Open Space” on the Falkirk West Neighbourhood Plan. The proposal complies with the “Single and Double” Residential, “Stormwater Management Facility” and “Open Space” designations on the Neighbourhood Plan. However, an amendment is required to change the designation on a portion of the lands from “Innovative Housing” to “Single and Double” Residential. This amendment can be supported as the applicant has agreed to provide reduced lot frontages and front yard setbacks, which have been incorporated into the site-specific zoning. This will provide a street oriented character to the neighbourhood, and will be consistent with development to the south and east. The Neighbourhood Plan must also be amended to add the proposed cul-de-sac at the end of Street “C”. In addition, the Neighbourhood Plan indicates a proposed Bicycle Path/Pedestrian Linkage running adjacent to the ESA through the subject lands. The path has been incorporated into the conditions of the draft plan approval, to be located within the ESA buffer (Block 73 on Appendix “B”).

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Agencies/Departments Having No Comment or Objections

- Public Works Department - Forestry and Horticulture Section.
- Public Health and Community Services Department, Health Protection Branch.
- Corporate Services Department – Revenues Division.
- Corporate Services Department – Budgets and Finance Division.
- Hamilton Street Railway.
- Assessment Department.
- Hamilton-Wentworth Catholic School Board.
- Hamilton Police Services.
- Cogeco Cable Canada Inc.
- Hydro One.
- Union Gas.
Public Works Department – Traffic Engineering and Operations Section

The Traffic Engineering and Operations Section has stated that they have no comments regarding the rezoning application, and have provided comments on the draft plan of subdivision. The Section requested that the throat to the north cul-de-sac be tightened in front of Lot 52 in order to reflect a more standard design. This would also be more desirable for driveway placement for Lot 52. The applicant has made this change and it is reflected on the revised draft plan. The revised plan has been reviewed and approved by traffic staff.

This Section also commented that, as a condition of Draft Plan approval, the driveway locations on Lots 19 – 25 and 52 – 56 be located to the satisfaction of the Supervisor of Traffic Planning. The driveway locations to these lots must be shown on approved engineering drawings submitted with the registered Subdivision Agreement. This condition has been addressed through Development Engineering Condition No. 4, as contained in Appendix “C”.

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

The Environmental Planning Section has advised that they have no objection to the subject applications as it is understood that no new arterial or collector roads are proposed, and that access will be obtained through a local public road. A stormwater management pond is proposed. It is noted that development of a stormwater management pond, if developed as a condition of draft plan approval, is a Schedule A Project and, therefore, does not require a Municipal Class Environmental Assessment. Any infrastructure upgrades or expansions outside of the draft plan of subdivision would require a Class EA.

Public Works Department - Capital Planning and Implementation Division, Open Space Development and Park Planning

This Section has noted that the draft plan shows no parkland and, therefore, the applicant is required make a cash payment to the City of Hamilton, equivalent to the value of 5% of the value of each lot in lieu of the dedication of land, required prior to the issuance of building permit.

In addition to their primary function, stormwater management ponds should be attractive, community features that, where possible, are incorporated into the design of the community ‘gateway’ and/or contribute to overall neighbourhood character and can connect to street frontage. They should be designed with safety in mind. Slopes should be between 4:1 and 7:1 to be non-hazardous to the public. Adjacent to the waterline, plantings of thickets should be included to prohibit access, except at designated look-out areas. Stormwater management ponds should be designed to eliminate the need for fencing (except on the common boundary between the stormwater management
facility and private lots), and should include walkways around the facility with linkages to parks and trails.

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

This Section notes that the applicant will be required to pay 5% Cash-in-Lieu of parkland dedication payment. As noted above, this payment will be required prior to issuance of building permits.

**Hamilton-Wentworth District School Board**

The Board has required that, as a condition of draft plan approval, that the developer, at their expense, place fencing along the property line where the Paradise Green property abuts the HWDSB property (Lot 33). The Board requires that the fencing be placed inside the Paradise Green property line. The fencing shall be a 1.5 metre high chain link fence. In addition, the Board has requested to be kept informed on the progress of this subdivision.

**Recommendations**: That Hamilton-Wentworth District School Board Condition 28 be included in the draft plan of subdivision approval, as contained in Appendix “C”.

**Hamilton Conservation Authority**

The subject property is located within the Tiffany Creek subwatershed and within the Falkirk West Neighbourhood Plan Area. The Tiffany Creek Headwaters ESA and the Tiffany Creek Wetland Complex, a Provincially Significant Wetland (PSW) is located on the western portion of the subject property. Hamilton Conservation Authority (HCA) staff have conducted a site inspection of the property and reviewed the Falkirk West Environmental Impact Statement (EIS), prepared by Ecologistics Limited, dated July 21, 1995. In conjunction with the past commitment by the City of Hamilton and HCA to allow the Bayview Glen subdivision (25T200314) to encroach into the small finger of the wetland along the southerly property line of Bayview Glen and adjacent to the Paradise Green lands, Authority staff has no objection to the remainder of this wetland pocket being developed as Street ‘A’, subject to compensatory plantings being undertaken, similar to the Bayview Glen compensatory agreement. In this regard, a site assessment must be undertaken by a qualified professional and a compensation plan must be prepared that satisfactorily addresses the loss of the wetland feature and its functions.

Authority staff also note that a 15 metre wide buffer would be appropriate at the rear of Lots 21, 22, 23, 33 and a portion of Lot 24, as was recommended in the Falkirk West EIS, while a continuous 10m buffer could be utilized along the west side of the SWM pond. This buffer strip should be a horizontal measurement, measured landward/eastward from the top of bank/ESA boundary as staked by HCA and City of Hamilton staff on February 4, 2005. The HCA has no objection to the construction of a pedestrian trail within the buffer strip, subject to these lands being dedicated to the City
of Hamilton for public ownership purposes and zoned in an appropriate Open Space zone to prevent future development and encroachment.

As Tiffany Creek traverses the subject site, please be advised that any alteration of Tiffany Creek (including a stormwater outlet) will require approval from the HCA in accordance with the Fill, Construction and Alteration to Waterways Regulation, Ontario Regulation 151/90.

As indicated in the “Paradise Green Preliminary Servicing Report” dated March, 2005, prepared by Weslake Inc, stormwater quantity control will be divided into two sections, with a small portion (1.01 ha) being accepted into the Tiffany Park Subdivision and the remainder of the site being directed towards Tiffany Creek. For stormwater quality control, Level 2 treatment is required since Tiffany Creek is a Type 2 watercourse. A site grading and drainage plan will be required to confirm drainage of the site in addition to a sediment and erosion control plan. Also, documentation should be provided confirming that the Tiffany Park subdivision facility has been built to accept the identified drainage from the Paradise Green subdivision.

Recommendations: That Hamilton Conservation Authority Standard Conditions 1 and 2 (Appendix “C”, Conditions 2(d)) and Hamilton Conservation Authority Conditions 19 to 27 be included in the draft plan of subdivision approval.

Bell Canada

Bell Canada has determined that there are adequate telecommunication facilities existing within the area and, therefore, Bell Canada does not require any easement or lease. Bell Canada has requested that a condition requiring the developer to enter into a Letter of Understanding for underground servicing be imposed on the draft plan of subdivision.

Recommendations: That Bell Canada Standard Condition 1 be included in the draft plan of subdivision approval (Appendix “C”, Condition 2(c)).

PUBLIC CONSULTATION

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 206 property owners within 120 metres of the subject lands. One written response (attached as Appendix “E”) was received from the public with comments relating to parkland, as will be discussed in the Comments Section of this report. Notice of the Public Meeting will be given in accordance with the Planning Act.
The subject lands are within the defined urban area and full municipal services are available. The proposed draft plan of subdivision and zone change applications are consistent with the objectives of sustainable development and support VISION 2020's goals within the Land Use in the Urban Area Theme. The goals include encouraging development which makes efficient and economical use of infrastructure and services, as well as curbing urban sprawl and suburban encroachment onto rural and agricultural lands. No adverse impacts with respect to economic, social, health and environmental matters have been identified with these applications.

Circulation of the proposed applications to various City Departments and outside agencies resulted in no significant issues with respect to the proposed zone changes, although a number of requests to impose specific conditions of draft approval for the proposed plan of subdivision were received. Planning staff's evaluation of the proposed applications is set out below.

1. This proposal has merit and can be supported for the following reasons:
   
   (i) The proposed draft plan of subdivision and changes in zoning are consistent with the Provincial Policy Statement and conform to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.
   
   (ii) The proposal is consistent with the existing and planned development in the immediate area.
   
   (iii) The proposal incorporates site-specific zoning provisions to encourage reduced yard setbacks and frontages to provide a greater street presence than traditional single family dwellings.
   
   (iv) The proposal includes adequate buffering from the ESA and PSW, and will incorporate an extension to a pedestrian and bicycle path system through the Falkirk West Neighbourhood.

2. A portion of the subject lands is designated as “Innovative Housing” on the Falkirk West Neighbourhood Plan. If these applications are approved, an amendment would be required to redesignate these lands to “Single and Double” Residential. The term Innovative Housing, as per the Falkirk West Neighbourhood Plan, is used to describe housing developments that contain a mix of dwelling types on one parcel of land in a community like setting, which may include private roads or laneways, reduced yard setbacks, and aesthetic enhancements. The dwelling types can include single detached, semi-detached and townhouse dwellings. It is appropriate in this case to amend the neighbourhood plan to “Single and Double” Residential to reflect the fact that the
lots will be developed for single detached dwellings only, and not the mix of housing types as envisioned by the “Innovative Housing” designation. However, site-specific zoning provisions have been included in the proposed amending By-law, as will be discussed below, to permit reduced front yard setbacks and reduced lot frontages, which will increase the street presence of the dwellings and require the garages to be positioned further back on the lot. Reduced setbacks are one of the design guidelines of the “Innovative Housing” designation. Therefore, while an amendment is required to reflect the single family dwelling development, some of the principles of the “Innovative Housing” designation will remain in this development. In addition, it is noted that the Falkirk West Neighbourhood currently has a variety of dwelling types available, with semi-detached dwellings to the south of the subject lands and townhouse development to the east. Therefore, the neighbourhood plan amendment can be supported. In addition, the Neighbourhood Plan must also be amended to add a cul-de-sac shown as Street “C”.

3. As a result of the Department’s pre-circulation to the public, one written response (attached as Appendix “E”) was received with comments relating to parkland. The resident commented that they would like to see a park in the Falkirk West Neighbourhood that will incorporate play areas for children. A park block has not been included in this subdivision, but was included in the approved subdivision directly to the south of the subject lands (“Tiffany Park”). The Falkirk West Neighbourhood Plan states that active park needs are to be met through parkland in the adjacent Falkirk East Neighbourhood. The parks in the Falkirk West Neighbourhood are to be small in size (parkettes) and provide links to the pedestrian trail and open space area. This draft plan does include the pedestrian trail linkage. In addition, the applicant will be required to pay a Cash-in-Lieu of parkland dedication payment, as requested by the City’s Open Space and Park Planning Section and Culture and Recreation Section. This payment will be added to the City’s Parkland Reserve Fund to be used for future parkland acquisition.

4. The approved Falkirk West Neighbourhood Plan indicates a proposed bicycle path/pedestrian linkage running from Rymal Road West northward along the boundary of the ESA lands. This proposed path has been included in the approved plans of subdivision to the south of the subject lands: Paradise Gardens and Tiffany Park. The applicant is proposing to further extend the pathway through this plan of subdivision, to be included within Block 73 (the ESA buffer). As a condition of draft plan approval, the applicant will be required to construct the pathway to City standards, and deed the lands containing the pathway (Block 73) to the City when completed (Development Engineering Condition No. 14 and Development Planning Condition No. 16). The draft plan, attached as Appendix “B”, indicates Block 73 terminating at its southern end adjacent to lands owned by the Hamilton-Wentworth District School Board. Therefore, as it is currently shown, the trail would not connect to the proposed trail through the Tiffany Park subdivision to the south. The City will endeavour in
the future to acquire lands needed to connect this trail to the lands to the south. Funding is available to acquire these lands should the City have the opportunity in the future.

In addition, the draft plan, attached as Appendix “B”, has been revised, as shown, to extend Block 73 further north around the perimeter of the SWM Block, to connect to Street ‘A’. This proposed street connection has been approved by the Open Space and Park Planning Section, and the extension of Block 73 has been approved by the Hamilton Conservation Authority.

It is also noted that the applicant will be required to deed the conservation lands, shown as Block 72 on Appendix “B”, to the Hamilton Conservation Authority, as a condition of draft plan approval. (Development Planning Condition No. 17)

5. The proposed zoning amendment includes site-specific provisions to address issues such as lot frontage and front yard setbacks, as discussed below:

**Site-Specific Zoning Block 1**

The lands shown as Block 1 on Appendix “A” are proposed to be rezoned to “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified. These lands, which include Lots 34 to 45 (inclusive) and Blocks 63 to 70 on Appendix “B”, are proposed to be rezoned to a zoning district compatible with the zoning already in place on the lands to the east (Tiffany Park). Blocks 63 to 70 will be merged with adjacent blocks on the Tiffany Park plan of subdivision to permit single family dwellings. Therefore, the zoning must be consistent on these blocks. The site-specific zoning on these lot permits the following special provisions:

- a single family dwelling shall have a lot width of at least 11m and a lot area of at least 325 sq. m; whereas the “D” District requires a lot width of at least 12m and a lot area of at least 360 sq. m.

- a front yard depth of not less than 3.0m to the main wall of the dwelling and not less than 6.0m to the garage or carport; whereas the “D” District requires a front yard of not less than 6.0m.

- lot coverage of all buildings and structures shall not exceed 45% (lot coverage means the percentage of the lot area covered by every building and/or structure including accessory buildings).

- for a single family dwelling, a portion of one required side yard that is adjacent to the wall of an attached garage shall be permitted a minimum side yard of 0.60 metres, except that,
(a) in the case of a corner lot, a side yard having a flankage width of not less than 1.2m shall be provided and maintained.

The above provisions come directly from the zoning already in place on the lands to the east. The reductions in required front yard depth and lot frontage will facilitate housing of a type that has an increased street presence over typical single family dwellings. Therefore, the modifications are appropriate and can be supported.

Site-Specific Zoning Block 2

The lands shown as Block 2 on Appendix “A” will be rezoned to “C” (Urban Protected Residential, etc.) District, Modified. The “C” District zoning is more appropriate for these lots as it is consistent with the zoning on the lands to the north (“Bayview Glen”), and because the applicant is only proposing single family dwellings and not any other form of housing. The “C” District permits single family dwellings only. Modifications have been included for both Blocks to permit a reduced minimum front yard of 3.0 metres to the main wall of the dwelling and minimum 6.0 metres to the garage or carport, whereas the “C” District requires a 6.0 metre front yard. The front yard modifications have been included to encourage flexibility in housing design, particularly in front yard setbacks. This will provide a more compatible street edge with the lands to the south, which incorporate these site-specific zoning provisions. Therefore, the modifications are appropriate and can be supported.

6. In accordance with the City of Hamilton’s Parkland Dedication By-law, the applicant is subject to a Cash-in-Lieu of parkland dedication payment. Given that the subject lands are not designated for a future park, the City does not require the inclusion of parkland dedication into the draft plan of subdivision. Therefore, in accordance with City By-laws, a cash payment to the City of Hamilton, equivalent to the value of 5% of the value of each lot in lieu of the dedication of land, will be required prior to the issuance of building permit.

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

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

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

(c) 5% of land value on the day before building permit issuance as of January 1, 2007.
7. The applicant is required to submit a detailed Stormwater Management report to address quality and quantity of run-off, to the satisfaction of the City of Hamilton and the Hamilton Conservation Authority. Sufficient back-up information will be required to verify that the proposed location will accommodate the facility as designed in accordance with current applicable Storm Water Management Guidelines, to the satisfaction of the Manager of Development Engineering and all other appropriate agencies. The owner must agree to inspect and maintain the proposed stormwater management facility for up to one year after construction. After this time, the stormwater management facility will be dedicated to the City of Hamilton. The owner is required to install 1.8m high chain-link fencing between the perimeter of the stormwater management facility and the adjacent residential lots (1, 19, and 20), at the owner’s expense. (Development Engineering Condition Nos. 5 to 8 and Hamilton Conservation Authority Condition Nos. 19 and 20).

8. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “C”, including the applicable City’s standard conditions of approval. Several special conditions will also apply, many of which have already been referenced in this report. In addition, conditions relating to payment for survey monumentation, driveway locations, fencing, the requirement for a geotechnical report, sidewalk locations, and discharge of rainwater leaders have also been included. The geotechnical report is required in order to confirm stability of the lands to be developed. It is noted that the Hamilton Conservation Authority has approved of the top-of-bank location, as shown on Appendix “B”, and does not require a geo-technical study for slope stability (Development Engineering Condition No.’s 3, 4 and 9 to 12).

CONCLUSION:

Based on the foregoing, staff supports the applications for draft plan of subdivision and changes in zoning, as recommended for approval in the Recommendations Section of this report, subject to the draft approval conditions in Appendix “C”.

:HT
Attachs. (5)
“Paradise Green” – Conditions of Draft Approval

1. That this approval apply to the Draft Plan of Subdivision entitled “Paradise Green”, dated August 25, 2005, prepared by Weslake Inc., as shown on Appendix “B” to Report PED05116, showing a maximum of fifty-eight (58) lots for single detached dwellings, one (1) block for stormwater management (Block 71), two (2) blocks for conservation/open space purposes (Blocks 72 and 73), and twelve (12) blocks for future development (Blocks 59 to 70).

2. That the following standard conditions of draft plan approval from Appendix “A” of Report PD01184 (Streamlining and Harmonization of Subdivision, Condominium and Part Lot Control Approvals and Administration Processes) shall apply;

   (a) Development Engineering
       Standard Conditions Nos. 1, 2, 5, 6, 7, 15, 17, 18, 19, 20, 21, 29, 30, 32, and 35;

   (b) Development Planning
       Standard Conditions Nos. 2, 3, 4, 5, 10, 16, 17, 20, and 21;

   (c) Bell Canada
       Standard Condition No. 1;

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

Development Engineering

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

4. That as part of the detailed engineering design, the grading plan shall indicate all proposed driveway locations for all lots. Driveways for Lots 18 to 26, inclusive, and 52 to 56, inclusive will not overlap and will have a minimum 1.0m separation at the curb line, all to the satisfaction of the Manager of Development Engineering and the Supervisor of Traffic Planning.

5. That the owner shall submit a detailed Storm Water Management Report to address quality and quantity of run-off. Sufficient back-up information will be required to verify that the proposed location of the SWM facility will accommodate the proposed facility designed in accordance with current applicable Storm Water Management Guidelines to the satisfaction of the Manager of Development Engineering and all other appropriate agencies. The
Owner must demonstrate that resulting runoff from the proposed development for the 2 to 100 year storm will not negatively impact downstream properties.

6. That the Owner agree in writing to inspect, monitor and maintain the proposed storm water management facility for up to and including one (1) year after the final building has been constructed.

7. That the Owner agrees in writing to provide the City with a maintenance manual to be submitted as part of the Storm Water Management Report.

8. That the Owner agree in writing to install a 1.8m high chainlink fence around the perimeter of the Storm Water Management facility adjacent to Lots 1, 19 and 20 at their sole expense.

9. That the Owner agrees in writing to install a 1.5 metre high chainlink fence along the rear property lines of Lots 21 to 24 inclusive, and Lot 33 which rear yards and side yards are adjacent to City owned lands at their sole expense.

10. That the Owner provides a geotechnical report prepared by a qualified professional engineer prior to final engineering design.

11. That the Owner agrees in writing to construct sidewalks as follows: along both sides of Street “B”, both sides of Street “C”, (Hannah Crescent) and one side of Street “A” (south side). No sidewalks will be required on the Street fronting Lots 13 to 26 and side of Lot 27 or on the Street fronting Lots 52 to 56. Further, that the Owner shall include a notice in all Purchase and Sale Agreements advising future home owners of these sidewalk requirements.

12. That all rainwater leaders for all single family units within the Falkirk West Neighbourhood discharge to grade to provide for additional infiltration as recommended in the Falkirk West Wetland Environmental Impact Study, dated July 21, 1995.

13. That all storm and sanitary sewer installations include anti-seep clay collars to assist in preventing the interception and diversion of groundwater as recommended under the Falkirk West Wetland Environmental Impact Study, dated July 21, 1995.

14. That the owners agree in writing to construct a buffer, pedestrian sidewalk and bicycle path on Block 73, from the south limit of this proposed draft plan of subdivision to Street “A” to the satisfaction of the City.
Development Planning

15. That the recommendations of the Falkirk West Environmental Impact Study be implemented into the design of the subdivision, to the satisfaction of the Manager, Development Planning.

16. That the owner agrees in writing to deed Block 73 to the City of Hamilton, to the satisfaction of the Manager, Development Planning

17. That the owner agrees in writing to deed Block 72 to the Hamilton Conservation Authority, to the satisfaction of the Manager, Development Planning.

18. That the Owner agree, in writing, that no building permit shall be applied or issued for Blocks 59 to 70 (inclusive) until these blocks have been consolidated with adjacent lands to the east, to the satisfaction of the City of Hamilton, Director of Development and Real Estate.

Hamilton Conservation Authority

19. That lot grading not proceed until a storm water management facility to service the site has been substantially completed, to the satisfaction of the City’s Manager of Development Engineering.

20. That the storm water management facility is dedicated to the City of Hamilton for ownership and maintenance.

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

22. The applicant prepares and implements a landscaping plan for the storm water management facility, to the satisfaction of the Hamilton Conservation Authority.

23. That the applicant prepare and implement a tree preservation and landscaping plan for the area abutting the Tiffany Creek Headwaters Environmentally Significant Area (ESA), to the satisfaction of the Hamilton Conservation Authority.

24. The applicant install chain link fencing, or other acceptable type, in a location on the rear lot lines abutting the Tiffany Creek Headwaters ESA, to the satisfaction of the Hamilton Conservation Authority.

25. That a minimum 15.0 metre buffer be provided at the rear of Lot 21, Lot 22, Lot 23, a portion of Lot 24, and Lot 33 and that a 10.0 metre buffer be provided along the west side of the stormwater management facility, to be measured horizontally from the limit of the Tiffany Creek Headwaters ESA that was staked by staff from the Hamilton Conservation Authority and the City of Hamilton on February 4, 2005, and identified as a separate block (i.e. Block 73).
26. That Block 73 be zoned in an appropriate Open Space designation, to the satisfaction of the Hamilton Conservation Authority.

27. That the applicant prepare a Compensation Plan for this development to address the loss of the wetland feature at the north end of the property and provide the necessary compensatory plantings on the site, to the satisfaction of the Hamilton Conservation Authority.

Hamilton Wentworth District School Board

28. That the Developer, at their expense, construct chain link fencing with a minimum height of 1.5 metres, along the property line where Lot 33 of the Paradise Green property abuts the HWDSB property. The Board requires that the fencing be placed inside the Paradise Green property line.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593,
Respecting Lands Located at 87 Edgehill Drive, Hamilton

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” 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 and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which By-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Planning and Economic Development Committee at its meeting held on the day of , 2005, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

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

1. That Sheet No. W-37c of the District maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
(a) by changing the zoning from “AA” (Agricultural) District to “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, Modified, the lands comprised of Block 1;

(b) by changing the zoning from “AA” (Agricultural) District to “C” (Urban Protected Residential, etc.) District, Modified, the lands comprised of Block 2; and,

(c) by changing the zoning from “AA” (Agricultural) District to “A” (Conservation, Open Space, Park & Recreation) District the lands comprised of Block 3.

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

2. That the “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District regulations as contained in Section 10 of Zoning By-law No. 6593, applicable to the lands shown as Block 1 on Schedule ‘A’, be modified to include the following special requirements:

(a) notwithstanding Section 10(4)(i) of Zoning By-law No. 6593, for a single family dwelling a lot width of at least 11.0 metres and an area of at least 325.0 square metres shall be provided and maintained.

(b) notwithstanding Section 10(3)(i) of Zoning By-law No. 6593, the following shall apply:

1) a front yard having a depth of not less than 3.0 metres to the main wall of the dwelling;

2) a front yard having a depth of not less than 6.0 metres to the garage or carport.

(c) lot coverage of all buildings and structures shall not exceed 45% of the lot area.

(d) lot coverage shall mean the percentage of the lot area covered by every building and/or structure including accessory buildings.

(e) notwithstanding Section 2(6) and 10(3)(ii) of Zoning By-law No. 6593, for a single family dwelling a portion of one required side yard that abuts the wall of an attached garage shall be permitted a minimum side yard of 0.60 metres, except that,

(1) in the case of a corner lot, a side yard having a flankage width of not less than 1.2 metres shall be provided and maintained.
3. That the “C” (Urban Protected Residential, etc.) District regulations, as contained in Section 9 of Zoning By-law No. 6593, applicable to the lands shown as Block 2 on Schedule ‘A’, be modified to include the following special requirements:

(a) notwithstanding Section 9(3)(i) of Zoning By-law No. 6593, the following shall apply:

1) a front yard having a depth of not less than 3.0 metres to the main wall of the dwelling;

2) a front yard having a depth of not less than 6.0 metres to the garage or carport.

4. 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 “D” (Urban Protected Residential – One and Two Family Dwellings, etc.) District, “C” (Urban Protected Residential, etc.) District, and “A” (Conservation, Open Space, Park & Recreation) District provisions, subject to the special requirements referred to in Sections 2 and 3, applicable to the lands described in Sections 1(a) and 1(b).

5. By-law No. 6593 is amended by adding this By-law to Section 19B as Schedule S-1534.

6. Sheet No. W-37c of the District Maps is amended by marking the lands referred to in Sections 1(a) and 1(b) of this By-law as S-1534.

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

PASSED and ENACTED this                  day of                     , 2005.

_________________________________________   _______________________________________
MAYOR                                              CLERK

ZAC-05-33/25T200503
Schedule "A"

Map Forming Part of
By-Law No. 05-

to Amend By-Law No. 6593

Subject Property
87 Edgehill Drive

Block 1 - "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family Dwellings) District, Modified;

Block 2 - "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, Modified;

Block 3 - "AA" (Agricultural) District to "A" (Conservation, Open Space, Park & Recreation) District;

Planning and Economic Development Department
Hamilton

This is Schedule "A" to By-Law No. 05—

Passed the __________ day of __________, 2005

Clerk

Mayor

File Name/Number: ZAC-05-33 / 25T200503
Scale: Not to Scale
Date: August 29, 2005
Planner/Technician: HT/MC

TAG File Name: N:\T\By-Law\By-Law Amendments\By-Law Schedule 2005\Appendices\PED05116.DOC
Ms Travis,  
I am writing regarding the proposed subdivision at 87 Edgehill Drive.  

My main suggestion for the development of this area is that there would be included some type of play park for young children with swings, slides and suitable climbing equipment (or something along those lines) as well as open play space that could potentially be flooded in the winter for outdoor skating. Presently we are having to cross busy streets to get to a park area, either across Upper Paradise to go behind the STM high school, or across Upper Paradise and Rymal to the park south of Rymal.  

I appreciate your consideration and look forward to receiving a copy of the staff report.  

Elisabeth Di Francesco