SUBJECT: Applications for Approval of a Draft Plan of Subdivision, “Northampton Estates”, and Amendment to Glanbrook Zoning By-law No. 464, for Lands Located South of Strathearn Place and East of Homestead Drive, (Glanbrook) (PED06165) (Ward 11)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200527, by 1612444 Ontario Inc. (c/o Anthony DiCenzo), owner, to establish a draft plan of subdivision known as “Northampton Estates”, on lands located on Part of Lot 5, Concession 5 (Glanbrook), as shown on Appendix “B” to Report PED06165, subject to the execution of a City Standard Form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06165 and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development.

(ii) That payment of Cash-in Lieu of parkland be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the plan of subdivision. The payment will be based on the value of the lands on the day prior to the day of the issuance of each building permit; all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to Zoning Application ZAC-05-131, by 1612444 Ontario Inc. (c/o Anthony DiCenzo), owner, for a change to Zoning By-law No. 464 from the Deferred Development “DD” Zone to the Residential “R4-209 (A)”, Residential “R4-209 (B)”, Residential “R3-209” and Residential “R3” Zones on lands located on Part of Lot 5, Concession 5 (south of Strathearn Place and
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the applications are to facilitate a draft plan of subdivision, “Northampton Estates”, and for zoning changes, all to permit the development of an 88 lot subdivision for single detached residential in the Mount Hope Urban Settlement Area of the former Township of Glanbrook.

The Department supports the applications as they are consistent with, and complementary to, the existing and proposed development in the immediate area, and conform to the Hamilton-Wentworth and Glanbrook Official Plans.

BACKGROUND:

Southampton Estates and South Mount Hope Estates

“Southampton Estates, Phase 1” has already been registered and is currently under construction (Plan 62M-992). “South Mount Hope Estates”, now referred to as “Southampton Estates, Phase 2”, was amended in 2004 by both the applicant and the City, and is registered as Plan 62M-1051. The City Initiative was of a “housekeeping” nature to make corrections to the Mount Hope Land Use Plan so that it reflected the approved subdivisions.
On June 23, 2004, the Committee of Adjustment approved the severance of the rear of 43, 49, 55, 65, 73 Strathearne Place, and 3392 Homestead Place in order to consolidate the subject lands to facilitate the development of the proposed plan of subdivision.

Proposal

The draft plan of subdivision proposes the creation of 88 single detached residential units (Lots 1-88), 57 lots with minimum frontages of 10 metres (32 ft.) (Lots 7-11, 16-23, 28-36, 46-48, 53-74, 79-88), and 31 lots with minimum frontages of 12 metres (39 ft.)(Lots 1-6, 12-15, 24-27, 37-45, 49-52, 75-78). In addition, the plan contains five blocks for future residential uses (Blocks 89-93), two new cul-de-sacs and the extension of Stoneglen Way, as shown on Appendix “B”.

Location: South of Strathearne Place and West of Homestead Drive (see Appendix “A”)

Owner: 1612444 Ontario Inc (Anthony Di Cenzo).

Servicing: Full municipal servicing

Summary of 25T-200627:

<table>
<thead>
<tr>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Land Area:</td>
</tr>
<tr>
<td>5.167 ha (12.77 acres)</td>
</tr>
<tr>
<td>Total Number of Units:</td>
</tr>
<tr>
<td>88</td>
</tr>
<tr>
<td>Single Detached:</td>
</tr>
<tr>
<td>88</td>
</tr>
</tbody>
</table>

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></td>
<td>Deferred Development “DD” Zone</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:</td>
<td>Single detached dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>West:</td>
<td>Single detached dwellings</td>
<td>Residential “R3” and Residential - Holding “H-R3-143” Zones</td>
</tr>
<tr>
<td>South:</td>
<td>Single detached dwellings and gas pipeline easement</td>
<td>Residential “R4” and Private Open Space “OS1-148” Zones</td>
</tr>
<tr>
<td>East:</td>
<td>Single detached dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

(i) It is consistent with the Provincial Policy Statement as it represents an opportunity for growth in settlement areas.

(ii) The proposal conforms to the Hamilton-Wentworth Official Plan.

(iii) It conforms to the Official Plan for the former Township of Glanbrook.

(iv) The proposed form of development is considered to be compatible with the existing development in the immediate area.

2. Circulation of the proposed applications to various City Departments and outside agencies resulted in no significant issues with respect to the proposed plan of subdivision and zone changes, except for the lands located within the temporarily restricted Twenty Road Sanitary Catchment Area. 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.

Draft Plan of Subdivision

The proposed plan of subdivision implements the approved Mount Hope Settlement Area Land Use Plan, and is an appropriate form of development. The change in the road pattern does not require an amendment to the Secondary Plan. The plan proposes eighty-eight new residential lots (Lots 1-88), and five blocks (Blocks 89-93) for future development. Block 89 will be developed in conjunction with Block 184 of Registered Plan 62M-992 (“South Hampton Estates Phase 1”). The two new cul-de-sacs need to be revised to show a minimum radius of 15.0 metre at the property line and 20.0 metres at the road.

In early 2006, it was determined by the Department of Public Works (Water/Wastewater Division) that there is an imminent problem with capacity at the Twenty Road Pumping Station and immediate corrective action was required to be taken by the City to remedy a number of overflow occurrences at the station. To deal with the capacity issue, Public Works staff are proposing to add a third pump to the pumping station and construct a new forcemain north along the Upper James Street (and Highway 6) road allowance currently under the jurisdiction of the Ministry of Transportation.

In the interim, to prevent additional sewer connections into this system, a specific condition is required that would prevent new development from proceeding until such time as the third pump has been installed and operational, and the
construction of a new forcemain along Upper James Street has been completed (Included as Development Engineering Condition No. 9).

In an effort to minimize the impact this restriction will have on delays with development projects, staff have agreed to continue with the review of engineering submissions within the affected area so that pre-serving can commence once confirmation has been received from Public Works that the necessary upgrades are proceeding with a completion date that would allow development to proceed simultaneously.

From an urban design perspective, the proposed road pattern will result in seven corner lots with prominent side yards. Building exteriors which face the street form part of the public realm and can affect the use and perception of adjacent pedestrian areas. The front elevation design of Lots 7, 8, 29, 35, 59, 66, and 73 should address the street and have pedestrian scale detail compatible to their front façade (Included as Development Planning Condition No. 13).

Conditions of Draft Plan Approval

The conditions of draft approval set out in Appendix “D” to this report include relevant standard conditions, such as the completion of an archaeological assessment, geotechnical study and servicing study.

Special conditions for this development include:

- That the driveway locations on Lots 1-6, 10-15, 25-27, 36-44, 50-52 and 74-78, as well as Block 93, 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 ( Included as Public Works Condition No. 12).

- That owner provide and implement, at the owner’s expense, building elevations detailing enhanced architectural features for the flankage side elevation for Lots 7, 8, 29, 35, 59, 66, and 73, to the satisfaction of the Director of Development and Real Estate ( Included as Development Planning Condition No. 13).

- That the owner prepares and implements a Stormwater Management Report for the subject property, to the satisfaction of the City of Hamilton. The Stormwater Management Report will demonstrate how Stormwater Management for the site meets the intent of the report for Southampton Estates. The report will also show how both the minor and major storm events will be addressed, to the satisfaction of the Manager of Development Engineering without negative impact to the adjacent existing properties (Included as Development Engineering Condition No. 5).
That final approval (prior registration) not be granted until such time as the necessary upgrades and improvements to the Twenty Road Pumping Station and Forcemain have been constructed and commissioned to the satisfaction of the General Manager, Public Works (Included as Development Engineering Condition No. 9).

Parkland Dedication

In accordance with the City’s Parkland Dedication and Cash-in-Lieu of parkland By-law, the proposed draft plan of subdivision is subject to a Cash-in-Lieu of parkland dedication payment based on 5% of the land value of the subject property.

In accordance with the City By-law, this cash payment will be required prior to the issuance of each building permit for the lots within the plan of subdivision. The City’s policies include a phase-in provision for Cash-in-Lieu of parkland requirements for residential plans of subdivision as follows:

- 4% of the land value applies from January 1, 2006 to December 31, 2006.
- 5% of the land value applies from January 1, 2007 onward.

Therefore, if all building permits have not been issued prior to December 31, 2006, the Cash-in-Lieu of parkland dedication payment will increase. The payment will be based on the value of the lands on the day prior to the day of the issuance of each building permit.

Sidewalks

In accordance with the City’s Development Engineering Guidelines and Council Policy, sidewalks are required along the south side of Stoneglen Way, but none are required along the two proposed cul-de-sacs (Included as Development Engineering Condition No. 6).

Zone Change

The proposed zoning, as shown on Schedule “A” to Appendix “E”, is to change:

- Blocks 2, 4, 5, 6, 7, 9, and 11 from the Deferred Development “DD” Zone to a site-specific Residential “R4-209(A)” Zone, which permits single detached dwellings with a minimum lot frontage of 10 metres.

- Block 1, 3, 10, and 12 from the Deferred Development “DD” Zone to a site-specific Residential “R4-209(B)” Zone, which permits single detached dwellings with a minimum lot frontage of 12 metres.
• Blocks 8 and 13 from the Deferred Development “DD” Zone to the site-specific Residential “R3-209” Zone, which permits single detached dwellings with a minimum lot frontage of 12 metres.

• Block 14 from the Deferred Development “DD” Zone to the Residential “R3” Zone.

The modified zoning permits encroachments into the required yards for unenclosed porches, stairs, decks, and balconies, and setbacks for garages which are the same as those permitted in the subdivisions in the Rymal Road Secondary Planning Area. These encroachments provide for an enhanced streetscape by encouraging prominent front porches and recessed garages.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are not approved, the lands could only be used for the range of agricultural uses permitted under the current Deferred Development “DD” Zone.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

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

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement:**

The application has been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the application is consistent with the 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 resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted (*Included as Development Planning Standard Condition No. 10*).

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 contaminates, and minimize risk to public health and safety. Due to the proximity of the subject lands to the Hamilton International Airport, a noise warning clause should be included in the subdivision agreement *(Included as Development Planning Standard Condition No. 11).*

**Hamilton – Wentworth Official Plan:**

The subject property is designated as “Urban Area” in 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. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

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

**Mount Hope Urban Settlement Area/ Glanbrook Official Plan:**

The Mount Hope Urban Settlement Area Land Use Plan is illustrated in Schedule “C” of the Glanbrook Official Plan, and is included as Appendix “C” to this report. The subject property is designated “Low Density Residential”. A road pattern for future development land within the Mount Hope Settlement Area is also shown on the Land Use Plan. However, the Plan states that the internal road system shall be used as a guideline and that some flexibility regarding final road alignment is permitted. The final alignment of internal roads shall be determined by Council. All of the surrounding land is designated as “Low Density Residential”.

Development objectives and policies for the Mount Hope Settlement Area are set out in Section B.2.1.24 of the Glanbrook Official Plan. Key policies, as they pertain to the subject applications, state that:

"B.2.1.24.2 (a)(iv) The rear portion of the existing large lot residential development fronting Strathearne Place shall be encouraged to be redeveloped for low density residential uses, as shown on Schedule “C” – Mount Hope Urban Settlement Area Land Use Plan, and in conformity with the other pertinent relevant policies of the Official Plan.

B.2.1.24.2 (a)(v) In order to minimize conflicts, the location, form and design of new residential areas shall be sensitive to the density and form of existing residential development.

B.2.1.24.2 (e)(ii) It is the intent of the Plan that the design of the internal road system in the Mount Hope Urban Settlement Area, as shown on Schedule “C” - Mount Hope Urban Settlement Area Land Use Plan shall be
used as a guideline, and as such, some flexibility regarding the final alignment of the internal roads is permitted. The final alignment of the internal public roads shall be determined by the Council of the Township of Glanbrook and where applicable, the Region of Hamilton-Wentworth.”

The applicant’s proposed changes to the road network in “Northampton Estates”, connecting the existing Stoneglen Way to the existing Provident Way (as shown on Appendix “B”), are a result of road pattern changes previously approved as part of the Southampton Estates, Phase One subdivision (62M-992). Staff supports the proposed revisions as the modified grid pattern is still maintained and there is no negative impact on the neighbourhood design or the flow of traffic.

**RELEVANT CONSULTATION:**

The following Departments and Agencies had no comments or objections:

- Hamilton-Wentworth District School Board.
- Public Works, Strategic & Environmental Planning.
- Corporate Services Department, Budgets, Taxation & Policy Section.
- Ministry of Transportation.

**Niagara Peninsula Conservation Authority**

Based upon the review of the applications for draft plan of subdivision and a change in zoning, the NPCA offers the following comments:

- The NPCA is satisfied that the existing temporary stormwater management facility has been adequately sized in order to attenuate post development stormwater peak flows from the contributing 44.5 hectare catchment (which includes Northampton Estates) to pre-development levels.

- The NPCA is satisfied that the existing temporary stormwater management facility has been adequately sized in order to treat stormwater runoff from the contributing 44.5 hectare catchment (which includes Northampton Estates) to a Level 2 (Normal) standard prior to discharge from the site.

- The NPCA has no objection to the preliminary storm servicing plan.

- Prior to construction, the NPCA will require that detailed grading, servicing, and construction sediment control drawings be submitted for review and approval *(Niagara Peninsula Conservation Authority Standard Condition No.’s 1 and 2).*
Enbridge

Enbridge Pipelines Inc. (Enbridge) operates two high pressure petroleum pipelines contained in an 18.3m wide right-of-way/easement adjacent to the subject lands.

Enbridge has no objections to proposed development providing the following conditions are adhered to:

- Any proposed crossings of the right-of-way by roads, laneways, bike/walking paths, services and utilities are permitted in accordance with the regulations of the National Energy Board (NEB) Act and subject to approval. The applicant will be required to enter Enbridge’s Standard Crossing Agreement.

- During the entire construction phase the Enbridge right-of-way shall be delineated with snowfence or equivalent material which is subject to Enbridge’s approval where applicable.

- Enbridge is regulated by the National Energy Board (NEB) Act Section 112 of the Act states that “No person shall, unless leave is first obtained from the Board, construct a facility across, on, along, or under a pipeline or excavate using power-operated equipment or explosives within 30 metres of a pipeline.

- No grading or placing of fill on Enbridge’s right-of-way will be permitted without prior written approval of Enbridge.

- No work shall take place on Enbridge’s right-of-way without the presence of an Enbridge inspector.

- No heavy machinery will be permitted to cross Enbridge’s right-of-way without prior written approval from Enbridge.

- No landscaping shall take place on Enbridge’s right-of-way without Enbridge’s written approval.

(Included as Enbridge Pipelines Inc. Standard Condition No.’s 4-9 and Enbridge Special Condition No. 14)

Public Works Department, Operations and Maintenance Division, Traffic Engineering and Operations Section

As a condition of subdivision approval, the driveway locations on Lots 1 to 6, 10 to 15, 25 to 27, 36 to 44, 50 to 52 and 74 to 78, as well as Block 93, are to be located to the satisfaction of the Supervisor of Traffic Planning. The driveway locations of these lots must be shown on approved engineering drawings submitted with the registered subdivision agreement (Included as Public Works Special Condition No. 12).
Public Works Department, Operations and Maintenance Division, Forestry Section

An assessment of the Draft Plan of Subdivision and Rezoning Applications show that there are Municipal Forestry concerns or conflicts. No tree protection is required for the trees located in the road allowance of the homes on Provident Way and Strathearne Place.

The submitted plan does show numerous trees located on the site behind these homes that will conflict with the construction of the 88 lots. All trees within this development area are to be identified as municipal or private and that a Tree Management Plan be submitted for all trees on municipal property so a final determination can be made (Included as Development Planning Standard Condition No.’s 12 and 17).

If it is determined that existing trees can remain, a detail with notes showing tree preservation techniques should be included as per the Protective Measures For Trees During Construction Policy. A landscape plan shall also be submitted, as per the New Development Tree Planting Policy.

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

As no parkland has been dedicated in the draft plan of subdivision, in accordance with the Mount Hope Settlement Area Land Use Plan, Cash-in-Lieu of parkland dedication is required. (Recommendation (a)(ii))

Staff also request the following standard conditions of approval be included: a streetscape plan, a street tree planning plan, and a tree preservation study and plan.

(Included in Development Planning Standard Condition No.’s 12, 13, 16, and 17.)

Public Health Services Department, Health Protection Branch

Public Health Services has no objection to this application, provided:

- All septic tanks on the subject property, are emptied by a Ministry of Environment licensed sewage hauler, and then filled with soil.

- All wells on the subject property must be abandoned according to Regulation 903 under the Ontario Water Resources Act.

(Included in Social and Public Health Services Department Standard Condition No.’s 1-3.)
The Hamilton Street Railway

HSR does not provide fixed-route service to this area and has no current plans to do so. If in the future, Council decides to include the lands south of Rymal Road in the U.T.A and tax property owners for transit service, the inclusion of sidewalks along Stoneglen Way at this site would serve to ensure access to transit for future residents (Included as Development Engineering Standard Condition No. 6).

PUBLIC CONSULTATION

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, 114 pre-circulation letters were mailed to land owners within 120 metres of the subject property. Of the letters mailed, staff received responses from six residents (see Appendix “F”). The concerns raised include drainage and flooding issues, a mapping error, parkland, fencing, and density.

All six responses received from the public expressed concerns about the grading and drainage of the subject lands and the surrounding lands. More specifically, their concern relates to ponding/flooding on lots located north and south of the subject lands. The grading and drainage issues of the surrounding properties and the subject lands will be addressed through the development of the plan of subdivision. As well, staff has included a condition requiring the owner of the lands to prepare and implement a Stormwater Management Report that will indicate how Stormwater Management meets the intent of the report for Southampton Estates, and how both minor and major storm events will be accommodated without negative impact to the adjacent existing properties (Included in Development Engineering Condition No. 5). This will help ensure that all grading and drainage issues will be resolved through this development.

With respect to density, the proposed 22.6 units per net residential hectare are below the maximum 25 units per net residential hectare permitted in the Official Plan.

A resident expressed a concern regarding the amount of parkland in the community of Mount Hope. No future parklands were identified in the Secondary Plan within the subject lands. Appendix “C”, the Mount Hope Settlement Area Land Use Plan, identifies all lands designated for park purposes.

Two residents have requested that the developer fence the proposed residential development from adjacent residential properties, in order to protect the existing residents’ privacy. As these lands have always been designated for residential development, the responsibility for fencing private properties is that of the individual home purchasers and existing residents.
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
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

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

:KW

Attachs. (6)
Location Map

Subject Property
Part of Lot 5, Concession 5

File Name/Number: 25T-200527/ZAC-05-131
Date: January 16, 2006
Scale: N.T.S
Planner/Technician: KW/LMM

Ward 11
Keymap N.T.S
Mount Hope Urban Settlement Area Land Use Plan
“Summit Park Addition - Phase 2” 25T-200527 – Conditions of Draft Approval

(1) That this approval apply to “Northampton Estates” dated August 18, 2005, prepared by Planning and Engineering Initiatives Limited, as certified by O.L.S., as shown on Appendix “B” to Report PED06165, showing eighty-eight (88) lots (Lots 1 to 88) for single detached dwellings, and five (5) blocks (Blocks 89-93) for future development. The one proposed street extension (Stoneglen Way) and two new courts (Malwood Court and Avatar Way) will be dedicated to the City as public highways.

(2) That the following standard conditions from Appendix “A” to report PD01184-Sreamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process apply:

(a) Development Engineering Condition No.’s 1, 2, 7, 12, 15-17, 21-26, and 29;

(b) Development Planning Condition No.’s 3-5, 10-13, 16, 17, 20, and 21;

(c) Social and Public Health Services Department Condition No.’s 1-3;

(d) Niagara Peninsula Conservation Authority Condition No.’s 1 and 2; and,

(e) Enbridge Pipelines Inc. Condition No.’s 4-9.

Development Engineering

(3) That the Owner enter into a subdivision agreement with the City of Hamilton prior to registration of any portion of the draft approved plan.

(4) That the Owner agree, in writing, to satisfy all conditions, financial and otherwise, of the City of Hamilton prior to registration of any portion of the draft approved plan.

(5) That the owner prepares and implements a Stormwater Management Report for the subject property, to the satisfaction of the City of Hamilton. The Stormwater Management Report will demonstrate how Stormwater Management for the site meets the intent of the report for Southampton Estates. The report will also show how both the minor and major storm events will be addressed, to the satisfaction of the Manager of Development Engineering without negative impact to the adjacent existing properties.
(6) That the Owner agree in writing to install concrete sidewalks in the location listed below:

Stonglen WAY: South side, full length.

(7) That the owner agree to provide street lighting throughout the subdivision to the limits of the subdivision where deemed necessary, to the satisfaction of the Manager of Development Engineering.

(8) That the Owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.

(9) That final approval not be granted until such time as the necessary upgrades and improvements to the Twenty Road Pumping Station and Forcemain have been constructed and commissioned to the satisfaction of the General Manager, Public Works.

(10) That the owner agree to remove the temporary turning circle at the end of Stonelglen Way, to the satisfaction of the City’s Manager of Development Engineering.

(11) That the owner agrees that Blocks 90 to 93 inclusive shall be developed in conjunction with Block 183, 62M-992, and Block 89 will be developed in conjunction with Block 184, 62M-992.

Public Works

(12) That the driveway locations for Lots 1-6, 10-15, 25-27, 36-44, 50-52, 74-78 and Block 93 be located to the satisfaction of the Supervisor of Traffic Planning.

Development Planning

(13) That the owner provide and implement, at the owner’s expense, building elevations detailing enhanced architectural features for the flankage side elevation for Lots 7, 8, 29, 35, 59, 66, and 73, to the satisfaction of the Director of Development and Real Estate.

Enbridge Pipelines Inc.

(14) That during the entire construction phase, the Enbridge right-of-way shall be delineated with snowfence or equivalent material which is subject to Enbridge’s approval where applicable.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located in Part of Lot 5, Concession 5 (west of Homestead Drive and south of Strathearn Place)

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 Township of Glanbrook" 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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Section _______ of Report 06- _______ of the Planning and Economic Development Committee at its meeting held on the _______ day of _______, 2006, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

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

1. Schedule “F”, appended to and forming part of By-law No. 464 (Glanbrook) is amended as follows:

   (a) by changing from the Deferred Development “DD” Zone to the Residential “R4-209 (A)” Zone, the land comprised of Blocks 2, 4, 5, 6, 7, 9, and 11;
(b) by changing from the Deferred Development “DD” Zone to the Residential “R4-209 (B)” Zone, the land comprised of Blocks 1, 3, 10, and 12;

(c) by changing from the Deferred Development “DD” Zone to the Residential “R3-209” Zone, the land comprised of Blocks 8 and 13;

(d) by changing from the Deferred Development “DD” Zone to the Residential “R3” Zone, the land comprised of Block 14;

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

2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding the following new special provisions:

R3-209 Notwithstanding Subsection 7.26 ENCROACHMENTS INTO YARDS
R4-209(A) of SECTION 7: GENERAL PROVISIONS FOR ALL ZONES,
R4-209(B) the following provisions shall apply to those lands zoned site-specific Residential “R3-209”, “R4-209(A)”, and “R4-209(B)”:  

(a) Unenclosed porches, both covered and uncovered, may project into the required front yard a maximum 2.0 metres, into the required rear yard a maximum 1.5 metres, and into the required exterior side yard a maximum 2 metres;

(b) Stairs used to provide access to unenclosed porches from the ground may project into the required front yard and required exterior side yard a maximum 0.6 metres, measured from the limit of the porch closest to the lot line;

(c) Decks may project into the required rear yard, a maximum 4.5 metres, and into the required exterior side yard a maximum 2.0 metres;

(d) Window projections, with or without foundations, and architectural elements without a foundation such as, but not limited to, fireplaces, chimneys, pilasters, and corbels, may project into any required yard, excluding a side yard that is less than 1.2 metres, a maximum of 0.6 metres;

(e) Balconies, canopies, awnings and fruit cellars may project into any front yard, rear yard or exterior side yard, a distance of not more than 2.0 metres. Where the exterior side yard is 1.0 metres, balconies, canopies, awnings, and fruit cellars may project into the exterior side yard a distance of not more than 1.0 metres; and
(f) The projections permitted by above clauses (d) and (e), and by Subsection 7.26(a) ENCROACHMENTS INTO YARDS, shall be permitted within the required minimum setback of 5.8 metres between the second floor living space above a garage that faces a front or exterior side lot line and said lot line.

R3-209 Notwithstanding Subsection 7.25 SETBACK REQUIREMENTS R4-209(A) FROM TRANSMISSION PIPELINE RIGHTS-OF-WAY, the following

R4-209 (B) provision shall not apply to those lands zoned site-specific Residential “R3-209”, “R4-209(A)”, and “R4-209(B)”:  

Notwithstanding any provision or regulation in this By-Law, all principal buildings shall be setback a minimum distance of 10 metres (33 feet) from the boundary of a transmission pipeline right-of-way.

R3-209 Notwithstanding Subsection 15.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) of SUBSECTION 15.1 (SINGLE DETACHED DWELLING) of SECTION 15: RESIDENTIAL “R3” ZONE, the following regulations shall apply to those lands zoned site-specific Residential “R3-209”:

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) AND (ii) OF THIS SUBSECTION

(i) Minimum Lot Frontage: 10.0 metres, except for a corner lot, where the minimum lot frontage shall be 12.0 metres.

R4-209(A) Notwithstanding Subsection 16.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) of SUBSECTION 16.1 (SINGLE DETACHED DWELLING) of SECTION 16: RESIDENTIAL “R4” ZONE, the following regulations shall apply to those lands zoned site-specific Residential “R4-209(A)”:

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) AND (ii) OF THIS SUBSECTION

(i) Minimum Lot Frontage: 10.0 metres, except for a corner lot, where the minimum lot frontage shall be 12.0 metres.

(ii) Minimum Lot Area: 300 square metres, except for a corner lot, where the minimum lot area shall be 330 square metres.
(iii) Minimum Front Yard: 4.0 metres, except for a garage that faces a front lot line which shall have a minimum front yard setback of 5.8 metres.

(iv) Minimum Interior Side Yard: 1.2 metres, except the minimum interior side yard may be reduced to 0.61 metres on one side of the lot provided the abutting lot has a minimum side yard of 1.2 metres.

(v) Minimum Exterior Side Yard: 2 metres, except:

(A) the minimum exterior side yard may be reduced to 1.0 metres where there is no public sidewalk adjacent to the exterior side yard of the lot;

(B) the minimum setback for any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres; and,

(C) a garage that faces an exterior side lot line shall have a minimum setback of 5.8 metres from the exterior side lot line.

(vi) Minimum Rear Yard: 7.0 metres

(vii) Maximum Building Height: 12.6 metres

(viii) Maximum Driveway Width:

For single detached dwellings, the maximum driveway width shall be 5.5 metres, or the distance between the exterior walls of the garage, whichever is greater.

(ix) Garage Projections

(A) The front face of a garage may project a maximum of 3.5 metres beyond the front face of the main building provided that:

(1) the main second floor wall above the garage is setback a maximum of 2.5 metres from the front face of the garage; and,

(2) the second floor wall face above the
garage has a minimum width of sixty percent (60%) of the garage width.

(B) Where habitable floor area is not provided above the garage, the front face of the garage may project a maximum of 2.0 metres beyond the front face of the main building.

(C) Notwithstanding subsection (ix)(A), the front face of a garage may project a maximum of 6.0 metres beyond the front face of the main building provided that a covered and unenclosed porch extends a minimum 2.5 metres from the front face of the main building, and provided subsections (ix)(A)(1) and (2) are applied.

(x) Repetition of Front Elevations

Not more than two (2) buildings with the same front elevations shall be built upon abutting lots that front on the same street.

(xi) Minimum Parking Requirements

Parking shall be provided pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law. Notwithstanding Subsection 7.35(a)(vii) and Subsection 11.6(b), the following provisions shall apply:

(A) each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres; and,

(B) the required minimum exterior side yard of a corner lot abutting a public street may be used for the parking or storage of a motor vehicle on a driveway located between a public street and the front face of a garage.

R4-209(B) Notwithstanding Subsection 16.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) of SUBSECTION 16.1 (SINGLE DETACHED DWELLING) of SECTION 16: RESIDENTIAL "R4" ZONE, the following regulations shall apply to those lands zoned site-specific Residential "R4-209(B)":

(b) REGULATIONS FOR USES PERMITTED IN
PARAGRAPH (a)(i) OF THIS SUBSECTION

(i) Minimum Lot Frontage: 12.0 metres, except for a corner lot, where the minimum lot frontage shall be 14.0 metres.

(ii) Minimum Lot Area: 350 square metres, except for a corner lot where the minimum lot area shall be 400 square metres.

(iii) Minimum Front Yard: 4.5 metres, except for a garage that faces a front lot line which shall have a minimum front yard setback of 5.8 metres.

(iv) Minimum Interior Side Yard: 2.0 metres, except that the minimum interior side yard may be reduced to 0.61 metres on one side of the lot provided the abutting lot has a minimum side yard of 1.2 metres.

(v) Minimum Exterior Side Yard: 2.0 metres, except:

   (A) the minimum exterior side yard may be reduced to 1.0 metres where there is no public sidewalk adjacent to the exterior side yard of the lot;

   (B) the minimum setback for any building or structure to a daylighting triangle or a visibility triangle shall be 0.0 metres; and,

   (C) a garage that faces an exterior side lot line shall have a minimum setback of 5.8 metres from the exterior side lot line.

(vi) Minimum Rear Yard: 7.0 metres

(vii) Maximum Building Height: 12.6 metres

(viii) Maximum Driveway Width:

   The maximum driveway width shall be 5.5 metres, or the distance between the exterior walls of the garage, whichever is greater.

(ix) Garage Projections
(A) The front face of a garage may project a maximum of 3.5 metres beyond the front face of the main building provided that:

1. the main second floor wall above the garage is setback a maximum of 2.5 metres from the front face of the garage; and,

2. the second floor wall face above the garage has a minimum width of sixty percent (60%) of the garage width.

(B) Where habitable floor area is not provided above the garage, the front face of the garage may project a maximum of 2.0 metres beyond the front face of the main building.

(C) Notwithstanding subsection (ix)(A), the front face of a garage may project a maximum of 6.0 metres beyond the front face of the main building provided that a covered and unenclosed porch extends a minimum 2.5 metres from the front face of the main building, and provided subsections (ix)(A)(1) and (2) are applied.

(x) Repetition of Front Elevations

Not more than two (2) buildings with the same front elevations shall be built upon abutting lots that front on the same street.

(xi) Minimum Parking Requirements

Parking shall be provided pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law. Notwithstanding Subsection 7.35(a)(vii) and Subsection 11.6(b), the following provisions shall apply:

(A) each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres; and,

(B) the required minimum exterior side yard of a
corner lot abutting a public street may be used for the parking or storage of a motor vehicle on a driveway located between a public street and the front face of a garage.

3. 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 , 2006.

__________________________________________  _______________________________________
MAYOR                                      CLERK

ZAC-05-131
Appendix "E" to Report PED06165 (Page 9 of 9)

This is Schedule "A" to By-Law No. 06—

Clerk

Passed the __________ day of ______________, 2006

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

Map Forming Part of By-law No. 06-_____ to Amend By-law No. 464

Subject Property
Part Of Lot 5, Concession 5 (west of Homestead Drive and south of Strathearn Place)
Change from Deferred Development "DD" Zone to:

Blocks 1, 3, 10 and 12 - Residential "R4-209 (B)" Zone
Blocks 2, 4, 5, 6, 7, 9 and 11 - Residential "R4-209 (A)" Zone
Block 8 and 13 - Residential "R3-209" Zone
Block 14 - Residential "R3" Zone
Hi Kristen.
I received a letter regarding the above development and had a question. On the location map, what does H-R3-144 and H-R3-143 represent?

I live at 103 Strathearn Place and am still waitng for the developer to finish grading block 182(H-R3-144) and block 183( H-R3-143). I have talked to several people who work with the city and are trying to get me some answers - just thought I would check with you as well.

Thank you in advance for your assistance.
I have enclosed a copy of Southampton Phase 1.

Ugo

<<Lot 10 Block 182 Southampton Estates Phase 1.tif>>

Ugo Campolo
Response From Public Circulation

From: Logan  
Sent: Thursday, February 09, 2006 11:36 AM  
To: West, Kristen  
Subject: Re: Pre-Circulation Notice of "North Hampton Estates"

Dear Ms. West,

As the time for development of North Hampton Estates (File No. 25T-200527/ZAC-05-131) approaches I would like to share my concerns with your department. My family and I live in one of the older homes at the southwestern end of Strathearn Place and will be significantly affected by the new development. We are not completely opposed to development but want to be assured that the appeal of our older piece of property will not be diminished by development.

Firstly, we are concerned with the proposal to increase the density of the housing in Northampton Estates over what was initially planned. It is bad enough to lose an area full of trees, rabbits, birds and deer, but to replace it with even higher density housing than was originally proposed demonstrates a clear lack of consideration for those already living in the area. The initial plan of multiple courts was less objectionable.

Our next concern is that on the elevation map sent to us in January the northwestern boundary lines of the new development appear to overlap with the rear property lines of 77, 83 & 91 Strathearn Place. What is the reason for this? In reality, rows of mature trees mark the boundaries of 2 of these lots. Will they be cut down in the process of development? They contribute greatly to the esthetic value of the area, reduce winds and consequently reduce the dust and debris coming in our direction from current construction areas. We know from the experience of the development of the west end of Strathearn Place that a great deal of debris finds its way off the site of construction. We have been picking up huge sheets of plastic, bits of wood, cardboard and countless Tim Hortons' cups from our yard for the last year and a half.

Thirdly, the lack of parkland in Mount Hope is becoming alarming. City of Hamilton website maps indicate that there are 2 parks in 'old' Mount Hope: Mount Hope Park at the north end of town behind the library and Gord Oakes Park close to us behind the Fire Station. This second park does not exist! I have enquired with various city offices and no one seems to know why this empty space is called a park and agrees that there is no plan in place to create one here. There is a proposed park at the far southwestern end of Southampton Estates. Why is Mount Hope being planned to have 2 parks at extreme opposite ends of the town? Both are much too far away for younger children to get to on their own from the Strathearn, Aberdeen, Marion and surrounding streets. A parkette was initially proposed elsewhere in Southampton Estates. This was subsequently removed from plans, as was a portion of the southwestern park. It was initially planned at over 0.9 hectares in size. It has since been reduced to just 0.65. Presently, the open space where Northampton Estates is to go is one of the few remaining open spaces that local children can enjoy. Anyone who spends any time at all in Mount Hope will see that many children hang out daily at the pumping station (or similar municipal property) on Homestead, at the end of Strathearn, because there is nowhere else to go. At the very least, Northampton Estates should have a parkette of its own.
Response From Public Circulation

Finally, we are concerned of the effects development will have on the pond immediately behind 91 Strathearne Place. Drainage from both Strathearne and Aberdeen finds its way to this area via a watercourse on our property. This pond remains wet all year round. It is a living pond, not just a ditch, which attracts and supports local wildlife. Also, when rainfall or snowmelt is heavy this pond expands southward (into future Northampton Estates) to at least 8 times its normal size. If Lot 1 of Malwood court is elevated and developed we fear flooding of the backyards of 91 and 83 Strathearne Place. This happened last year because of debris accumulation in the ditch east of Block 183 and the city had to intervene to have the area cleared.

A significant reason Mount Hope is so appealing to homeowners is because of the unique spaces and character of the older parts of the town. Proximity to the mature trees, open spaces and existing large residential lots of Strathearne Place will surely be a selling point for Northampton Estates. I fear that what we will gain is noise, flooding and a view devoid of mature trees for decades to come. Please consider this in planning the development.

Sincerely,

Gail Christie-Logan
83 Strathearne Place
P.O. Box 65
Mount Hope
L0R 1W0

From: Logan
Sent: Monday, February 13, 2006 10:42 AM
To: West, Kristen
Subject: Northhampton Estates (File No. 25T-200527/ZAC-05-131)

Dear Ms. West,

After sending my rather long email last week I thought that, regarding the watercourse and flooding, pictures might be more helpful than words. There are 3 attachments included with this message.

Strathearne_1:
- a view looking southwest from our deck (at 83 Strathearne)
- water travels south along property line, cuts sharply west and ends in the pond
- picture taken last spring when drain in construction area became blocked & snow was melting
- at least 90% of the water behind our neighbour's house is in the future Northampton Estates (Malwood Court area)

Strathearne_2:
- 2 views of same area last summer after a short but heavy rain; no drains were blocked
- this happens countless times every year
- the white shed on the lower left has never been flooded

Strathearne_3:
- same summer day; view from Stoneglen looking north
- the water here comes from our watercourse and drainage from the field soon to be Northampton Estates
- unfinished house in the distance is lot 107 or 108 of the new houses on Strathearn
Response From Public Circulation
Gail Christie-Logan
Response From Public Circulation
Response From Public Circulation
File: 25T-200527/ZAC-05-131

Dear Kristen West:

Re: Preliminary Circulation, application of a Draft Plan of Subdivision, “North Hampton Estates” (25T-200527), and Zoning By-law Amendment Application ZAC-05-131 for Lands Located in Part of Lots 5, Concession 5, Stoneglen Way and Avatar Way (Glanbrook) (Ward 11)

Thank you for the opportunity to comment on the proposed development. I am a resident of 144 Provident Way. My property is located at the southwest corner of the area of land in question.

I have been contacting the city since approx October 2004 in regards to drainage problems. My neighbors at 148 Provident Way have a storm drain in their rear yard. The problem is that the water which is supposed to make it into that drain, pools in my backyard and saturates the ground to the point that it will remain with standing water for several weeks after a rain.

After an entire year of phone calls to the City of Hamilton officials I still have had nothing done to fix the problem. The latest happening was on October 25, 2005. On this date Sally Young-Lee, David Mitchell, Roman Liewczuk, Serge Manchia were present in my backyard for a meeting. At the conclusion I was told that the 13 houses that already drain into one storm water drain was not the problem. The problem is the field which is in question. I was told that once the land was developed I would have no problem. Serge then stated he would have a backhoe come in and divert the water flow from the field and this would fix my problem. This never happened. I have e-mailed him in regards to this with no response.

I am hoping that these drainage problems will be taken into consideration and that I may be contacted when there is a meeting at city council so I can explain my situation in detail.

My only other concern is the request for encroachment of porches and decks and windows into rear yards. With my property being so low and the street behind being so high, I have concerns of a significant lack of privacy. Especially from a two story house with a large deck and big windows encroaching on the property line.

Thank you for time.

Nikolai Zydowynk 144 Provident Way Mount Hope ON, L0R1W0
Home: Work:
February 6th, 2006

Dear Kristen West,

RE: Pre-Circulation Notice of “North Hampton Estates”
    Subdivision Application File No. 25T-200527
    and Zoning By-law Amendment File No. ZAC-05-131

I am writing in response to the letter received regarding the development of the North Hampton Estates. I am the resident of 88 Provident Way (Lot 51), and I have a concern regarding the water drainage from that area. Currently my backyard becomes a flood plain whenever there is significant rainfall or melt-off. This concerns me for many reasons, first and foremost because it makes my backyard almost completely unusable, but also because of the increased risks surrounding standing water and West Nile prevention.

I currently have a grievance filed with the Tarion Corporation, the new home warranty company, regarding this issue, but I have also heard from my builder that the problem will only be fully corrected when the North Hampton Estates is developed.

In fact, I am not entirely sure how such grading could have ever been approved by the city in the first place!

As such, I would like this to considered and included in any development reports of the indicated land.

Sincerely,

Kevin Glayn
88 Provident Way
To whom it may concern,

I, David Mason, owner of 26 Provident Way (Lot 64, South Hampton Estates) have been experiencing drainage problems with overland flow for one and a half years (since possession) coming from the vicinity of what is proposed as the rear of lots 43 to 52 Avatar Way in the North Hampton Estates development.

During any precipitation or in the approximate week following, there is what I feel is an excessive amount of water flowing to the storm sewer located on lot 63 Provident Way (next door). The amount of water that flows down from the north is what I may expect to see after a very heavy downpour in a ditch, not running into my neighbor’s and expanding into my backyard. During the months since we have moved in it is very difficult to mow the lawn in this eight-foot span because even if there are no puddles, it is sopping wet all the time.

Councilor David Mitchell and a representative from the City of Hamilton have been notified and have observed the problems we are having with this water. On the day that they were here last fall they agreed that there was something wrong but there has to be any action taken.

I have walked in the field where the proposed development is and you can see where, over the years, the water that flows from the north has actually created a path along what appears to be the rear of these lots and directly into our backyards and I would hope that with added storm sewers among these lots, along with proper storm drainage and elevation control incorporated into North Hampton Estates this problem be rectified so that we can enjoy our whole yard and not have to worry about the effect with the standing or flowing water problems we have experienced in the past.

Thanking you in advance for your consideration.