SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Change in Zoning for Lands Located at the Southeast Corner of Colin Crescent and Lorenzo Drive (Hamilton) (PED06226) (Ward 7)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T200604, “Lorenzo Place”, The Estate of Hendrikus Van De Kuyt & The Estate of Cornelis Groenewegen, Owners, as red lined revised, to establish a draft plan of subdivision, comprising twenty-one lots for single-detached dwellings, one block for a 0.3m reserve, one un-developable block to be added to the abutting City Land and a new public street, on lands located at the southeast corner of Colin Crescent and Lorenzo Drive (Hamilton), as shown on Appendix “C” to Report PED06226, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06226 and the following:

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

(ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the lots within the draft plan. The payment will 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-06-16, The Estate of Hendrikus Van De Kuyt & The Estate of Cornelis Groenewegen, Owners, to change the zoning from the “C” (Urban Protected Residential, etc.) District to the “R-4” (Small Lot Single Family Dwelling) District (Block 1), to permit the
development of nineteen single detached dwellings on separate lots, and to change the zoning from the “C” (Urban Protected Residential, etc.) District to the “R-4” (Small Lot Single Family Dwelling) District, Modified (Block 2) to permit the development of two single detached dwellings on separate lots, on lands located at the southeast corner of Colin Crescent and Lorenzo Drive (Hamilton), as shown on Appendix “A” to Report PED06226, on the following basis:

(i) That Block “1” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “R-4” (Small Lot Single Family Dwelling) District.

(ii) That Block “2” be rezoned from the “C” (Urban Protected Residential, etc.) District to the “R-4” (Small Lot Single Family Dwelling) District, Modified.

(iii) That the draft By-law, attached as Appendix “B” to Report PED06226, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the applications is for approval of a draft plan of subdivision and a change in zoning to permit the development of the subject lands for twenty-one lots for single detached dwellings and a new public road.

The proposal has merit and can be supported since the red lined revised draft plan of subdivision and change in zoning are consistent with the Provincial Policy Statement, and implements the intent of the Hamilton-Wentworth Official Plan, the Hamilton Official Plan and approved Jerome Neighbourhood Plan. The proposal is compatible with surrounding residential uses, and is an appropriate infill development that will make efficient use of existing services.
BACKGROUND:

Proposal

The purpose of the applications is for approval of a draft plan of subdivision (as red lined revised) and a change in zoning to permit the development of the lands located at the southeast corner of Colin Crescent and Lorenzo Drive, for twenty-one lots for single detached dwellings and a new public road (Appendices “A” and “C”). The proposed arrangement of the lots would create fourteen lots accessed from a new cul-de-sac - Maya Court (for reference purposes only, with official street name to be confirmed at a later date), while the remaining seven lots would front onto Lorenzo Drive. The frontages of the lots as detailed in the proposed draft plan of subdivision (as red lined revised - see Appendix “C”), would range from 11.40 to 15.38 metres and lot areas would range from 316.51 to 453.87 square metres.

It must be noted that the lands to the south of the subdivision may potentially be developed and the proposed cul-de-sac extended into a street. To ensure all potential purchasers of the lots are aware of this, a warning clause detailing this potential development will be required to be registered on title by the owner (see Special Condition 10 – Appendix “D”).

In order to implement the proposed draft plan of subdivision (as red lined revised), the applicant has applied to change the zoning of the subject lands from the “C” (Urban Protected Residential, etc.) District to the “R-4” (Small Lot Single Family Detached) District (See Appendix “A”). The proposed zoning includes modifications (Block 2) requested by the applicant in order to permit a minimum front yard depth of 3.0m to the face of the dwelling, and 6.0m to the face of the garage, and to permit a reduction in the required front yard landscaped area from 50% to 40% for Lots 20 and 21.

Staff has evaluated this requested rezoning, which is discussed in the Analysis/Rationale Section of this report.

Owner/Applicant: The Estate of Hendrikus Van De Kuyt & The Estate of Cornelis Groenewegen

Agent: A.J. Clarke and Associates Ltd., c/o Stephen Fraser

Location: Lands Located at the Southeast Corner of Colin Crescent and Lorenzo Drive

Description: Frontage: 75.52 metres (Lorenzo Drive)
Depth: 116.28 metres
Area: 1.006 ha
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></td>
<td>Vacant</td>
<td>“C” (Urban Protected Residential, etc.) District.</td>
</tr>
</tbody>
</table>

Surrounding Lands

<table>
<thead>
<tr>
<th>North</th>
<th>Single Detached Dwellings</th>
<th>“C” (Urban Protected Residential, etc.) District, Modified.</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Vacant</td>
<td>“AA” (Agriculture) District.</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
<td>“AA” (Agriculture) District.</td>
</tr>
<tr>
<td>West</td>
<td>Vacant and Single Detached Dwellings</td>
<td>“C” (Urban Protected Residential, etc.) District and “C” (Urban Protected Residential, etc.) District, Modified.</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, and conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.
   
   ii) It implements the “Single and Double Residential” designation of the approved Jerome Neighbourhood Plan.
   
   iii) It is consistent with the type and form of residential development in the surrounding neighbourhood.
   
   iv) It is an appropriate infill development that will make use of existing and adequate services presently available to the site.

2. Twenty-one single detached dwellings and a new road are proposed. The built form of the proposed dwellings would be the same as that permitted by the “C” Modified Districts to the north and southwest of the site. The resulting density, although slightly higher, is considered compatible with the surrounding area and conforms to the existing land-use policies in effect (see Page 6 - Density &
3. Staff notes there is an existing storm sewer and a sanitary sewer on Lorenzo Drive adjacent to Lots 1 to 7 to service this development directly. Lots 1 to 7, inclusive, have previously been provided with private sanitary laterals up to the property line. There is an existing storm sewer and sanitary sewer on Colin Crescent to service the remaining lands of these applications directly.

4. Staff notes that the Hamilton-Wentworth District School Board owns lands directly to the south of this proposed subdivision. These lands remain of significant interest to the Board for the potential development of a neighbourhood school site. However, should these lands be declared surplus and developed for single-detached dwellings, the approved plan for the Jerome Neighbourhood may need to be amended to indicate a future road pattern for the School Board lands for the extension of Maya Court.

5. There will be no City share for the construction of municipal services required for this development. The City will recover the outstanding servicing costs adjacent to this site at the time of development. The owner will also be required to construct a 1.5 metre high chain link fence adjacent to the City owned parkland. Under the current Financial Policies, the City would not share for the cost of the construction of the chain link fence required adjacent to these lands as no lands are being conveyed to the City for Parkland. These requirements are detailed in Special Draft Plan Conditions Nos. 7, 8 and 9 (see Appendix “D”). The City of Hamilton does not require any road widenings adjacent to this development.

6. The application was reviewed by the Hamilton Region Conservation Authority (HRCA) who noted that the area drains into Hamilton Harbour, which has a Remedial Action Plan to restore the health of the harbour by reducing the amount of sediment entering the Harbour and Lake Ontario. Consequently, the Authority will require storm water quality and quantity controls to be implemented, as per Ministry of Environment guidelines. These requirements have been included as HRCA Standard Condition 1 of Condition 2 (c) and as Special Draft Plan Condition 13 of Appendix “D”.

7. Staff has requested the submission of a signed Record of Site Condition as the lands are adjacent to a former landfill site. This request is detailed in Standard Development Planning Condition No. 6 (see Appendix “D”).

8. In accordance with Council’s Public Participation Policy, these applications were pre-circulated to 126 property owners within 120 metres of the subject lands.
Two letters were received in response to the preliminary notice of circulation letter (attached as Appendix “E”). One letter is in support of the application, while the other raises concerns regarding traffic volumes and pedestrian safety. An analysis of these and other relevant planning issues is provided in the following section of this report.

9. **Traffic/Safety Issues**

Concern has been raised that the proposed development will generate additional traffic in the neighbourhood, resulting in traffic congestion. One resident considers that this would place pedestrians’ safety at risk, especially as they are already vulnerable to vehicular traffic as there are no formalized sidewalks along the roads.

The Traffic Engineering and Operations Section has provided comments regarding this application and raise no objections to the zoning application and note that the driveway locations, as submitted with the draft plan, are satisfactory. The Traffic Engineering and Operations Section considers that traffic movements associated with the proposed residential units would not prejudice the safety or amenity of vehicular or pedestrian traffic, provided the proposed street (Maya Court) aligns centreline to centreline with the existing Aztec Court. This recommendation is detailed in Special Draft Plan Condition No. 12 (see Appendix “D”)

**Density & Streetscape Character**

The subject lands are currently located within a “C” District, and are surrounded by existing and future proposed residential properties.

The rezoning of the subject lands to an “R-4” (Small Lot Single Family Dwelling) District would, in terms of zoning regulations for single detached dwellings, require the same minimum front yard setbacks, minimum rear yard setbacks and maximum height as the existing “C” District.

The purpose of the rezoning is to accommodate the increased density of the proposed development, with each lot under the proposed “R-4” (Small Lot Single Family Dwelling) District, required to have a minimum width of at least 10 metres instead of the 12 metres required under the existing zoning, and a minimum area of at least 306 square metres instead of the existing minimum 360 square metres. The minimum side yard requirement, while equal to that of the existing “C” district for the interior side yard (1.2m), is permitted to be reduced to a zero lot line for the remaining side yard.

It is the opinion of planning staff that the different zoning regulations between the “C” and “R-4” Districts (as detailed above) would not have a significant impact upon the character of the area and, as such, can be supported.
With respect to the requested modifications to permit a reduction in the minimum required front yard landscaping and a minimum front yard depth of 3.0m to the face of the dwelling, and 6.0m to the face of the garage for Lots 20 and 21 (see Appendix “B” – Block “2”), it is noted that these modifications are required as the rear of these lots back onto a de-commissioned quarry and, as such, have areas which are un-developable in their rear yards. The applicant proposes that this area be placed in a separate block (Block 23 – Appendix “C”) and deeded back to the City for a parkland dedication. Following evaluation of this request, staff recommends not to accept these lands as Parkland dedication, but are willing to accept these lands to be conveyed back to the City. The plan of subdivision has been red lined to omit reference to Parkland Dedication (see Appendix “C”).

It is not considered that the proposed modifications would have a significant or undesirable impact upon the character of the area or streetscape and, as such, can be supported. Furthermore, it is noted that should Maya Court be extended, parts of the cul-de-sac will be deeded back to these lots and the front yards increased.

On the issue of densities, staff notes that while the permitted density of the subject land would increase from the standards of the “C” District, it is considered that the entire proposal maintains a similar residential density that is compatible with the adjacent neighbourhood. The proposal is reflective of the density policies of the Hamilton Official Plan, which state (Policy C.7.7.3):

“Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs 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;”

The proposal also satisfies the provincial intensification policies. Policy 1.1.3.3 of the Provincial Policy Statement states:

“Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

As such, the intent to provide a higher density for the subject site conforms to the City’s overall growth objectives.
In conclusion, it is staff’s opinion that the streetscape character of the neighbourhood will be maintained as the recommended zoning requires a built form, maximum height, minimum setbacks and a scale of development that is largely consistent with that existing and permitted by the existing residential zoning in the surrounding area.

**Loss of Open Space / Greenspace**

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

Therefore, in accordance with City By-laws, a cash payment to the City of Hamilton, in lieu of the conveyance of the land, will be required prior to the issuance of each building permit for the lots within the plan.

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

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

(b) 5% of land value on the day before building permit issuance as of January 1, 2007.

10. The conditions of draft approval set out in Appendix “D” to this report are comprised of relevant conditions from the Streamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process and have been updated to meet the new Financial and Engineering Guidelines for development.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, the applicant can use the subject property for the range of uses that are currently permitted under the existing “C” District.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.
LEGAL: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for a change in Zoning and Draft Plan of Subdivision.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the applications are consistent with the policies that focus growth in settlement areas (Policy 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. The site has been identified as having archaeological potential. Consequently, Standard Development Planning Condition No. 10, which requires a full archaeological assessment, has been recommended (see Appendix “D” – Condition 2(b)).

Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize the risk to public health and safety. Due to the proximity of the subject lands to the Lincoln Alexander Parkway, staff requests a noise assessment be conducted or a warning clause be imposed to address this concern. This is recommended under Special Condition No. 11 (see Appendix “D”).

Policy 3.2.2 outlines that contaminated sites shall be remediated, as necessary, prior to any activity on the site associated with the proposed use such that there will be no adverse effects. Due to the lands being adjacent to a former landfill site, staff requests a Record of Site Condition as detailed in Standard Development Planning Condition No. 6 (see Appendix “D” – Condition 2(b)).

Hamilton-Wentworth Official Plan

The subject property is 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. 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 are for the development of a residential plan of subdivision where full municipal services are available, the applications conform with the Hamilton-Wentworth Official Plan policies.

**Hamilton Official Plan**

The subject property is designated “Residential” on Schedule “A” – Land Use Plan in the former City of Hamilton Official Plan.

The following policies of the Hamilton Official Plan, among others, are applicable to the subject lands:

“C.7.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a graduation so that higher density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.

C.7.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs 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;”

The proposal will increase the supply of housing in the neighbourhood in a manner that is compatible with existing surrounding residential uses. The proposal represents an appropriate example of infill development that will make efficient use of existing services, while ensuring that the existing low density, grade oriented character of the neighbourhood is maintained.

Based upon the forgoing, Planning staff is of the opinion that these applications conform to the Hamilton Official Plan.

**Neighbourhood Plan**

The property is located within the Jerome Neighbourhood and is designated “Single and Double” Residential. The proposal implements the Jerome Neighbourhood Plan.
RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Traffic Engineering and Operations Section, Public Works Department.
- Budgets and Finance Division, Corporate Services Department,
- Culture & Recreation, Public Health & Community Services Department.
- Strategic and Environmental Planning Section, Public Works Department.

Open Space Development and Park Planning Section, Capital Planning and Implementation Division, Public Works Department, has reviewed this proposal and requests the following conditions:

Parkland Dedication
As no parkland has been dedicated in the draft plan of subdivision, we request 5% of the total land area, or 1ha/300 units, whichever is greater, for parkland dedication, with payment in the form of Cash-in-Lieu, to be calculated and accepted by the City (detailed in Recommendation a(ii)).

Fencing at Park Boundary
The rear property line of the lots that back onto the park shall be fenced, including Lots 15-21 with 1.5 metre high chainlink fence, to the City’s satisfaction. The fence should not impact the existing woodlot located on the park property (detailed in Special Condition 14 – Appendix “D”).

Streetscape Plan
The Owner agrees to provide and implement, at the Owner’s expense, a Streetscape Plan detailing any enhanced boulevard landscaping treatment, fencing and street lighting for the required streets, prepared by a full member of the Ontario Association of Landscape Architects (OALA) and to the satisfaction of the Director of Capital Planning and Implementation (detailed in Development Planning Standard Condition No.16 – Appendix “D” – Condition 2 (b))

Grading and Drainage:
The grading of the development shall not significantly increase the storm water runoff onto the park property. The grading of the units shall be shown on a grading plan, indicating slopes, to the satisfaction of the Director of Capital Planning and Implementation (detailed in Special Condition No. 15 – Appendix “D”).

Forestry Section, Operations and Maintenance Division, Public Works Department, has reviewed this proposal and has the following comments:

An assessment of the applications for a rezoning change and to create a Plan of Subdivision to construct 21 single family lots and a new public street show, that there are no Municipal Forestry conflicts but a concern. There are no trees located on the
Road Allowance of this proposed development but the rear of Lots 15 to 21 on Maya Court back onto the proposed Jerome Park.

This section requests a plan to show adequate protection of the trees on the fringe of the park. These trees do not need to be inventoried but the best case scenario would be a permanent 3 metre buffer between the rear lots and the park boundary (detailed in Special Condition No. 16 – Appendix “D”).

Hamilton Region Conservation Authority has reviewed the plan of subdivision application and has the following comments:

That the following Hamilton Conservation Authority conditions be included:

1. That the applicant prepares and implements an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:

   (a) All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated.

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

   (c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction.

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

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

Requirement 1 has been addressed by Standard HRCA Draft Plan Condition No.1 of Appendix “D” – Condition 2 (c). Requirement 2 has been addressed by Special Draft Plan Condition No. 13 of Appendix “D”.

Hamilton-Wentworth District School Board has reviewed the plan of subdivision application and has the following comments:

No objection to the applications, but require the following:

The developer, at their expense, place fencing with a minimum height of 4ft., preferably wooden privacy fencing for the benefit of the purchaser, along the property line where the Lorenzo Place property abuts the Hamilton-Wentworth District School Board
property. The Board requires that the fencing be placed inside the Lorenzo Place property line. This request has been addressed by Special Draft Plan Condition No. 17 of Appendix “D”.

Public Consultation

In accordance with the Public Participation Policy that was approved by City Council on May 29, 2003, a preliminary notice of these applications were sent to 126 property owners within 120 metres of the subject lands. A Public Notice sign was posted on the subject lands and notice of the Public Meeting will be given in accordance with the requirements of the Planning Act. Two responses were received and have been addressed in the Analysis/Rationale Section of the report.

CITY STRATEGIC COMMITMENT:

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

Community Well-Being is enhanced. ☑ Yes ☐ No
The public are involved in the definition and development of local solutions.

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

:EJ

Attachs. (5)
Draft Plan of Subdivision and Change in Zoning

Block 1 – Change in Zoning from “C” (Urban Protected Residential, etc.) District to “R-4” (Small Lot Single Family Dwelling) District.

Block 2 – Change in Zoning from “C” (Urban Protected Residential, etc.) District to “R-4” (Small Lot Single Family Dwelling) District, Modified.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 6593 (Hamilton),
respecting lands located at the southeast corner of Colin
Crescent and Lorenzo Drive

WHEREAS the City of Hamilton Act, 1999, Statues of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1\textsuperscript{st}, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the City of Hamilton” and is the successor of 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 25\textsuperscript{th} day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7\textsuperscript{th} 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 , 2006, 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. E-9e of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby amended:
Appendix “B” to Report PED06226
(Page 2 of 3)

(a) by changing Block “1” from the “C” (Urban Protected Residential, etc.) District to the “R-4” (Small Lot Single Family Dwelling) District; and,

(b) by changing Block “2” from the “C” (Urban Protected Residential, etc.) District to the “R-4” (Small Lot Single Family Dwelling) District, Modified;

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

2. That the “R-4” (Small Lot Single Family Dwelling) District regulations as contained in Section 9A of Zoning By-law No. 6593, applicable to Block “2” described in Section 1, be modified to include the following special requirements:

(a) That notwithstanding Subsection 9A(2)(b)1.(i) of Zoning By-law 6593, a front yard shall have:

   (i) a minimum depth of at least 3.0 metres to the face of the dwelling; and

   (ii) a minimum depth of at least 6.0 metres to the face of the garage.

(b) That notwithstanding Subsection 18A(14a) of Zoning By-law 6593, not less than 40% of the gross area of the front yard shall be used for a landscaped area excluding concrete, asphalt, gravel, pavers, or other similar materials.

3. That no building or structure shall be erected, altered or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “R-4” District provisions, subject to the special requirements referred to in Section 2.

4. By-law No. 6593 (Hamilton) is amended by adding this by-law to Section 19B as Schedule S-1555.

5. Sheet No. E-9e of the District Maps is amended by marking the lands referred to in Section 1 of this by-law as S-1555.

6. 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-06-16
Appendix “B” to Report PED06226
(Page 3 of 3)

Draft Plan of Subdivision and Change in Zoning

Block 1 – Change in Zoning from “C” (Urban Protected Residential, etc.) District to “R-4” (Small Lot Single Family Dwelling) District.

Block 2 – Change in Zoning from “C” (Urban Protected Residential, etc.) District to “R-4” (Small Lot Single Family Dwelling) District, Modified.

Schedule “A”

Map Forming Part of By-law No. 06-_____

to Amend By-law No. 6593

Subject Property
South East corner of Colin Crescent and Lorenzo Drive

Draft Plan of Subdivision and Change in Zoning

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

Passed the .......... day of ................., 2006

Clerk

Mayor

Scale: Not to Scale
File Name/Number: ZAC-06-16/257200604
Date: July 12, 2006
Planner/Technician: EJNB

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
“Lorenzo Place”
Conditions of Draft Approval

1. That this approval apply to the Draft Plan of Subdivision entitled “Lorenzo Place”, as red lined revised, for Part of Lot 13, Concession 7, Geographic Township of Barton, City of Hamilton, prepared by A.J. Clarke and Associates Ltd and certified by B.J. Clarke O.L.S., dated May 16, 2006, to provide for a maximum twenty-one (21) lots (Lots 1-21) for the development of single-detached dwellings, one block (Block 22) for a 0.3m reserve, one un-developable block (Block 23) to be added to the abutting City land and a new public road (Maya Court).

2. That the following standard conditions of draft 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 Conditions Nos. 1, 2, 6, 7, 15, 17, 21, 24, 25, 26, 27, 29, and 30;
   
   (b) Development Planning Conditions Nos. 3, 4, 5, 6, 10, 13, 16, 20, and 21;
   
   (c) Hamilton Region Conservation Authority Condition No. 1;
   
   (d) Bell Canada Condition No.1;

Development Engineering

3. 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, including a cash payment to the City of Hamilton for the existing Municipal services on Lorenzo Drive and Colin Crescent adjacent to this draft plan of subdivision.

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

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

6. That the Owner agrees to submit a Storm Water Management Report, prepared by a qualified Professional Engineer, to demonstrate how quality and quantity control criteria will be handled in accordance with the MOE Storm Water Management Planning and Design Manual – 2003, the local Master Drainage Plans and the City Of Hamilton Storm Water Management Policies.

7. That the Owner agrees to install at their sole expense a 1.5m high chain link fence along the rear property line of Lots 15 to 21 inclusive, adjacent to City owned lands.

8. That the owner agrees to pay their proportionate share of the servicing costs at the time of development (construction of the curbs, sidewalks, roads, sewers and watermains) as noted in the table below. The lifting of the 0.30 metre reserve shown as Block 48, on Plan 62M-1029 shall be incorporated into the road allowance as part of the subdivision approval process.
### Unnamed Table

<table>
<thead>
<tr>
<th></th>
<th>Frontage (m)</th>
<th>Per metre cost</th>
<th>Total Cost</th>
</tr>
</thead>
</table>
| *Lorenzo Drive*  
(east side) | 79.565       | $1,416.85      | $112,731.67 |
| *Colin Crescent* 
(south side of south leg) | 120.225      | $1,686.37      | $202,743.83 |

The above figures are based on the actual cost of construction. The City of Hamilton will collect these costs at the time of development of these lands and will adjust the costs based on the Canadata Construction Cost Index.

9. The Owner agrees to reimburse the City of Hamilton for the connections to any of the seven existing 150mm Private Sanitary Drain Connections and to any of the seven existing 20mm Private Water Service Connections, for proposed lots 1 to 7, on the east side of Lorenzo Drive at the cost of $4,148.64 per lot. The Owner further acknowledges and agrees to provide private storm and sanitary sewers and water services to all other lots within this development at the Owner’s expense.

10. That the owner agrees to include the following warning clause to be registered on title of all Lots and Blocks within the plan of subdivision, and the owner shall ensure that the warning clause is included in all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers are advised that in the event that the Hamilton-Wentworth District School Board lands are declared surplus and developed in the future that Maya Court may be extended to the south".

### Development Planning

11. That the owner/applicant shall investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Development and Real Estate or alternatively that the following is required for the development to proceed and is to be identified in the subdivision agreement and in all offer to purchase and lease agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic on the Lincoln Alexander Parkway may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

### Public Works Operations and Maintenance

12. The proposed Street (Maya Court) must align centerline to centerline with Aztec Court.
Hamilton Region Conservation Authority

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

Public Works Capital Planning and Implementation

14. The rear property line of the lots that back on to the park shall be fenced, including Lots 15-21 with a 1.5 metre high chainlink fence, to the City’s satisfaction. The fence shall not impact upon the existing woodlot located on the park property.

15. The grading of the development shall not significantly increase the storm water runoff onto the park property. The grading of the units shall be shown on a grading plan, indicating slopes, to the satisfaction of the Director of Capital Planning and Implementation.

Urban Forestry Planning

16. That a plan illustrating adequate protection of the trees at the rear of lots 15 to 21 on the fringe of the Jerome Park be submitted to the City’s satisfaction.

Hamilton-Wentworth District School Board

17. That the developer at their expense, erect a 1.5m high fence along the property line where the Lorenzo Place property abuts the Hamilton-Wentworth District School Board Property to the satisfaction of the Hamilton-Wentworth District School Board. The fencing is to be placed inside the Lorenzo Place property line.
From: Brenda Murphy
Sent: Thursday, April 6, 2006 9:09 AM
To: John, Edward
Subject: Collins Cres., Lorenzo Drive subdivision, file#25T2006004

Received notification of the twenty one lot Plan of Subdivision. Elated that the City is ensuring that single family detached lots are planned for the site as opposed to condominiums.
Nice job....

Take advantage of powerful junk e-mail filters built on patented Microsoft® SmartScreen Technology.
http://join.msn.com/?pgmarket=en-ca&country=byos&premAPID=1994&DI=1034
&SU=http://hotmail.com/enca%20Market_MSNTA_Taglines
Start enjoying all the benefits of MSN® Premium right now and get the "first two months FREE".
83 Lorenzo Drive
Hamilton, ON L8L 3J5
April 3, 2006.

Mr. Edward John,
City of Hamilton
Planning Dept.

I would like to object to any further development in the Lorenzo Drive East and north sidewalks are constructed along Chipman Avenue between Jeremy and Upper James Streets.

As a homeowner and pedestrian, it is dangerous to walk the stretch as you have only the road to walk on. It is especially dangerous in the winter, when you have to walk down the centre as there is the only area cleared from snow. It is also dangerous at dusk or nighttime, as cars approaching cannot see clearly pedestrians wearing dark clothing. Added to this are the cars which are parked on the north and south side of Chipman.

Also in spring and fall, after rains, you are expected to walk along the edge of the pavement or end up having to walk through puddles because of no sidewalks.

Because Chipman is a street which bends through between Upper James & Jeremy, it makes it even much worse for pedestrians to walk & be seen.
Also, at the corner of Upper James and Chipman on the southeast corner, you have Orga's Repair garage who parks their cars right out to the power road, hence no place to escape approaching vehicles.

As housing has increased west, more people are walking out to Upper James St, as well as more cars heading out to Upper James, which will become even worse as homes are built east of Jeremy.

Therefore, I strongly object to more homes being built until this dangerously stretch of road is addressed - not only for me, but others who must travel it.

Yours truly,
Alan McQueen.

P.S. Please advise if this issue will be addressed.