SUBJECT: Applications for a Draft Plan of Subdivision Known as “Limestone Manor” and for a Change in Zoning for Lands Located at 377 Shaver Road, Ancaster (PED06202) (Ward 12)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T200413, Brian Johnston, Owner, to establish a draft plan of subdivision for forty-nine single-detached lots, one block for storm water management and a new public street on lands known municipally as 377 Shaver Road (Ancaster), as shown on Appendix “D” to Report PED06202, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06202 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 for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit;

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

(b) That approval be given to Zoning Application ZAC-04-86, Brian Johnston, Owner, for changes in zoning from the Agricultural “A” Zone to the Residential “R4” Zone (Block 1) to permit forty-eight single detached dwellings on individual lots, to the Residential “R4-550” Zone (Block 2) to permit an existing single detached dwelling on a separate lot, and to the Public “P” Zone (Block 3) to permit a storm water management pond, for the lands known as 377 Shaver Road...
SUBJECT: Applications for a Draft Plan of Subdivision Known as “Limestone Manor” and for a Change in Zoning for Lands Located at 377 Shaver Road, Ancaster (PED06202) (Ward 12) - Page 2 of 11

(Ancaster), as shown on Appendix “A” to Report PED06202, subject to the following:

(i) That the lands shown as Block 1 be rezoned from the Agricultural “A” Zone to the Residential “R4” Zone.

(ii) That the lands shown as Block 2 be rezoned from the Agricultural “A” Zone to the Residential “R4-550” Zone.

(iii) That the lands shown as Block 3 be rezoned from the Agricultural “A” Zone to the Public “P” Zone.

(iv) That the draft By-law, attached as Appendix “B” to Report PED06202, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

______________________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The applicant has submitted applications for approval of a draft plan of subdivision and changes in zoning to facilitate the development of forty-eight lots for future single-detached dwellings, to recognize an existing single-detached dwelling, a street with a cul-de-sac, and a storm water management pond.

This proposal has merit and can be supported since the changes in zoning and draft plan of subdivision are consistent with the Provincial Policy Statement and comply with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

BACKGROUND:

The proposed development applications are for changes in zoning and approval of a draft plan of subdivision, for lands located at 377 Shaver Road, as shown on Appendix “A”. The proposed plan of subdivision (Appendix “D”) is comprised of forty-nine lots for single-detached dwellings (Lots 1-49), a street with a cul-de-sac, a block for storm water management purposes (Block 50) and a future walkway.

The proposed Zoning By-law Amendment (Appendix “B”) allows the lands to be developed in accordance with the proposed draft plan of subdivision “Limestone Manor”. 
Manor”. The proposal would rezone the subject property from the Agricultural “A” Zone to the Residential “R4” Zone, the Residential “R4-550” Zone, and the Public “P” Zone. The proposed lots conform to the minimum lot area and frontage requirements of the Residential “R4” Zone and range in size from 451.66m$^2$ to 2,188.06m$^2$, and have frontages ranging from of 15.0 metres to 34.86 metres. A site specific zoning modification is being proposed for Lot 36 within the proposed plan of subdivision to recognize an existing rear yard setback for the dwelling located on the property. The final location of the walkway connecting the internal street to the existing walkway on Wilson Street will be determined through the detailed engineering design process.

**Details of Submitted Application**

**Applicant/Owner:** Brian Johnston

**Agent:** Ed Fothergill, Fothergill Planning and Development Inc.

**Location:** 377 Shaver Road, Ancaster

**Description:**

| Total Area: | 4.65 hectares (11.50 acres) |
| Width:      | Approximately 61.73 metres (202.52 feet) |
| Depth:      | Approximately 509.4 metres (1,671.26 feet) northern limit |
|            | Approximately 461.5 metres (1,514.11 feet) southern limit |

**Existing Land Use and Zoning:**

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands:</strong></td>
<td>Agricultural/ Single Detached Residential</td>
<td>Agricultural “A” Zone</td>
</tr>
<tr>
<td><strong>Surrounding Lands:</strong></td>
<td></td>
<td></td>
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<tr>
<td><strong>North</strong></td>
<td>Single Detached Residential</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>403/Wilson Street Interchange</td>
<td>Agricultural “A” Zone</td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Agricultural, Multi Residential</td>
<td>Agricultural “A-216” Zone, Residential Multiple “RM2-524” Zone, and Residential Multiple “RM4-475” Zone</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

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

1. This proposal has merit and can be supported for the following reasons:
   (i) The proposed draft plan of subdivision and changes in zoning are consistent with the Provincial Policy Statement and conform to the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan and the Shaver Neighbourhood Secondary Plan;
   (ii) The proposal is consistent with the existing and planned development in the immediate area; and,
   (iii) The proposal is an appropriate infill development that will make efficient use of existing services on site.

2. The proposed draft plan is comprised of forty-nine lots for single-detached dwellings, as shown on Appendix “D”. The proposed lots meet the minimum lot frontage (12 metres) and lot area (441 m²) requirements of the Residential “R4” Zone, however site specific zoning is proposed for Block 2 (Appendix “A”), as discussed below. The proposed storm water management pond located on Block 50 of the draft plan (Block 3 – Appendix “A”) will be rezoned to the Public “P” Zone which permits such facilities.

   Site Specific Residential ‘R4-550” Zone (Block 2 of Proposed By-law – Appendix “B”)

   Lot 36 of the proposed plan of subdivision contains an existing single detached dwelling, shed and detached garage (Appendix “D”). The existing dwelling has been identified as a property within the Hamilton Inventory of Buildings of Architectural and/or Historical Interest. It is the intent of the owner to retain the existing dwelling and remove the existing detached garage. A condition of draft plan approval (Development Planning Condition No. 19, Appendix “C”) requires that the existing frame garage be removed as it straddles the proposed lot lines of Lot 36, Block 50 and the internal street. Lot 36 is proposing a frontage of 34.86 metres and an area of 1,340.99 m² which conforms to the zoning provisions of the Residential “R4” Zone save and except for the required
minimum rear yard setback of 7.5 metres. The existing dwelling is located 4.93 metres from the rear lot line. Staff is supportive of the reduction in the minimum rear yard setback as this is an existing situation and the amenity area will be provided within the side yard in addition to the reduced rear yard. This will also allow for the preservation of an architecturally and historically significant building. Furthermore, the proposal still allows for proper grading and drainage controls. As a result, a site specific modification has been proposed.

3. There is an existing public watermain and sanitary sewer on Shaver Road of sufficient size and capacity to service the proposed development.

4. In response to the Public Consultation Process, letters were received from neighbouring property owners through common petition, along with two letters (Appendix “E”). The issues raised in the petition and letters are addressed below:

Density

Concerns were raised with the amount of dwellings being proposed and the size of the proposed lots. The proposed plan of subdivision is consistent with the approved Shaver Neighbourhood Secondary Plan policies. The Shaver Neighbourhood Secondary Plan designates this area as “Low Density Residential” and allows for a Gross/Net Residential Density of 20 units per hectare. The proposed forty-nine lot development has a Gross/Net Residential Density of 13.76 units per hectare. Secondly, the Shaver Neighbourhood Secondary Plan policies envision lot frontages ranging from a minimum of 10.7 metres to 18.3 metres or larger. The smallest lot frontage proposed is 15.0 metres and the largest is 34.86 metres.

Traffic

Concerns were raised with the increased amount of traffic generated from the proposed subdivision as residents from both Westview Avenue and the new subdivision will both be turning southbound onto Shaver Road towards the intersection of Wilson Street and Shaver Road. The applicant has submitted a traffic study and addendum which was reviewed by the Traffic Section. There were no concerns with respect to traffic capacity and vehicular movements at the intersection of the new internal street and Shaver Road, however the final location of the new intersection will be subject to approval by the Manager of Traffic Engineering and Operations, to ensure the design is compatible with the roundabout to be constructed at Wilson Street and Shaver Road. This item has been addressed by Traffic Planning Condition 20, Appendix “C”.

Tree Preservation

Concern was also raised regarding the removal of mature vegetation on the subject lands. As provided for in Appendix “C”, Condition 2(b), Standard Development Planning Conditions Nos. 12, 16 and 17 require a Tree
Preservation Study, prepared by a qualified professional must be submitted, along with the preparation and implementation of a Street Tree Planting Plan detailing enhanced boulevard landscaping treatment, fencing and street lighting for the required street.

Fencing

The construction of a minimum 2.0 metre high privacy fence, at the owner's expense was requested along the northerly property limit. Such screening is the responsibility of private property owners and is not recommended as a condition of approval.

Impact on Property Taxation

Concerns were raised with respect to impacts on taxation of existing properties. Written assurance was requested to ensure there would be no taxation impacts on the existing development as the result of works and services required for the proposed subdivision. No information has been received or provided through circulation of the application to assume such impacts are likely.

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

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.

6. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix "C", including the applicable City’s standard conditions of approval. Several special conditions will also apply, many of which have already been referenced in this report.

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, then the applicant has the option of using the property for the current range of Agricultural “A” Zone uses.
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 Draft Plan of Subdivision and a Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The applications are consistent with Policy 1.1.3.1 of the PPS, which focuses growth in settlement areas.

However, 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 maintains the heritage integrity of the site will be permitted. Therefore, as the subject lands have archaeological potential, staff recommends the completion of an archaeological assessment in accordance with Standard Planning Condition No. 10, as provided for in Appendix “C”, Condition 2(b).

In addition, Policy 1.1.1 (c) outlines that healthy, liveable and safe communities are sustained by avoiding developments and land use patterns which may cause environmental or public health and safety concerns. Furthermore, 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, and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety. A noise assessment was prepared and subsequently reviewed by staff. The recommendations of the noise report, and from staff, with respect to noise warning clauses and the acoustical barriers have been addressed through Development Planning Condition No. 18, Appendix “C”.

Hamilton-Wentworth Official Plan

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

**Ancaster Official Plan**

The subject lands are designated as “Residential” in the Ancaster Official Plan. The predominant use of lands designated Residential shall be for dwellings in areas which will be supplied with urban services. Although single detached dwellings shall predominate, Council shall encourage a broad range and mix of residential units in terms of lot size, unit size, type and tenure.

Policy 4.4.13 outlines that within Residential areas, great care shall be taken to preserve mature vegetation growth. Existing trees will be preserved wherever possible and the planting of trees shall be a requirement in any subdivision agreement. The preservation of vegetation and natural drainage patterns shall be an essential consideration in the design and layout of the road system in all development proposals.

To address the above Policy, Standard Development Planning Condition 2(b) No. 12, (Appendix “C”) has been recommended which requires the preparation and implementation of a tree preservation study and plan prepared by a qualified professional.

**Shaver Neighbourhood Secondary Plan**

The subject lands are designated as “Low Density Residential” in the Shaver Neighbourhood Plan. The proposed single-detached residential plan of subdivision complies with the density provisions which allows a maximum Gross/Net density of 20 units per hectare, and is consistent with the range of lot frontages of a minimum 10.7 to 18.3 metres or larger as outlined in the Shaver Neighbourhood Plan. As a result, an amendment to the Shaver Neighbourhood Plan is not required.

**RELEVANT CONSULTATION:**

**Agencies/Departments Having No Comment or Objections**

- Public Works Department, Capital Planning and Implementation.
- Parking Services.
- Ministry of Transportation.
- Corporate Services Department – Budgets and Finance Division.
- Hamilton Street Railway.
- Hamilton-Wentworth Catholic School Board.
- Hamilton Emergency Services.
- Source Cable & Wireless.
- Ontario Power Generation.
- Hamilton Hydro Inc.
Public Works Department – Operations and Maintenance Division, Forestry Section

The Forestry Section has reviewed the application and advised that a number of trees have been identified on Municipal property, which must be protected in an approved manner. The Forestry Section will require the submission of a Landscape Plan and Tree Preservation Plan. These items have been addressed under Standard Planning Conditions Nos. 12, 16 and 17, as provided for in Appendix “C”, Condition 2(b).

Public Works Department – Operations and Maintenance Division, Traffic Planning

The Traffic Planning Section advised that the proposed intersection for the internal street and Shaver Road has been designed on the premise of a signalized intersection at the Wilson Street and Shaver Road. The working design of the intersection will feature a roundabout road with no signalization; therefore this may require the shifting of the internal street to the north to accommodate the final design of the roundabout. To address this concern staff recommends Traffic Planning Condition No. 20, as provided for in Appendix “C”, which allows for the final location of the internal street to be to the satisfaction of the Manager of Traffic Engineering and Operations.

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

The Open Space Development and Park Planning Section advised that 5% of the total land area or 1ha/300 units, whichever is greater, is required for parkland dedication with payment in the form of Cash-in-Lieu to be calculated and accepted by the City. This item has been addressed in Recommendation (a)(ii) of this report.

Public Health and Community Services Department – Health Protection Branch

The Health Protection Branch has advised that any existing septic tanks and abandoned wells are to be properly decommissioned in accordance with Ontario Regulation 903/90 under the Ontario Water Resources Act. This item has been addressed under Standard Social and Public Health Services Department Conditions Nos. 1, 2 and 3, as provided for in Appendix “C”, Condition 2(c).

Grand River Conservation Authority

The subject property is located within the Spring Valley West and Shaver Neighbourhood Master Drainage Plan study area. The proposed development will create an increase in the amount of impervious area currently on the site. As such, the Authority will require a detailed storm water management report, grading and drainage control plan, and an erosion and sediment control plan. This item has been addressed under Grand River Conservation Authority Standard Condition No. 1 as provided for in Appendix “C”, Condition 2(f).
Hamilton-Wentworth District School Board

The Hamilton-Wentworth District School Board advised that they had no objections to the applications, however, they will require the Owner, at their expense, to place adequate signage on the site based on Hamilton-Wentworth District School Board specifications advising that students from this development are likely to be redirected to schools outside of the area with available capacity. As well, the Hamilton-Wentworth District School Board requires that a similar warning clause be included in all purchase and sale agreements. This item has been addressed under Hamilton-Wentworth District School Board Standard Condition Nos. 1 and 2 as provided for in Appendix “C”, Condition 2(e).

Bell Canada

Bell Canada has requested that a condition requiring the developer to enter into a Letter of Understanding for underground servicing be imposed on the draft plan of subdivision. This item has been addressed under Bell Canada Standard Condition No. 1 as provided for in Appendix “C”, Condition 2(d).

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, these applications were pre-circulated to sixty-nine property owners within 120 metres of the subject lands. A petition and letters were received (Appendix “E”). Concerns were raised with respect to density, traffic, tree preservation, fencing and property values. These issues have been discussed in more detail in the Analysis/Rationale Section of this report.

In accordance with the requirements of the Planning Act, notice of the Public Meeting will be provided to the same property owners and a sign has been posted on the site advising of the Public Meeting date.

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
Archaeological and Cultural Heritage are supported and enhanced.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

Does the option you are recommending create value across all three bottom lines?
☑ Yes ☐ No
Do the options you are recommending make Hamilton a City of choice for high performance public servants? □ Yes  ☑ No

SD
Attachs. (5)
Planning and Development Department

Location Map

File Name/Number: 25T-200413 / ZAC-04-86
Date: June 12, 2006
Appendix "A"
Scale: N.T.S
Technician: L.C.

Subject Property
377 Shaver Road, Ancaster

- Block 1 - Change in zoning from the Agricultural "A" Zone to Residential "R4" Zone.
- Block 2 - Change in zoning from the Agricultural "A" Zone to Residential "R4-550" Zone.
- Block 3 - Change in zoning from the Agricultural "A" Zone to Public "P" Zone.

Ward 12
Keymap
N.T.S

T&C File Name: N:\1T\d\Location_Maps\2006\June\Corelli\ZAR-04-86
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 (Ancaster), as amended respecting lands located at 377 Shaver Road

WHEREAS the City of Hamilton Act, 1999, Statues 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 Town of Ancaster” 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 Zoning By-law No. 87-57 (Ancaster) was enacted an the 22nd day of June 1987 and approved by the Ontario Municipal Board on the 23rd day of January 1989;

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. 87-57 (Ancaster), 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 Town of Ancaster) in accordance with the provisions of the Planning Act;

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

1. That Map 1 to Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural “A” Zone to the following:
(a) Residential “R4” Zone, for the lands comprised in Block “1”; 
(b) Residential “R-550” Zone, for the lands comprised in Block “2”; and 
(c) Public “P” Zone, for the lands comprised in Block “3”, 

the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this by-law.

2. Section 34: Exceptions of Zoning By-law 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsection:

R4-550 That notwithstanding any provisions to the contrary of Subsection 12.2 – Residential “R4” Zone of Zoning By-law No. 87-57 (Ancaster), the following special provision shall apply to the lands zoned “R4-550”:

Regulations:

(a) Minimum Rear Yard 4.90 metres

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-04-86
This is Schedule "A" to By-Law No. 08—

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

Clerk

Mayor

Schedule “A”

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

to Amend By-law No. 87-57

Subject Property

377 Shaver Road, Ancaster

Block 1 - Change in zoning from the Agricultural "A" Zone to Residential "R4" Zone.

Block 2 - Change in zoning from the Agricultural "A" Zone to Residential "R4-550" Zone.

Block 3 - Change in zoning from the Agricultural "A" Zone to Public "P" Zone.
“Limestone Manor” (25T200413) – Conditions of Draft Approval

1. That this approval apply to the Draft Plan of Subdivision dated June 8, 2006 prepared by MacKay, MacKay and Peters Limited – Ontario Land Surveyors, for lands described as Part of Lots 37 and 38, Concession 3, Geographic Township of Ancaster, City of Hamilton, as shown on Appendix “D” to Report PED06202, showing a maximum of forty-nine lots for single-detached dwellings (Lots 1 - 49), a block for a stormwater management pond (Block 50), two blocks for road widenings (Blocks 51 and 52), one street with a cul-de-sac and walkway.

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
      Standard Conditions Nos. 1, 2, 5, 6, 7, 8, 10, 11, 13, 15, 16, 17, 21, 22, 23, 24, 25, 28 and 29;

   (b) Development Planning
      Standard Conditions Nos. 1, 2, 3, 4, 5, 10, 12, 13, 16, 17, 19, 20 and 21;

   (c) Social and Public Health Services Department
      Standard Conditions Nos. 1, 2 and 3;

   (d) Bell Canada
      Standard Condition No. 1;

   (e) Hamilton-Wentworth District School Board
      Standard Conditions Nos. 1 and 2;

   (f) Grand River Conservation Authority
      Standard Condition No. 1; and

   (g) Union Gas
      Standard Condition No. 1

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 agree in writing to convey such easements as may be required for utility or drainage purposes to the appropriate authority, by deed, prior to registration of any portion of the draft approved plan.

6. That the Owner submits a Stormwater Management Report, prepared by a qualified professional engineer, to demonstrate how quality and quantity control criteria will be handled in accordance with the MOE Stormwater Management Planning & design Manual – 2003, the local Master Drainage Plans, and the City of Hamilton Stormwater Management Policies.

7. That the Owner agrees in writing to install a concrete sidewalk, on the south side of the street, from Shaver Road to the cul-de-sac bulb, to the satisfaction of the Manager of Development Engineering.

8. That the Owner agree to provide street lighting throughout the subdivision to the limits of the subdivision and on Shaver Road where deemed necessary, to the satisfaction of the Manager of Development Engineering.

9. That the Owner pay for the future urbanization of Shaver Road, adjacent to Lots 1 and 49, and Wilson Street West based on the New Road Servicing Rate for the year that final approval is obtained.

10. That the Owner agree in writing to pay its fair share for the intersection improvements at Wilson Street West and Shaver Road that may be required to accommodate this development, to the satisfaction of the Manager of Development Engineering;

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

12. That the Owner agrees that all dead or diseased trees shall be removed from the road allowance and that the removal and replacement of existing street trees, on existing public road allowance, will be at the sole expense of the owner, as per the City’s Tree Removal and Replacement Policy.

13. Where registration of a draft approved plan, or any portion thereof, results in the creation of lots which front onto a dead–end street of 45 metres or more in length, with no cul-de-sac bulb, then the Owner is required to provide a temporary turn-around with sign and convey sufficient land and 0.30 metre reserves to the City, by deed. Building on lots fronting the 0.30m reserve will not be allowed until the cul-de-sac is extended and the 0.30m reserve is lifted. The required radii for the turning circle are 13.0m pavement and 18.0m right-of-way.

14. That the Owner agrees to construct a 4.5m pedestrian walkway, from the internal Street to the existing walkway on Wilson Street.

15. That the Owner agrees to loop the proposed watermain to the existing watermain on Westview Avenue in a minimum 6.0m easement, to the satisfaction of the Manager of Development Engineering.
16. That the owner agrees in writing that driveway access for Lot 1 and 49 shall be restricted to Street A only and shall be detailed on all engineering submissions, in a location to the satisfaction of the Manager of Development Engineering.

17. That the Owner dedicate to the City of Hamilton by deed, a 12.0m x 12.0m daylight triangle at the intersection of Street "A" and Shaver Road.

Development Planning

18. That the Owner agrees to implement the recommendations of the Environmental Noise Analysis – Limestone Manor, prepared by Valcoustics Canada Ltd., dated November 9, 1999, updated May 18, 2006, to the satisfaction of the City of Hamilton, Director of Development and Real Estate Division.

19. That the Owner shall remove the existing frame garage prior to final approval to the satisfaction of the City of Hamilton, Director of Building and Licensing.

Public Works Department – Traffic Planning

20. That the location of the proposed Street be to the satisfaction of the Manager of Traffic Engineering and Operations. Should the proposed Street be relocated to the north, the draft plan shall provide a minimum stopping sight distance of 85 metres at the proposed Street looking north on Shaver Road. The applicant will be required to flatten the vertical curve on Shaver Road between the proposed Street and Westview Avenue by approximately 0.75 metres or other measures to the satisfaction of the Manager of Traffic Engineering and Operations. The construction and design of the road shall be at the expense of the owner.
357 Shaver Road  
Ancaster,  
L9G 2B2  
January 3, 2005  
In reply to: File No. ZAC-04-86/25T200413

City of Hamilton, Planning and Development Department  
Development and Real Estate Division (west)  
71 Main Street West, 7th Floor  
Hamilton, Ontario  
L8P 4Y5  
Attention: T. Horzelenberg

Dear Trevor Horzelenberg,

Re: Letter of intent dated December 08,04.

It seems that there will be many areas of concern, and if I may, I would like to submit some of mine. All points below are in no way numbered by order of concern or importance.

I’ll get right to the point.

1. The proposed plan received by mail is less than legible due to its reduction in size from the original plan view submitted to your office. Where can one pick up a larger version of the same? It’s difficult to make any informed statements without reviewing all the facts.

2. I would also like an opportunity to review the proposed “elevation site plan”, complete with where the potable water, sanitation, storm services and gas etc. are tied into. I assume that the water supply is not tied into our supply and that a new supply will service the proposed site. As well, I’ll assume that the sanitation service infrastructure will be adequate to service the dwellings on the adjacent properties if the owners so choose to connect

3. Mature trees in the area and what to do about saving them will also be a concern. For the obvious reasons.

4. A two-meter high wood privacy fence (cedar or better) is required on the north boundary.

5. No playgrounds should be slated for any area of this development.

6. Lot #1, is it to be a dwelling?

7. Another concern is estimated population growth to the area. School bus routes and City bus routes will be necessary and I will insist that any passenger pick-up/drop off be relocated from the end of my driveway to the end of the proposed new street “A”.
8. Traffic flow with all of the new people exiting and entering from “one” egress/entry point (west at Shaver Rd.) will be dangerous at best for all using the already busy Wilson Street and Shaver Road routes. Traffic lights at Wilson/Shaver will not be adequate control at peak times of travel. A complete traffic survey (study) and immediate action from the findings is imperative.

9. What will be the estimated sale value of the proposed new dwellings?

10. A written assurance that the existing area property taxation will NOT be affected directly or indirectly by the development of these new properties, either due to “their value” or the “services” that this development acquires for “their” sole benefit.

Thank you for your time and I will look forward to your response.

Colin Graham
C.G
cc: Westview Residents
January 11, 2005

From: The Residents of Westview Ave, Ancaster, Ontario

To: Trevor Horzelenberg, Development Planner  
   City of Hamilton, Planning & Development Dept.  
   Development & Real Estate Division (West)  
   City Hall, 71 Main St. W.  
   Hamilton ON L8P 4Y5

   c.c. Murray Ferguson  
   Councillor Ward 12

Petition from Residents of Westview Ave, Ancaster, Ontario
Re: Application and Draft Plan 2ST200413 “Limestone Manor”  
Brian Johnston, Applicant, 377 Shaver Rd, Ancaster

We the undersigned have the following concerns regarding this application:  
**47 houses are too many houses** for this development for the following reasons.  
47 homes @ an average of 4 people each=188 more people and average 2 cars each  
house= 94 more cars.

This many houses and cars will cause **traffic problems** both on Shaver Rd. (there  
is not much distance between Westview Ave. entrance and new development entrance  
both of which are approached up a hill coming from the North and at the intersection of  
Wilson St. and Shaver Rd. There are also houses being built on the East side of Shaver  
Rd. S., which will lead to even more traffic. **A traffic light shall have to be installed.**  

There shall be a **great loss in mature trees** both from cutting and stress from  
construction. There are rows and groves of White Pine, Norway Spruce, White Spruce,  
Maple, Birch and Walnuts. We have a great number of bird species here because of these  
trees and also the scrub brush and meadow areas. These trees also serve as a noise  
barrier against both Hwy 403 and Wilson St and provide a privacy barrier as well. **An  
area of green space needs to be preserved. Mature trees need to be preserved.** A 2  
meter high fence **paid for by the developer** will need to be installed between our back  
yards and the new development in such a way so the row of mature trees will not be  
disturbed.

So many houses so close together is not attractive. The small print is hard to read  
but it appears lots are 45” wide. There are only 33 houses on Westview Ave. with larger  
lots. It is a completely different housing concept than our road. Why squish so many in  
together? Sewers will have to be installed as well. Will we be scheduled for sewers too?  

Our street has been here for fifty years. Mr. Johnston does not live here so will  
not be affected by the noise of construction, changes to our environment, greater lack of  
privacy, more noise from the roads and new traffic problems. **This plan is not  
acceptable to us the way it is now.** Please **notify us** of when the public meeting will be  
held so all areas of our concerns may be discussed further and in greater detail.  
Contact person: Anna Nisbet, 526 Westview Ave., Ancaster, ON L9G 1N9  
Phone #: 905-648-7505, e-mail address: anisbet2@cogeco.ca
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Horzelenberg, Trevor

From: Horzelenberg, Trevor
Sent: Friday, December 31, 2004 1:20 AM
To: File No. ZAC-04-86/25T200413
Subject: Follow up Flag: Follow up
Flag Status: Flagged

Dec. 30, 2004

Dear Mr. Horzelnberg,

We have received the notice of application letter and the location map for 377 Shaver Road development. We have lived in this area for 16 years and will have many comments regarding this application. However, at this point, the map is so small nobody on the street can read the fine print especially for the legends, boundaries measurements and the additional information. Please let me know where we can get a larger copy of this so we can see what is on the plan. At this point in time, we will be objecting to the number of houses, the loss of our green space which was also a sound barrier and safety protection as nobody knew we were here, the probable death of 50 year old White Pine, Norway Spruce, Walnuts, Maple, Black Cherry and Spruce trees which, if not cut down, will probably die from construction stress, the closeness of the roadway on Shaver to Westview Ave which will increase the traffic on Shaver Rd which will greatly increase the danger at Wilson St. and Shaver especially to turn left or go straight. A stop light shall have to be installed there, sewers will have to be built and what happens to the stone house. I find it very ironic that all over Ancaster houses are being built on land that will never, ever be used for that purpose again but they are named for it-I guess it is the thought that counts. Meadowlands-there isn't a meadow for 15 miles, Foxwood Run-any fox has long disappeared and if there was a fox-people would be yelling it was a danger and rabid and now this one-Limestone Manor-this house will probably be pulled down because it has not be lived in for a year and rented out for as long as we have lived here. Gee Whiz-guess what-the house is irreparable-just pull it down and we'll build 3 there instead. It is designated a historic house but then so was the Smith house on Garner Rd. Ancaster does not have to be covered in houses with no space left to breathe. I think the Planning Department is allowing too many houses, too close together with no lots. It is not attractive. Meadowlands on Southcote Rd. is not attractive. We don't want that here.

We received this letter on Dec. 14 or so-just before Christmas-nobody has time to look at it or do anything until after Christmas. Then, all governments and banks etc. are closed Dec. 27 and Dec. 28 and again I would imagine either Dec. 31 or Jan. 3. Was this submitted at this time because no one on the street would have time to do anything about it? It makes me wonder.

Yours truly,

Anna Nisbet
John Nisbet