

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Development and Real Estate Division

Report to: Chair and Members Planning & Economic Development Committee	Submitted by: Lee Ann Coveyduck General Manager Planning and Economic Development Department
Date: February 17, 2006 File: ZAH-05-127	Prepared by: Edward John (905) 546-2424, Ext. 5803

SUBJECT: Removal of 'H' Holding Symbol From Lands Located at 87 Edgehill Drive (PED06067) (Ward 8)

RECOMMENDATION:

That approval be given to **Zoning Application ZAH-05-127, Winzen Ancaster Homes Limited, owner**, for removal of the 'H' Holding symbol from the "C" – 'H' (Urban Protected Residential, etc. Holding) District, Modified, to permit the development of 73 single detached residential lots on lands located at 87 Edgehill Drive, as shown on Appendix "A" to Report PED06067, on the following basis:

- (a) That the zoning of the subject lands be changed from the "C" – 'H' (Urban Protected Residential, etc. Holding) District, Modified, to the "C" (Urban Protected Residential, etc.) District, Modified.
- (b) That the draft By-law, attached as Appendix "B" to Report PED06067, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

SUBJECT: Removal of 'H' Holding Symbol From Lands Located at 87 Edgehill Drive (Hamilton) (PED06067) (Ward 8) - Page 2 of 5

EXECUTIVE SUMMARY:

The purpose of the application is to remove the 'H' Holding symbol from the lands known municipally as 87 Edgehill Drive, as shown on the attached Appendix "A".

The proposal is consistent with the principles and policies of the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan. The condition for removal of the 'H' Holding Symbol requiring the availability of municipal services has been satisfied.

Based on the above, the Zoning Amendment application for the removal of the 'H' Holding symbol can be supported.

BACKGROUND:

Proposal

The applicant has applied to remove the 'H' Holding symbol from the subject lands (see Appendix "A") in order to permit the lands to be developed for 73 single detached residential lots.

Zoning Amendment Application ZAC-96-13

An application was submitted in 1996 for a change in zoning from the "AA" (Agricultural) District to the "C" (Urban Protected Residential, etc.) District for the subject lands known then as 956 Upper Paradise Road. The application was approved and the lands were placed in a Holding Zone to prohibit the development of the lands until such time that all municipal services are available. A modification was included in the zoning which detailed the requirements of the Holding provision.

Draft Plan of Subdivision Application 25T96008

A draft plan of subdivision application for Bayview Glen Estates (Phase 2), which pertain to the subject lands, was draft plan approved on February 20, 1997. Draft Plan Approval was granted for a three year period (i.e. 2000) and was, subsequently, extended for a further three years (i.e. February 2003). As no request for a further extension to this draft plan approval was received by the City of Hamilton, the approval lapsed.

Draft Plan of Subdivision Application 25T200314

Following the above draft plan approval lapsing, a further draft plan of subdivision application pertaining to the subject lands was submitted and, subsequently, draft plan approved on October 29, 2003. This submitted draft plan of subdivision is identical to that submitted under application 25T96008, but was red-line revised to accommodate new Development Engineering Guidelines regarding road allowances widths. These amendments did not impact upon the number of proposed lots/blocks, which remained

SUBJECT: Removal of ‘H’ Holding Symbol From Lands Located at 87 Edgehill Drive (Hamilton) (PED06067) (Ward 8) - Page 3 of 5

at 73 lots for single detached dwellings and a block for parkland purposes, plus the creation of five streets.

The subject lands under these applications were known municipally as 956 Upper Paradise Road. These lands have since been amalgamated with the lands to the south, known as 87 Edgehill Drive, which is under the same ownership (detailed in Appendix “A”). These lands are now collectively known as 87 Edgehill Drive.

Details of Submitted Application

Owner: Winzen Ancaster Homes Limited.

Property Size: Frontage: 20 metres
 Depth: 262 metres (max.)
 Area: 4.6 hectares (Approx.)

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	“C” – ‘H’ (Urban Protected Residential, etc. - Holding) District, Modified
<u>Surrounding Land Use</u>		
Lands to the North	Single-detached dwellings	“C” (Urban Protected Residential, etc.) District and “R-4” (Small Lot Single Family Dwellings) District
Lands to the East	Single-detached dwellings and vacant	“C” (Urban Protected Residential, etc.) District
Lands to the West	Vacant, Wetland	Agricultural “A” Zone (Ancaster)
Lands to the South	Vacant, Residential	“C” (Urban Protected Residential, etc.) District, Modified and Agricultural “A” District

ANALYSIS/RATIONALE:

In order to remove the ‘H’ Holding symbol, staff must be satisfied that the provisions for lifting the ‘H’ symbol in the Zoning By-law have been addressed. The ‘H’ Holding provision requires that prior to removal of the ‘H’ symbol, all municipal services deemed necessary by the City, are made available to the subject lands.

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The 'H' Holding provision was placed upon the subject lands through a By-law amendment recommended in the original zoning application ZAC-96-13. At that time, staff recommended that the subject lands not be developed until servicing was made available from the adjacent lands to the south.

The subject lands have since been amalgamated with the lands to the south, which are now under the same ownership (referred to collectively as 87 Edgehill Drive). The lands to the south currently have draft plan approval and staff is in the process of reviewing servicing drawings for both subdivisions.

Since the lands are now under the same ownership, servicing will be coordinated between the two subdivisions, therefore ensuring servicing is available. Staff is now satisfied that the requirements of the lifting 'H' Holding provision have been met.

ALTERNATIVES FOR CONSIDERATION:

Development of the subject lands cannot occur until the 'H' Holding symbol has been removed by way of amending the Zoning By-law.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: N/A.

Staffing: N/A.

Legal: The Planning Act does not require a Public Hearing to be held for the removal of a Holding 'H' symbol. However, notice of the intent to pass the By-law must be given to the landowner and anyone who had requested notice. There is no appeal for the removal of a Holding 'H' symbol.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

This application is consistent with the principles and the policies of the Provincial Policy Statement.

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 the Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. The proposal conforms to the Hamilton-Wentworth Official Plan.

In addition, the subject lands are located adjacent to an Environmentally Significant Area (ESA No. 46 – Tiffany Creek Headwaters). Subdivision application (25T200314) required an Environmental Impact Statement to be submitted to the satisfaction of the Environmentally Significant Areas Impact Evaluation Group. All necessary precautions

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to mitigate any environmental impact were recommended and incorporated into the approval of this subdivision application.

City of Hamilton Official Plan

The subject property is designated as 'Residential' on Schedule "A", Land Use, on the City of Hamilton Official Plan, which permits single-detached dwellings. This application conforms to the Official Plan.

Neighbourhood Plan

The subject lands are designated "Single and Double" Residential and "Park and Recreational/Greenspace Area" in the approved Falkirk West Neighbourhood Plan. As the proposal would permit the lands to be developed for 73 residential lots and a block for parkland purposes, it conforms to the Neighbourhood Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Budgets and Finance, Corporate Services Department
- Parking Planning, Downtown Renewal Division
- Operations and Maintenance, Public Works Department

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.

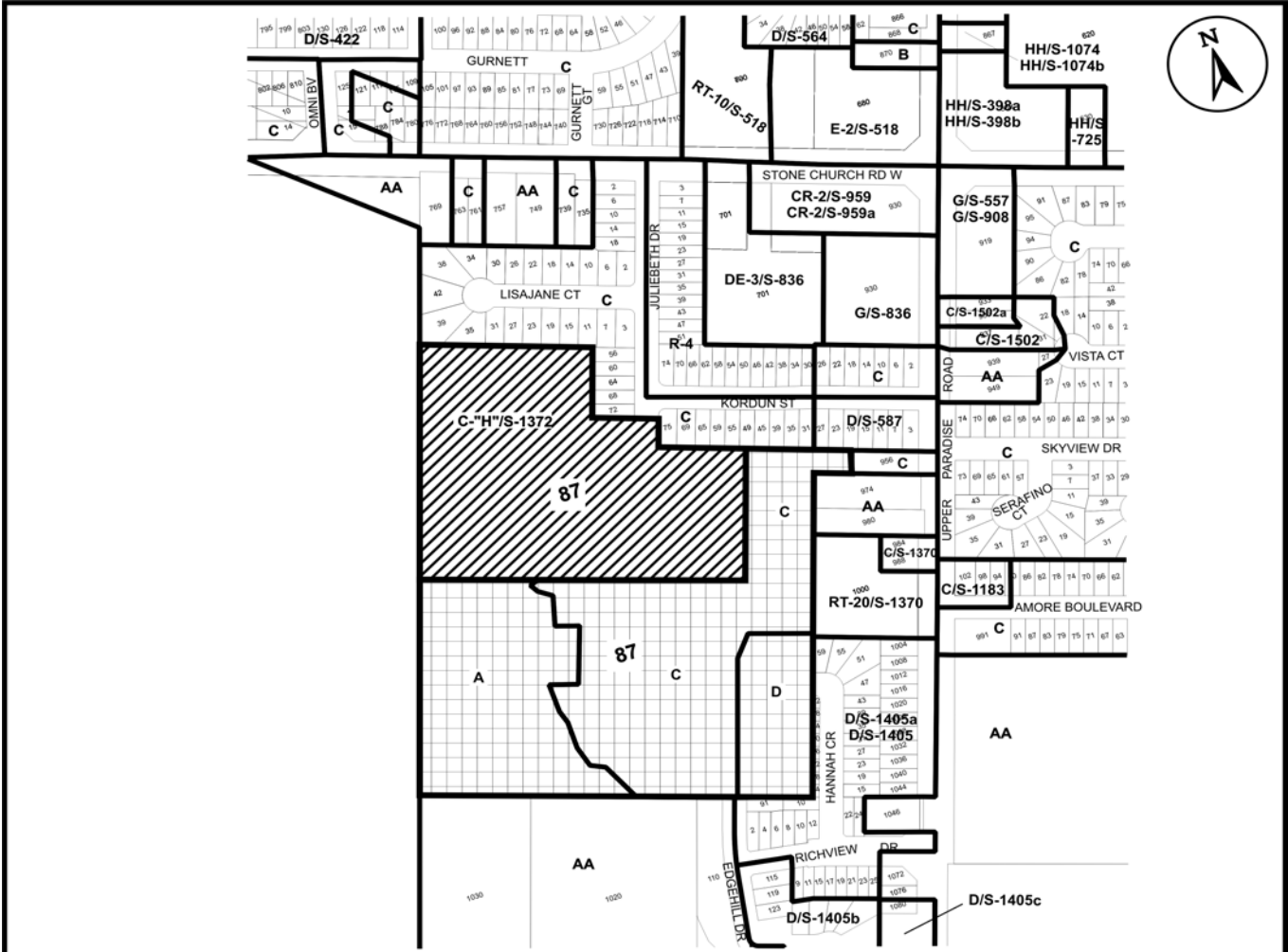
Environmental Well-Being is enhanced. Yes No
Ecological function and the natural heritage system are protected.

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

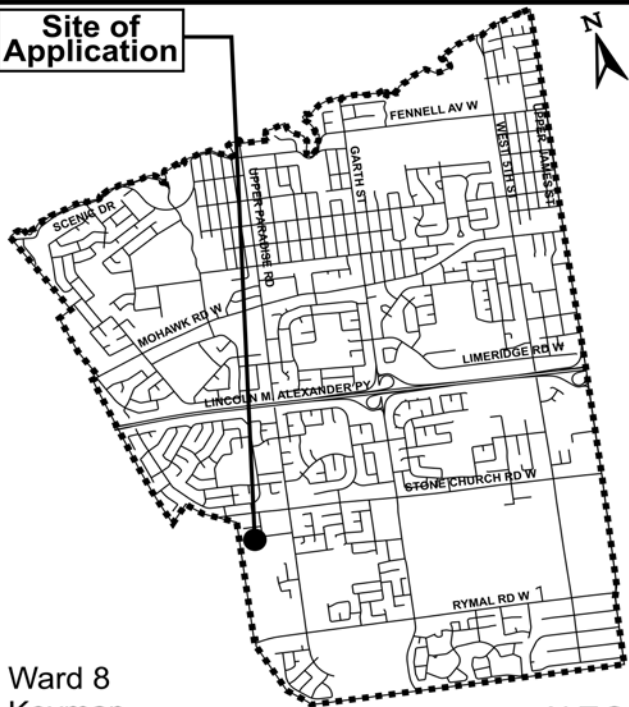
Does the option you are recommending create value across all three bottom lines?
 Yes No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? Yes No

:EJ
Attachs. (2)



Site of Application



Ward 8
Keymap

N.T.S



Planning and Economic Development Department

Location Map

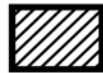
File Name/Number:
ZAH-05-127

Date:
February 2, 2006

Appendix "A"

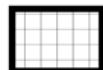
Scale:
N.T.S

Planner/Technician:
EJ/LC



Subject Property

Lands located at 87 Edgehill Drive
(formerly known as 956 Upper Paradise Road)



Other lands owned by applicant
located at 87 Edgehill Drive

Authority: Item, Planning and Economic
Development Committee
Report: PED06067
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 6593 (Hamilton),
respecting lands located at 87 Edgehill Drive, Hamilton**

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of 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 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS 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.

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;

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

1. That Sheet No. W-37C of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended, is hereby further amended by changing the zoning from the "C"-H' (Urban Protected Residential, etc. – Holding) District, Modified, to the "C" (Urban Protected Residential, etc.) District, Modified, on the lands the extent and

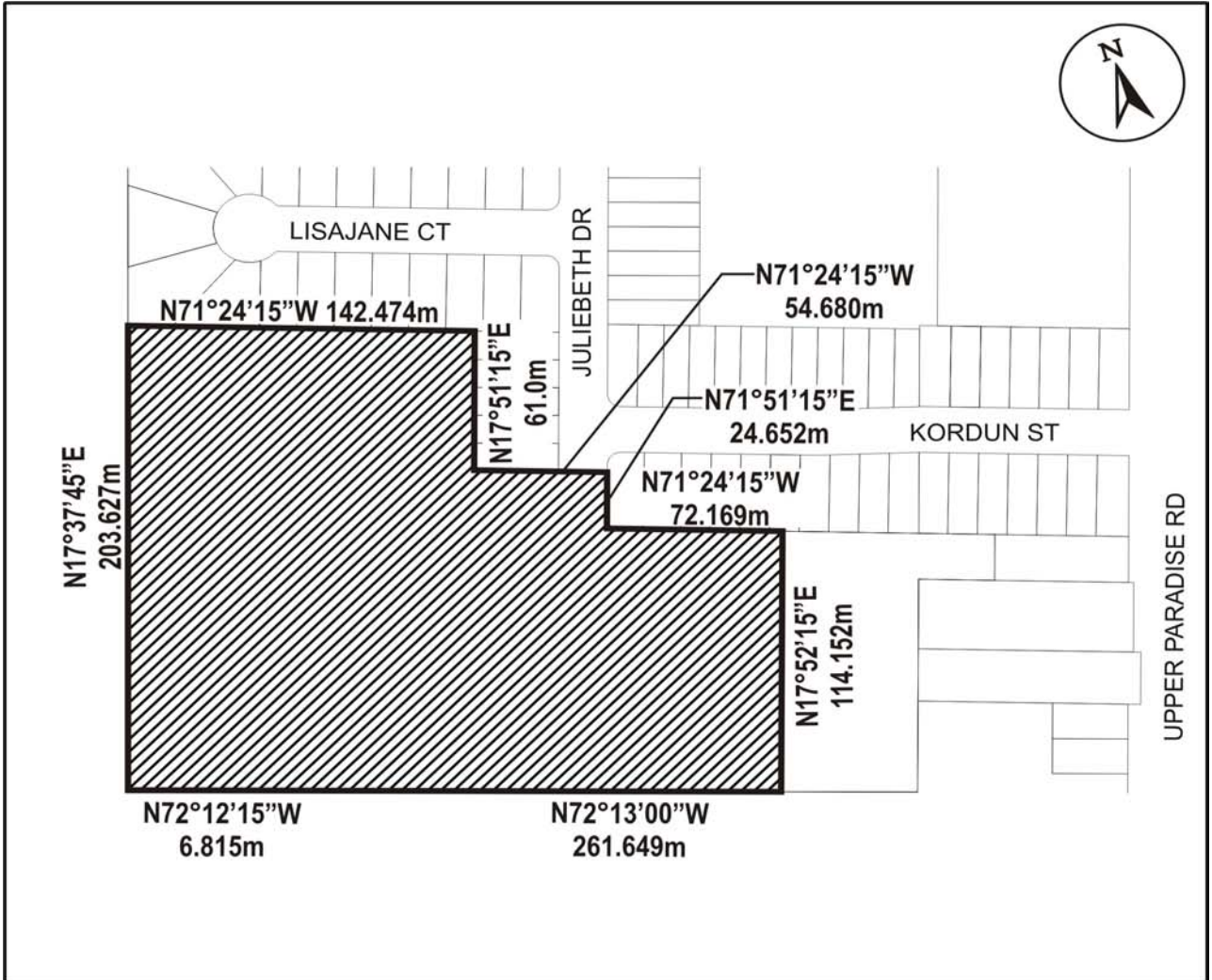
boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" (Urban Protected Residential, etc.) District, Modified.
3. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1372a.
4. Sheet No. W-37C of the District Maps is amended by modifying the lands referred to in Section 1 of this by-law as S – 1372a.
5. 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



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

----- Clerk

Passed the day of, 2006

----- Mayor

Schedule "A"

Map Forming Part of
By-Law No. 06-____
to Amend By-Law No. 6593

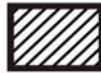


Planning and Economic Development Department

Hamilton

Subject Property

Lands located at 87 Edgehill Drive
(formerly known as 956 Upper Paradise Road)



Change in Zoning From "C"-H' (Urban Protected Residential, etc. - Holding) District, Modified to "C" (Urban Protected Residential, etc.) District, Modified.



Scale:
Not to Scale

Date:
February 2006

File Name/Number:
ZAH-05-127

Planner/Technician:
EJ/LM

T&C File Name: