

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: May 19, 2006	Prepared by: Jason Thompson (905) 546-2424, Ext. 3933
Files: 25T200407 & ZAR-04-37	

SUBJECT: Applications for a Draft Plan of Subdivision Known as “Briarcliffe Estates – Phase 2” and for a Change in Zoning for Lands Located on the North End of Tews Lane in the Greensville Settlement Area (Flamborough) (PED06173) (Ward 14)

RECOMMENDATION:

- (a) That approval be given to **Subdivision Application 25T200407, “Briarcliffe Estates Phase 2”, Greenworld Enterprises Ltd. (c/o Jim Maraschiello), owner**, to establish a draft plan of subdivision for twelve single detached lots fronting on the extension of Tews Lane and one 0.3 metre reserve on lands located on Part of Lots 11 and 12, Concession 2 (former Town of Flamborough), as shown on Appendix “B” to Report PED06173, subject to the execution of a City Standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED06173, and the following:
- (i) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the portion of the road allowance which abuts City parklands; and,
 - (ii) That the City will pay half the cost of the chain link fence being installed between the residential lots and adjacent parkland;
- both to be funded from Development Charge Reserves in accordance with the Financial Policies for Development, as approved by Council.
- (b) That approval be given to **Zoning Application ZAR-04-37, Greenworld Enterprises Ltd. (c/o Jim Maraschiello), owner**, for a change in zoning from the Settlement Residential Holding “R2-14(H)” Zone to the Settlement Residential “R2-30” Zone, to permit twelve single detached dwellings on separate lots on lands located in the Greensville Settlement Area being Part of

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Lots 11 and 12, Concession 2 (former Town of Flamborough), as shown on Appendix “A” to Report PED06173, subject to the following:

- (i) That the subject lands be rezoned from the Settlement Residential Holding “R2-14(H)” Zone to the Settlement Residential “R2-30” Zone.
- (ii) That the draft By-law, attached as Appendix “D” to Report PED06173, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Flamborough Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the applications is to permit a plan of subdivision and change in zoning to facilitate the development of the lands for 12 single detached dwellings and extension of Tews Lane in accordance with the proposed draft plan of subdivision known as “Briarcliffe Estates Phase 2” (Appendix “B”).

The proposal has merit and can be supported since the change in zoning and draft plan of subdivision are consistent with the Greenbelt Plan and Provincial Policy Statement, and complies with the Hamilton-Wentworth Official Plan, the Town of Flamborough Official Plan and the Greensville Secondary Plan. The proposed lots are compatible with existing and planned residential development in the area.

BACKGROUND:

The proposed development applications are for a change in zoning and approval for a draft plan of subdivision, for lands located at the north end of Tews Lane, in the Greensville Settlement Area, as shown on Appendix “A”. The plan of subdivision (Appendix “B”) is comprised of 12 lots for single detached dwellings and includes the extension of Tews Lane to the City’s Park.

In order to implement the draft plan of subdivision, the applicant has applied to change the zoning from Settlement Residential Holding “R2-14(H)” Zone to Settlement Residential “R2-30” Zone to permit single detached dwellings on reduced lot areas and frontages. The proposed lots range in size from 0.56 hectares to 0.58 hectares and have frontages from 32 metres to 52.15 metres, while the minimum lot area and

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frontage for the Settlement Residential “R2-14” Zone is 0.79 hectares and 35 metres, respectively.

The proposed rezoning would also address the removal of the “H” Holding symbol to permit additional residential development in accordance with the policies of the Greensville Secondary Plan.

Details of Submitted Application

Owner: Greenworld Enterprises Ltd. (c/o Jim Maraschiello)

Agent: Webb Planning Consultants (c/o James Webb)

Location: Part of Lots 11 & 12, Concession 2, Flamborough, north end of Tews Lane in Greensville (See Appendix “A”)

Description: Area: 7.905 hectares (19.53 acres)
 Width: Irregular - approximately 281 metres (921.07 feet)
 Depth: Irregular – approximately 345 metres (1,131.89 feet)

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Vacant	Settlement Residential Holding “R2-14(H)” Zone
Surrounding Lands:		
North	Johnson Tew Park and Lafarge Lime Canada Inc.	Park Open Space “O2-4” Zone, Agricultural “A” Zone and Extractive Industrial “EI” Zone
East	Agricultural Lands and a Single Detached Dwelling	Agricultural “A” Zone and Conservation Management “CM” Zone
South	Single Detached Dwellings	Settlement Residential “R2-14” Zone
West	Johnson Tew Park, Greensville Elementary School and Single Detached Dwellings	Park Open Space “O2-4” Zone, Institutional “I” Zone & Settlement Residential “R2” Zone

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ANALYSIS/RATIONALE:

Circulation of the proposed applications to various City Departments and outside agencies resulted in no significant issues with respect to the 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 Greenbelt Plan, Provincial Policy Statement and conform to the Hamilton-Wentworth Official Plan.
 - (ii) The proposal conforms to the policies of the Flamborough Official Plan and the Greensville Secondary Plan for Rural Settlement Areas.
 - (iii) The proposed lots for single detached dwellings are compatible with the existing and planned residential development in the surrounding area, and the proposed Settlement Residential “R2-30” Zone is consistent with the zoning of the lots for single detached dwellings in the first phase of the “Briarcliffe Estates” draft plan of subdivision.
2. The configuration and inclusion of the Tews Lane extension to the northern boundary of Phase 2 (see Appendix “B”), addresses the Open Space Development and Park Planning Section’s concern with providing access to the Johnson Tews Park to facilitate the development of the Park Master Plan that is being proposed for this area. The configuration of the Tews Lane extension will provide park access in a location that will allow the City to develop sport fields in a timely manner.
3. In order to proceed with developing Phase 2 of Briarcliffe Estates, the applicant was required to meet the Servicing and Development Phasing requirements outlined in the Greensville Secondary Plan (Policies B.11.1.9 and B.11.1.10). The servicing policies require that appropriate hydrogeological and soil study work must be done to the satisfaction of the Public Health Services Department and City of Hamilton for both the first phase and proposed second phase of development. The purpose of the study is to ensure that there is an adequate supply of potable water to service the proposed development, and that there will be no unacceptable adverse effect on the quality and quantity of ground and surface waters on site and the surrounding area.

In addition, Development Phasing policies require the applicant to undertake a monitoring programme for a minimum of 2 years after ten of the twelve units in Phase 1 are occupied. This monitoring programme must satisfy the Public Health Services Department, in that there are no outstanding problems related to

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the servicing or impacts on surface or ground water created by Phase 1, and that Phase 2 can proceed without causing unacceptable impacts on the ground and surface water.

As such, the applicant over the past two years has been working with the City’s Water and Wastewater Department, Planning Staff, Public Health Services Department and the peer reviewer to address the water and waste water issues in this area. Due to the close proximity of the Greensville Communal well to the proposed subdivision and possible impacts that the proposal may cause higher levels of nitrates within the system, staff required the applicant to expand the scope of the hydrogeological study to ensure that there would be no unacceptable ground and surface water impacts in this area. Through this additional work completed by the proponent, and its review by City staff and the peer reviewer, it was deemed that the policies within the Greensville Secondary Plan have been satisfied and that Phase 2 could proceed, subject to a number of conditions being incorporated into the draft plan (Public Health and Community Services Department – Environmental Health Section Condition No’s. 19 to 24).

4. The applicant has requested modifications to the Settlement Residential “R2-14” Zone as follows:

Modification to Lot Area

To permit a minimum lot area of 0.56 hectares (1.38 acres), whereas a lot area of 0.79 hectares (1.95 acres) is required. As part of the Greensville Secondary Plan any reductions in lot area require that a hydrogeological study be completed to the satisfaction of the Public Health Services Department and other appropriate departments/agencies. As a result, the proposed lot sizes of 0.56 hectares (1.38 acres) are appropriate for this area, and are larger than the minimum required 0.4 hectare (1 acre) for privately serviced lots in the Hamilton-Wentworth Official Plan.

Modification to the Lot Frontage

To permit a minimum lot frontage of 32 metres, whereas 35 metres is required. The reduction in lot frontage can be supported as it is a minor reduction from the minimum required, the proposed lot frontage is larger than the standard lot frontage for lots in the rural area which is 30 metres, and the reduced lot frontage is in keeping with the lot frontages and sizes in the surrounding area. In total, only two of the twelve lots have proposed frontages less than the required 35 metres.

In addition to the above-noted amendments, a provision prohibiting the installation of underground lawn watering and irrigation systems, and the filling of swimming pools from well water supplies has been incorporated in to the zoning to address Policy B.11.1.10.5 of the Greensville Secondary Plan.

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5. When the Flamborough Zoning By-law No. 90-145-Z was enacted by the former Town of Flamborough on November 5, 1990, a number of properties located within Rural Settlement Areas, which were not the subject of formal development proposals, had been zoned with the Holding “H” symbol. The purpose of the Holding “H” symbol was to prohibit development until such time as further planning applications on the lands were approved by the Town. As the lands are within a proposed Draft Plan of Subdivision which can be supported, the “H” Holding symbol can be removed.
6. The applications were pre-circulated to nineteen property owners within 120 metres of the subject lands. One letter was received from the neighbouring quarry owner/operator (see Appendix “E”). The letter expressed concern with the encroachment of residential lands around the quarry, and that all setback requirements from the quarry have been adhered to in the proposal.

The Ministry of Environment’s D-6 Guidelines for Compatibility between Industrial Facilities and Sensitive Land Uses is a guideline which is intended to be applied to the land use planning process to prevent, or minimize, future land use problems due to encroachment of sensitive land uses and industrial land uses on one another. In the case of this development proposal, the D-6 Guidelines do not apply as the subject lands have previously been designated and zoned for residential development as part of the Greensville Secondary Plan process. In order to minimize the impacts between the residential land use and quarry operation, two conditions were added to ensure that appropriate noise mitigation measures will be implemented as part of the development, and that prospective purchasers are aware that they will be in close proximity to an active quarry (Development Planning Condition No’s. 14 and 16 – Appendix “C”).

7. There is no Parkland Dedication required for this phase of development as parkland was secured as part of Phase 1 by the former Town of Flamborough.
8. Sidewalks are not required in this subdivision as the proposed road is an extension of an existing rural cross section.
9. 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 or are referenced in the discussion of departmental/agency comments. In addition, conditions pertaining to providing payment in-lieu of providing Horizontal and Vertical Control Survey Monumentation, and installation of chain linking fencing along all lots adjacent to the park and around the Stormwater Management Pond will apply (Development Engineering Conditions No’s. 3 and 7).

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ALTERNATIVES FOR CONSIDERATION:

If the applications are denied, then the Park Planning Section would need to find another access into Johnson Tews Park to start the development of the master plan for this area. In addition, the applicant has the option of developing the subject land in accordance with the Settlement Residential “R2-14” Zone, which permits single detached dwellings on lots 0.79 hectares (1.95 acres) in size upon the removal of the Holding “H” symbol.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: Should the subdivision application be approved, there will be a City share for the portion of the road allowance which abuts City Parklands, and the City will pay half the cost of the chain link fence being installed between the residential lots and the adjacent parkland. Funding from both is to be from the City’s Development Charge Reserve

Staffing: N/A.

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

POLICIES AFFECTING PROPOSAL:

Greenbelt Plan

The subject lands are designated as “Lands within the Niagara Escarpment Plan Area” within the Greenbelt Plan. The requirements of the NEP, established under the Niagara Escarpment Planning and Development Act, continue to apply and the Protected Countryside policies do not apply with the exception of Section 3.3. Section 3.3.3 of the Greenbelt Plan deals with Municipal Parkland, Open Space and Trails Strategies that provide facilities, parklands, open space areas and trails that support active, healthy community lifestyles. The proposed Draft Plan of Subdivision encourages the development of publicly accessible parkland by providing a direct access point to the Johnson Tews Park to allow for the future development of this park for recreation uses and links to the natural heritage features on the south side of Harvest Road.

Provincial Policy Statement (PPS)

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

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significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site will be permitted. Therefore, as the subject lands have archaeological potential, staff recommends that the owner complete an archaeological assessment of the property in accordance with Standard Planning Condition No. 10 as provided for in Appendix “C”, Condition 2(b).

In addition, 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 minimize risk to public health and safety. Due to the proximity of the subject lands to the operating Lafarge Quarry, staff requests a noise assessment be conducted to address this concern in accordance with Development Planning Condition No. 16 as provided for in Appendix “C”.

Hamilton-Wentworth Official Plan

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

Policy 8.2.1 of the Plan establishes a minimum lot size in the rural area of 0.4 hectares (approximately 1 acre). A larger lot size may be required depending on soil conditions or the findings of a hydrogeological study. A potable water supply must be available for the intended use of the lands. Staff recognizes that a hydrogeological study submitted and peer reviewed has established a minimum lot size of 0.56 hectares (1.38 acres).

As the nature of the applications is for the development of a residential plan of subdivision within a designated Rural Settlement Area, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.

Flamborough Official Plan

The subject lands are identified as part of a “Rural Settlement Area” (Greensville) on Schedule “B”, Rural Land Use Plan to the Town of Flamborough Official Plan. The lands are further designated “Settlement Residential” within the Greensville Settlement Area on Schedule “B-16”. The proposal conforms with and implements the “Settlement Residential” designation in that single detached dwellings are permitted within this designation.

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Policy B.10.3 states that all development in the “Rural Settlement Areas” shall be required to provide an adequate supply of potable water and septic disposal capability to the satisfaction of the Public Health Services Department. As part of the subdivision review, the applicant was required to submit a hydrogeological report which assessed the capability of the soils for accommodating septic systems and a potable water supply. The report has been found to be acceptable to both the peer reviewer and the Public Health Department.

Greensville Secondary Plan

The subject lands are designated as “Settlement Residential” within the Greensville Secondary Plan. The Secondary Plan sets out servicing and phasing requirements and development standards to guide the development of these lands while protecting the natural and historic resources in the Greensville Area.

Policies B.11.1.2.3 and B.11.1.2.5 of the Secondary Plan indicate that the predominant form of residential development shall continue to be single detached dwellings and that development of residential areas shall be integrated with parks, open space and school sites. Policy B.11.1.2.7 requires new residential development to be integrated and compatible with the existing residential character.

The proposed residential development is integrated with the Johnson Tews Park by providing direct access to the site, and it is compatible and appropriately integrated with the surrounding development.

In addition, Policy B.11.1.2.10 indicates that where new residential development is proposed in proximity to heavy industrial uses, the proponent of the development shall consult with the appropriate public agencies and carry out any necessary studies to determine if the proximity to such industry may be offensive to the enjoyment of the property by existing and future residents, or impact on the operations or expansion of the industrial users.

In this regard, the proponent completed both a Dust and Noise Control study to support the initial phase of development for the subject property with the analysis encompassing the entire limits of the subject property. The study concluded that there were no significant dust impacts associated with this site and the existing quarry operation. The Noise Study identified potential concerns should there be new residential development within 240 metres of the south limit of the quarry operation and recommended that residential development is feasible subject to incorporating appropriate mitigation measures. The proposed Phase 2 development has a greater distance separation than 240 metres from the south limits of the quarry; however, a condition requiring an updated Noise Study has been included in the draft plan conditions to ensure that appropriate mitigation measures will be achieved for this subdivision (Development Planning Condition No. 16).

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Further to the general residential land use policies noted-above, the Greensville Secondary Plan has specific Servicing and Development Phasing Policies that guide development in this area to ensure that there is no adverse effect on the quality and quantity of ground and surface waters. Policies B.11.1.9.3, B.11.1.9.4 and B.11.1.9.5 require the proponent to submit a professional hydrogeological and soils study to consider both on-site and off-site impacts related to the quantity and quality of water, establish test wells and provide a monitoring programme for a minimum of two years after ten of the twelve units are occupied. These studies must be reviewed and approved by the Public Health and Community Services Department and any other relevant staff/agencies.

In addition to the Servicing Policies, the Secondary Plan requires Development Phasing (Policy B.11.1.10) to occur for draft plan of subdivisions in the order of twelve lots per development control area. In order to develop a second phase of twelve lots within the identified control area, the Public Health and Community Services Department, as well as any other relevant department/agency, must be satisfied that there are no outstanding problems related to the servicing or impacts on surface or ground water for both Phases 1 and 2. Should there be a proven detrimental effect on the quantity or quality of the water supply to existing development, further allocations of lots shall not be approved until the problem is rectified or an alternative water supply is secured to the satisfaction of the Public Health and Community Services Department.

In this respect, the subject lands are in Major Development Control Area “B” in the Greensville Secondary Plan and the applicant has completed the monitoring programme for the first phase of twelve lots, and provided additional hydrogeological information to address the impacts on surface and ground water from both the existing Phase 1 and the proposed twelve lots in Phase 2. The City’s Water and Wastewater Department, Public Health Services Department, Development Planning staff and peer reviewer have reviewed the necessary information and are satisfied that there will be no detrimental effect on the quantity and quality of the water supply to the existing and proposed development in the area.

Policy B.11.1.10.5 of the Greensville Secondary Plan specifies that the installation of underground lawn watering and irrigation systems and the filling of swimming pools from well water supplies shall not be permitted in the Greensville Settlement Area. To address this policy, a provision has been included in the site-specific Zoning By-law (Appendix “D”), and a draft plan condition has been added requiring that the purchasers are made aware of this provision through a purchase and sales agreement (Development Planning Condition No.15).

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department, Operations and Maintenance Division, Forestry Section.
- Public Works Department, Strategic and Environmental Planning.

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- Corporate Services Department – Revenues Division.
- Corporate Services Department – Budgets and Finance Division.
- Hamilton-Wentworth Catholic School Board.
- Hamilton-Wentworth District School Board.
- Ministry of Transportation.
- Assessment Department.
- Hamilton Emergency Services.
- Hydro One Networks Inc.
- Cogeco Cable Solutions.
- Canada Post.
- Union Gas.

Public Health and Community Services Department – Environmental Health Section

The Environmental Health Section has commented that they have no objection to the proposed rezoning application and draft plan of subdivision. However, conditions are recommended which address ground water monitoring and dry well installation for the proposed lots to ensure adequate potable water.

Public Health has also advised that they have no objection to the hydrogeological evaluation from R.J. Burnside and Associates and the More Than Engineering (MTE) Consultants Inc., document addressing proposed Infiltration Galleries for Phase 2 of the proposed applications, and that they are satisfied that the required ground water monitoring program as outlined in the phase 1 subdivision agreement has been satisfied.

Recommendations: That six special conditions be included in the draft plan of subdivision approval (*Appendix “C”, Public Health & Community Services Department – Environmental Health Conditions (19) to (24)*).

Public Works Department – Water and Wastewater Division – Plant Capital and Planning Section

The Plant Capital and Planning Section advised that the City of Hamilton operates a communal well based water distribution system in Greensville, southwest of the proposed development. Water quality data from the City’s communal system indicates that seasonal nitrate concentrations are a concern in this area and that a detailed Hydrogeological Assessment for this proposal should be submitted for their review.

Upon further review of all the hydrogeological work submitted to date and the comments from the peer reviewer, this section has no objection to the proposed rezoning and draft plan of subdivision applications. However, conditions should be included in the draft plan that require monitoring of Phase 2 in accordance with the requirements of the Greensville Secondary Plan (B11.1.9.4 and B11.1.9.5), as construction proceeds and for a period of two years after ten of the twelve units are

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occupied. Phase 1 is downstream and should continue to be monitored over this time. This monitoring programme would further support the assessment of any Phase 3 developments should any application come forward after the completion of the Service Capacity Study.

These items have been addressed, as provided for in Appendix “C” Public Health and Community Services Department – Environmental Health Sections Conditions 19, 20, 21, 22, 23, and 24.

Public Works Department – Operations and Maintenance Division, Traffic Planning Section

The Traffic Planning Section advised that they have no comment with respect to the zoning application. Through the detailed design of the subdivision the applicant shall submit approved engineering drawings to ensure that the driveway locations for Lots 5 and 6 are not overlapping.

Recommendation: That one special condition is included in the draft plan of subdivision approval (*Appendix “C”, Public Works Department – Operation and Maintenance Division, Traffic Planning Condition (17)*).

Public Works Department – Open Space Development and Park Planning Section

The Open Space Development and Park Planning Section advised that the revised plan addresses their immediate concerns for road access to the park along the north boundary of Phase 2; however, the applicant should be aware that an additional future connection to the park will be required as part of Phase 3 when it develops. To move forward with developing Johnson Tews Park, the City requires park access to the north prior to commencing park construction. There are currently monies to refine the master plan and develop a detailed design with the forecast that funds will be requested in 2007 for construction purposes.

Public Health and Community Services Department – Culture and Recreation Section

The Culture and Recreation Section has advised that Parkland Dedication is not required for this application as the lands have been secured as part of the Phase 1 approval process. They also wish to advise the applicant that there is a Park Master Plan already developed for the parkland and that active playfields are being considered for the north end of the park property and that purchasers should be made aware of this. This item has been addressed, as provided for in Appendix “C” Public Health and Community Services Department – Culture and Recreation Condition No. 18.

Recommendation: That one special condition is included in the draft plan of subdivision approval (*Appendix “C”, Public Health and Community Services Department – Culture and Recreation Condition (18)*).

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Hamilton Conservation Authority (HCA)

Hamilton Conservation Authority has advised that the subject property is located on the north side of Harvest Road, west of Ofield Road and a tributary of Logie’s Creek that traverses the lands directly east of the old railway tracks. The proposed development involves an extension of the residential subdivision from the south in which the Hamilton Conservation Authority previously reviewed and approved the construction of a stormwater management facility located in Block 13, Plan 62M-835, which satisfactorily addressed both stormwater quality and quantity requirements at that time. In order to ensure that the existing stormwater management pond remains functional and complies with present day standards, HCA recommends that a maintenance program be implemented.

Authority staff also notes that although the subject property is located above the flood plain, the rear lot lines for Lots 4, 5 and 6 are located approximately 20 metres from the watercourse. Consequently, the rear portion of these three lots falls within an area regulated by HCA under their new Development, Interference with Wetlands and Alterations to Shorelines and Watercourses, Ontario Regulation 97/04. Therefore, a permit from HCA will be required prior to any development within the regulated portions of these lots. In addition, the HCA will also require a detailed lot grading and drainage plan and a sediment and erosion control plan submitted for their review and approval.

Ministry of Natural Resources concerns regarding this project have been addressed through comments and conditions provided by the Hamilton Conservation Authority.

Recommendations: That Hamilton Conservation Authority Standard Conditions 1 (a) to (d), as well as four special conditions, be included in the draft plan of subdivision approval (*Appendix “C”, Conditions 2(e), Hamilton Conservation Authority Conditions (25) to (28)*).

Niagara Escarpment Commission

The Niagara Escarpment Commission advised that the majority of property lies outside the Niagara Escarpment Plan Area and, therefore, recommends that City planning staff have regard for the provisions of the former Town of Flamborough Official Plan which deals with the Greensville Settlement Area, including servicing and other issues. The proposal to re-designate the property to a Site-Specific “R2” Zone to facilitate the subdivision plan raises no substantive concerns, provided the policies of the local Official Plan and any issues with respect to servicing are addressed. In summary, the NEC has no objections, in principle, to the two above-described applications.

Hamilton Street Railway

The Hamilton Street Railway has advised that, at this time, no service is provided to this area, however, Council may at some point in the future, choose to include

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Greensville in the Urban Transit Area and implement an introductory public transit service, if funding realities permit.

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.

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

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to nineteen property owners within 120 metres of the subject lands. One written response was received. Concern was raised with respect to the encroachment of residential lands around the quarry and that all setback requirements from the quarry have been adhered to in the proposal. These issues have been discussed in more detail in the Analysis/Rationale Section of this report. In addition, notice of the public meeting and a sign has been posted on the property in accordance with the requirements of the Planning Act.

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.

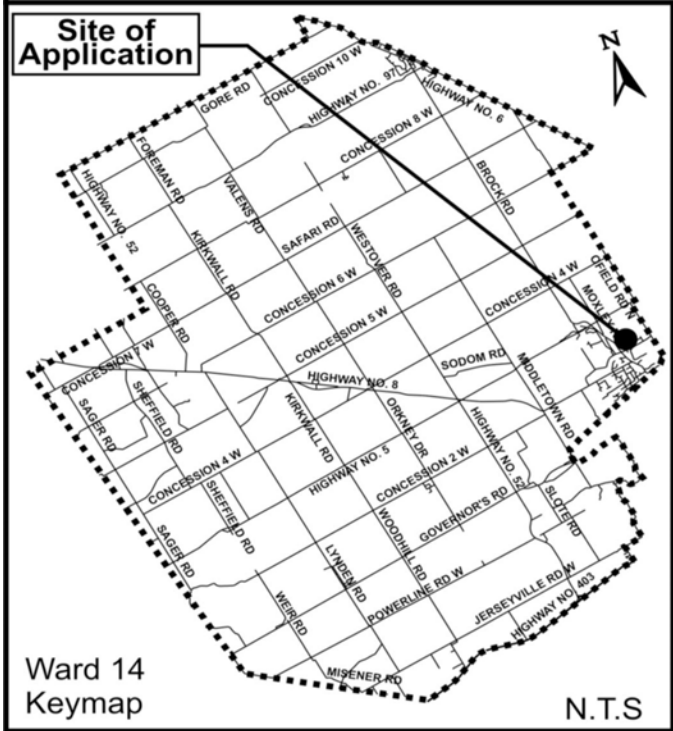
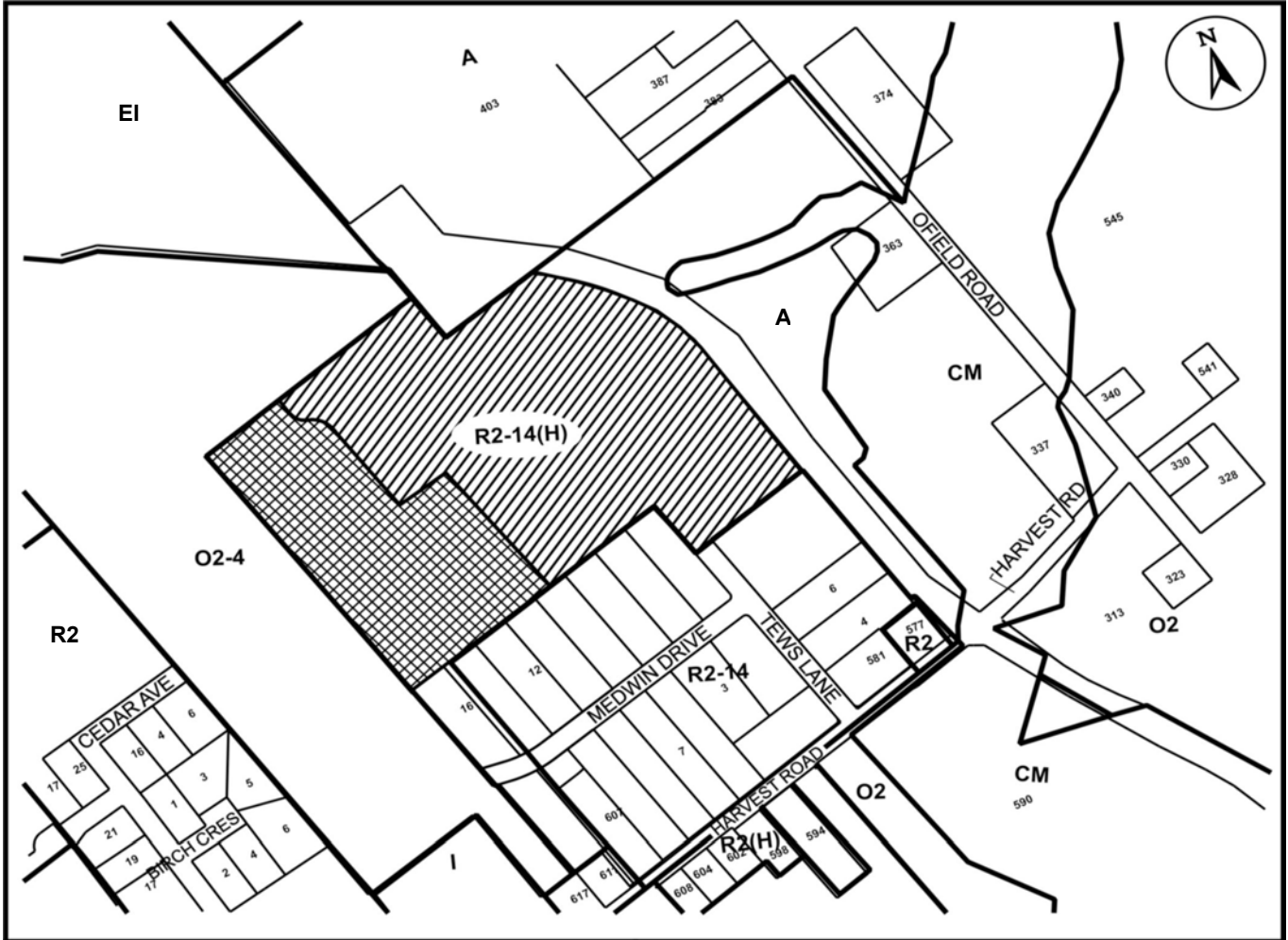
Environmental Well-Being is enhanced. Yes No
Ecological function and the natural heritage system are protected.


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

:JT
Attachs. (5)







Planning and Development Department
Location Map

File Name/Number: ZAR-04-37/25T200407		Date: June 09, 2004
Appendix "A"	Scale: N.T.S	Technician: NB

Subject Property
Part of Lots 11 and 12, Concession 2 (Flamborough)

-  **Block 1** – Change in Zoning from Settlement Residential Holding "R2-14(H)" Zone to Settlement Residential "R2-30" Zone
-  **Block 2** – Other Lands Owned by the Applicant

T&C File Name:

Ward 14
Keymap

N.T.S

BRIARCLIFFE ESTATES PHASE 2

BEING PART OF LOTS 11 & 12, CONCESSION 2
OF THE MUNICIPALITY OF WEST FLAMBOROUGH
NOW IN THE CITY OF HAMILTON

OWNER'S CERTIFICATE
I HEREBY CERTIFY THAT THE LANDS TO BE SUBDIVIDED AS SHOWN ON
THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY
AND CORRECTLY SHOWN

GREENWORLD ENTERPRISES LTD.

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE LANDS TO BE SUBDIVIDED AS SHOWN ON
THIS PLAN AND THEIR RELATIONSHIP TO ADJACENT LANDS ARE ACCURATELY
AND CORRECTLY SHOWN

L. VAN HARTEN, O.L.S.

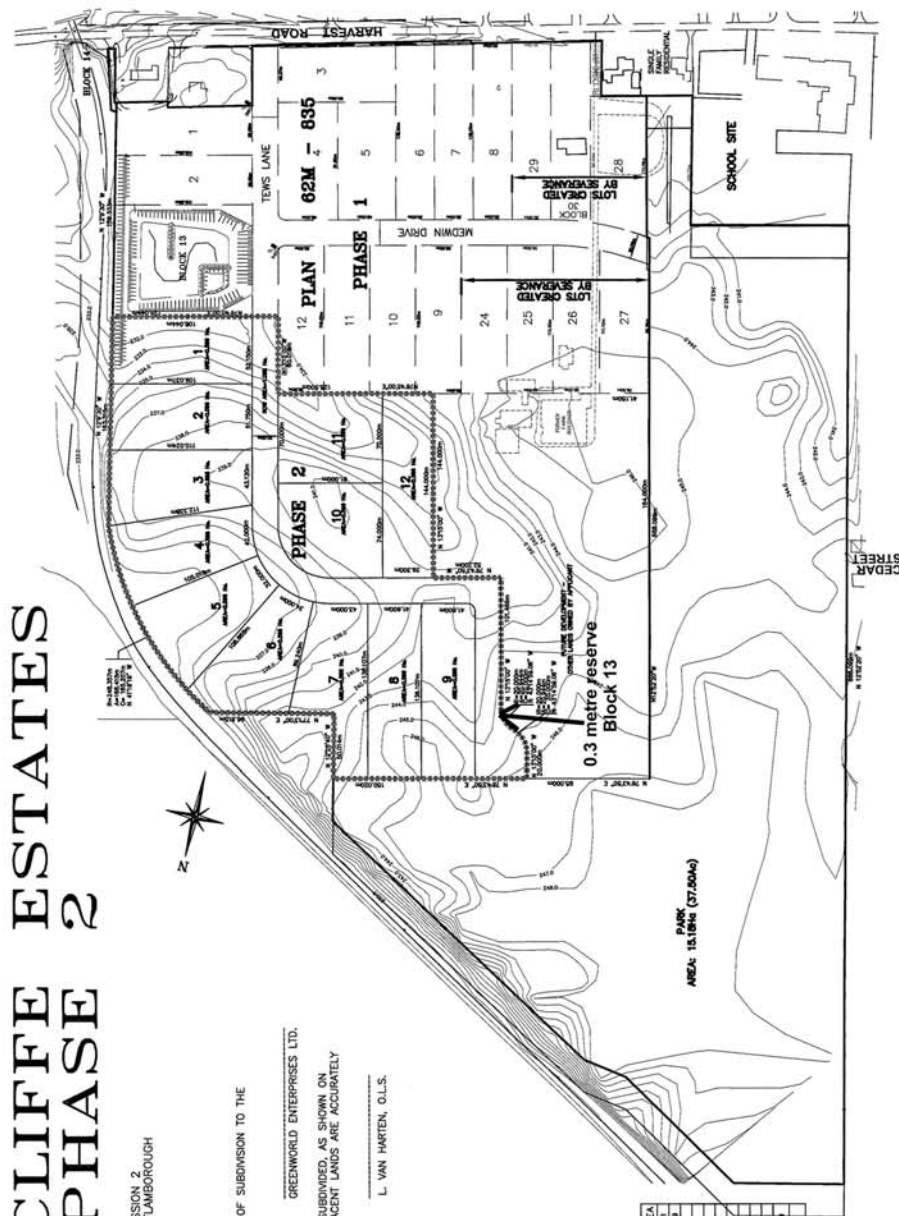
MAY 4, 2005

REQUIREMENTS OF SECTION 50(2)
OF THE PLANNING ACT

- (1) SHOWN ON PLAN
- (2) SHOWN ON PLAN
- (3) SHOWN ON PLAN
- (4) SHOWN ON PLAN
- (5) SHOWN ON PLAN
- (6) SHOWN ON PLAN
- (7) SHOWN ON PLAN
- (8) INDIVIDUAL WELLS
- (9) SANDY SILT PLAN
- (10) TELEPHONE, HYDRO, GAS
- (11) SHOWN ON PLAN

DESIGN CRITERIA AND LAND USE SCHEDULE

LAND USE	LOT/BLOCK	NO. OF UNITS/AREA(S)	AREA
RESIDENTIAL	1-12	12	8,800
RESIDENTIAL	1-12	12	1,000
TOTAL		24	9,800
DENSITY		1.78 UNITS/HA	100%



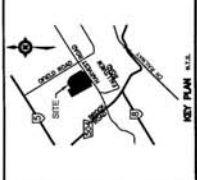
MTE
220 Avenue Road, Suite 200, Hamilton, Ontario L8N 2R2
Tel: 905.277.7050 Fax: 905.277.7051
E-mail: info@mte.ca

Project No: 2320-104
Drawn By: MTD
Checked By: MTD
Surveyed By: OTHS
Date: JUL 27/05
Scale: 1:1500

CLIENT: GREENWORLD ENTERPRISES LTD.
PROJECT: BRIARCLIFFE ESTATES PHASE 2
LOCATION: CITY OF HAMILTON, ONTARIO

CREATED IN: 2005
SCALE: 1:1500
DATE: JUL 27/05

NO.	DESCRIPTION	DATE	BY
1	ISSUED FOR APPROVAL		
2	REVISED		
3	REVISED		
4	REVISED		
5	REVISED		
6	REVISED		
7	REVISED		
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28	REVISED		
29	REVISED		



2320-454
DRAFT PLAN

**"Briarcliffe Estates – Phase 2" (25T-200407)
– Conditions of Draft Plan Approval**

1. That this approval apply to the Draft Plan of Subdivision plan entitled "Briarcliffe Estates - Phase 2", Part of Lots 11 & 12, Concession, prepared by More Than Engineering (MTE) Consultants Inc. dated July 27, 2005 (as red-lined revised), showing a maximum of twelve (12) lots for single detached residential development and one (1) block (Block 13) for a 0.3 metre reserve. Street "A" will be dedicated to the City as a public highway.
2. That the following standard conditions from Appendix "A" of Report PD01184 – Streamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process, apply:
 - (a) Development Engineering
Standard Conditions 1, 2, 5, 6, 7, 8, 21, 22, 23, 24, 25, 26, 27, and 29
 - (b) Development Planning
Standard Conditions 3, 4, 5, 8, 9, 10, 12, 16, 17, 18, 19, 20, and 21
 - (c) Bell Canada
Standard Condition 1
 - (d) Canada Post
Standard Condition 1
 - (e) Hamilton Conservation Authority
Standard Condition 1
 - (g) Union Gas
Standard Condition 1

Planning and Development Department, Development Engineering Section

3. That the Owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation;
4. That the Owner agrees to have a qualified engineer update the existing Storm Water Management Report to current MOE and City of Hamilton guidelines. If any modifications are required to be implemented into the existing facility as a result of the recommendations of the Storm Water Management Report, the Owner agrees to have a qualified engineer, design, construct and certify the Storm Water Management facility in accordance with the above referenced approved Storm Water Management Report to the satisfaction of the Manager Development Engineering;

5. That the Owner agrees in writing to operate and maintain, in an acceptable manner, the Stormwater Management Facility throughout the construction of all phases of the subdivision or until a time as established by the Manager of Development Engineering, and monitor such operation and effects thereof. An operational manual, prepared by the owner's engineer, shall be provided to the Manager of Development Engineering at the point of assumption by the City of Hamilton, the timing of which is to be established by the Manager of Development of Engineering;
6. That the Owner agree in writing to be responsible for the removal of sediment attributed to the development and verifying the volumetric capacity of the Stormwater Management Facility prior to assumption of the subdivision to the satisfaction of the Manager of Development Engineering;
7. That the Owner agree in writing, to install a 1.5 metre high chain link fence along the perimeter of all residential lots adjacent to the open space and parks and a 1.8m high chainlink fence around the perimeter of the Storm Water Management pond adjacent to all residential lots to the satisfaction of the Manager of Development Engineering;
8. That the Owner agree in writing to install infiltration galleries on all Lots as described in Table 1 – Infiltration Water Balance Analysis (January 6, 2006, File: C2320-104P, MTE Consultants Inc.) to the satisfaction of the Manager of Development Engineering;
9. That the Owner agrees in writing to show the size and location of infiltration galleries on Plot Plans for each Lot and to have the design of the infiltration galleries certified by a qualified engineer as being in accordance with the design associated with the above referenced Infiltration Water Balance Analysis prepared by MTE Consultants Inc. prior to the application of building permits to the satisfaction of the Manager of Development Engineering;
10. That the Owner agree in writing to provide an over all "as built" lot grading plan showing the location of each infiltration gallery to the satisfaction of the Manager of Development Engineering;
11. That the Owner agree in writing to provide certification by a qualified professional engineer that the infiltration gallery on each Lot has been installed in accordance with the approved plans and that roof water leaders have been directed to the infiltration gallery as required, all to the satisfaction of the Manager of Development Engineering;
12. That the Owner provide a preliminary grading design that includes Phase 3 to the satisfaction of the Manager of Development Engineering;

13. That the Owner construct Tews Lane from the limit of Phase 2 to connect to the existing portion of the road in Phase 1 all at his own expense to the satisfaction of the Manager of Development Engineering.

Planning and Development Department, Development Planning Section

14. That the Owner agrees to provide notice, through a purchase and sale agreement, to all future residents that there is a mineral aggregate extraction and processing operation immediately north of the subject lands. A warning clause shall also be provided to this effect in the subdivision agreement;
15. That the Owner agrees to provide notice, through a purchase and sale agreement of all future residents that the installation of underground lawn watering and irrigation systems and the filling of swimming pools from well water supplies shall not be permitted. A warning clause shall also be provided to this effect in the subdivision agreement;
16. That the Owner 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 due to the proximity of an existing aggregate operation. 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. Any mitigation measures recommended in the acoustical report shall be implemented through the subdivision agreement.

Public Works Department – Operations and Maintenance Division, Traffic Planning

17. That the Owner agrees to submit detailed engineering drawings illustrating the driveway locations on Lots 5 & 6 to the satisfaction of the Supervisor of Traffic Planning.

Public Health and Community Services Department – Culture and Recreation Section

18. That the Owner agrees to provide notice, through a purchase and sale agreement, to all future residents that there is parkland to the north and west of the subject lands that will be equipped with active playfields. As a result of this, there is a potential for noise and other nuisances that may interfere with the indoor and/or outdoor activities of the residents. A warning clause shall also be provided to this effect in the subdivision agreement.

Public Health and Community Services Department – Environmental Health Section

19. That any existing septic tank be pumped out by a Ministry of Environment approved sewage hauler, and then refilled with suitable material to prevent it from collapsing. Completion of this requirement is to be declared and verified in writing by a Professional Engineer to the satisfaction of the Director of Public Health and Community Services Department;
20. That any existing water wells that will no longer be used, are abandoned in accordance with Ministry of Environment Regulation 903/90 (Wells). Completion of this requirement is to be declared and verified in writing by a Professional Engineer to the satisfaction of the Director of Public Health and Community Services Department;
21. That the Owner shall, to the satisfaction of the hydrogeological peer reviewer:
 - a) Propose a ground water monitoring program to assess the impact of the subdivision construction and occupancy on ground water quality. The monitoring program shall describe the location, frequency, duration and analysis of water sample collection.
 - b) Agree to complete the ground water monitoring program,

all to the satisfaction of the Director of Public Health and Community Services Department and Manager of Plant Capital and Planning;
22. That the Owner shall ensure that the results of the required monitoring program are reviewed by a qualified person and a written report submitted to the hydrogeological peer reviewer by the first day of February each year that the monitoring report is required to the satisfaction of the Director of Public Health and Community Services Department and Manager of Plant Capital and Planning;
23. That the Owner agrees that should the monitoring program indicate that action is necessary to mitigate diminishing ground water quality the owner agrees to take such actions as recommended by the hydrogeological peer reviewer to the satisfaction of the Director of Public Health and Community Services Department and Manager of Plant Capital and Planning;
24. That the Owner shall submit to the City of Hamilton, securities for the cost of undertaking the ground water monitoring program, the hydrogeological peer review, and potential groundwater remediation to the satisfaction of the Director of Public Health and Community Services Department. Such securities shall be held until the monitoring program, all peer review

activities, and/or groundwater remediation has been completed, as recommended by the hydrogeological peer reviewer to the satisfaction of the Director of Public Health and Community Services Department.

Hamilton Conservation Authority

25. That the Owner prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority;
26. That the Owner agrees in writing to install chain link fencing or other acceptable type, in a location on Lots 1, 2, 3, 4, 5, 6, 7, 8 and 9 to the satisfaction of the Hamilton Conservation Authority;
27. That the subdivision agreement include a clause and identify on the grading plan a requirement for a permit to be obtained for lots 4, 5 and 6 from the Hamilton Conservation Authority under its Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation, Ontario Regulation 97/04, prior to the issuance of a Building Permit; and,
28. That the Owner agrees in writing to prepare and implement a maintenance program for the stormwater management facility to the satisfaction of the Hamilton Conservation Authority.

Authority: Item , Planning and Economic
Development Committee
Report: 06- (PED06173)
CM:

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

**To Amend Zoning By-law No. 90-145-Z (Flamborough),
Respecting Lands Located at Concession 2, Part of Lots 11 & 12 (West
Flamborough), in the former Town of Flamborough, now in the City of 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 Town of Flamborough" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

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. 90-145-Z (Flamborough), 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 Flamborough) in accordance with the provisions of the Planning Act;

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

1. Schedule "A-37" attached to and forming part of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended by changing the zoning from the Settlement Residential Holding "R2-(H)" Zone to the Settlement Residential "R2-30" Zone, the lands the extent and boundaries of which more particularly shown on Schedule "A" annexed hereto and forming part of this by-law.
2. Section 7 – Settlement Residential Zone of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended by adding the following subsection:

7.3 EXCEPTION NUMBERS

7.3.30 "R2-30" (See Schedule A-37)

Permitted Uses

(a) Subsection 7.1 shall apply

Zone Provisions

(a) Lot Area (minimum) 5,599 square metres

(b) Lot Frontage (minimum) 32 metres

(c) The installation of underground lawn watering and irrigation systems and the filling of swimming pools from well water supplies is prohibited.

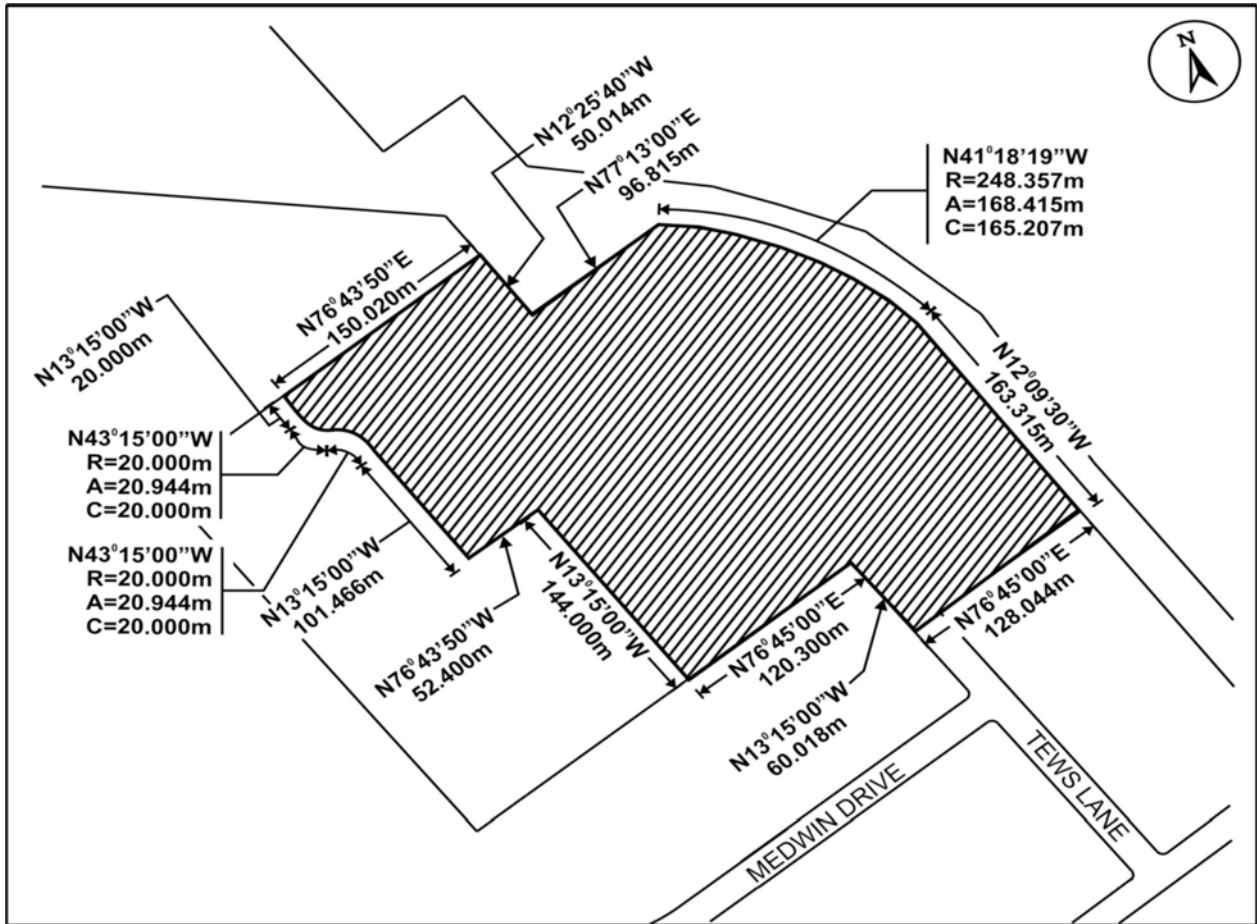
(d) All other zone provisions of Subsection 7.2 shall apply.

3. That the amending By-law be added to Schedule "A-37" of Flamborough Zoning By-law No. 90-145-Z.
4. 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
ZAR-04-37

CLERK



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

Clerk

Passed the day of, 2006

Mayor

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"

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

to Amend By-law No. 90-145-Z



Subject Property

Part of Lots 11 and 12, Concession 2 (Flamborough)

Change in Zoning from Settlement Residential Holding
"R2-14-(H)" Zone to Settlement Residential "R2-30"
Zone

Scale:
Not to Scale

File Name/Number:
ZAR-04-37 / 25T200407

Date:
May 2006

Planner/Technician:
JT/MF





Construction Materials

August 6, 2004

Mr. Jason Thompson
Senior Development Planner
City of Hamilton
Planning & Development Department, Development Division (West Section)
City Hall
71 Main Street West
Hamilton, ON
L8P 4Y5

**Re. Preliminary Circulation
Zoning Amendment and Draft Plan of Subdivision Applications ZAR-04-37 &
25T200407, City of Hamilton (Flamborough), Ward 14**

Dear Mr. Thompson:

We are in receipt of the preliminary circulation regarding the above application and would request a copy of the staff planning report prior to the public meeting to be held by the Planning and Economic Development Committee of City Council.

The Lafarge Dundas Quarry, including the processing area south of Highway #5, is a zoned industrial land use situated in close proximity to the proposed development to create 12 new residential lots. The quarry is an established land use that has a long history in Flamborough. We would like to know more about the proposal (e.g., servicing) and its proximity to our quarry lands before providing detailed comments, but wish to express our concern over the encroachment of residential lands around the quarry. We trust that all setback requirements from the quarry have been adhered to in the proposal.

Thank you for the opportunity to provide preliminary comments. We look forward to receiving a copy of the staff report in the near future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Chris McGuckin'.

Christopher McGuckin, OALA
Resource Manager

cc. Moreen Miller, Lafarge