

CITY OF HAMILTON

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: February 28, 2012	
SUBJECT/REPORT NO: City Initiative for an Amendment to Glanbrook Zoning By-law No. 464 for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook (Glanbrook) (PED10007(a)) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Alvin Chan (905) 546-2424, Ext. 1334
SIGNATURE:	

RECOMMENDATION

That approval be given to **City Initiative CI-12-C**, for a change in zoning from the Residential Multiple "RM2" Zone to the Residential Multiple "RM3-231" Zone, with a Special Exception, to correct a mapping error, for lands located at 33 Fall Fair Way (Binbrook), as shown on Appendix "A" to Report PED10007(a), on the following basis:

- (a) That the Draft By-law, attached as Appendix "C" to Report PED10007(a), which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment.
- (b) That the amending Schedule be added to Schedule "H" of Zoning By-law No. 464.
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

**SUBJECT: City Initiative for an Amendment to Glanbrook Zoning By-law No. 464
for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook
(Glanbrook) (PED10007(a)) (Ward 11) - Page 2 of 5**

EXECUTIVE SUMMARY

On February 10, 2010, City Council passed By-law No. 10-025, which proposed various changes in zoning to facilitate the proposed Draft Plan of Subdivision known as “Binbrook Heights”.

The purpose of this City Initiative is to correct an inadvertent mapping error on Schedule “A” to the implementing Zoning By-law Amendment No. 10-025. Approval of this Initiative is consistent with the original application, as per the attached Notice of Complete Application and Pre-circulation (see Appendix “B”), and Committee’s and Council’s previous approvals of the related planning applications.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)

Financial: N/A.

Staffing: N/A.

Legal: N/A.

HISTORICAL BACKGROUND (Chronology of events)

On February 10, 2010, City Council passed By-law No. 10-025, which proposed various changes in zoning to permit a townhouse development for lands located at 33 Fall Fair Way.

Recently, it has come to the attention of staff that due to an inadvertent mapping error, not all of the lands included in Block 9, per Committee’s and Council’s approval, were included in the implementing Zoning By-law Amendment (see Appendix “D”).

Accordingly, a housekeeping amendment is required in order to appropriately zone the balance of Block 9 (see Appendix “A”), which was shown on the original Notice of Complete Application and Pre-circulation as Block 4 (see Appendix “B”), thereby giving effect to Committee’s and Council’s original approval.

In particular, the lands omitted from the limits of Block 9 are to be rezoned from the Residential Multiple “RM2” Zone to the Residential Multiple “RM3-231” Zone, with a Special Exception, under the Draft By-law (see Appendix “C”).

POLICY IMPLICATIONS

The proposal is technical in nature and corrects a mapping error in order to permit the proper development of the “Binbrook Heights” Plan of Subdivision, 62M-1142, the associated Draft Plan of Condominium 25CDM-201101, and the final approved Site Plan Control Application DA-10-113.

The proposed change to Schedule “A” maintains the original intent and purpose of By-law No. 10-025, as approved by the City of Hamilton on February 10, 2010, in that it permits the development of residential townhouse units under the Residential Multiple “RM3-231” Zone, with a Special Exception, in accordance with the Registered Plan of Subdivision, “Binbrook Heights”, 62M-1142.

The proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and conforms to the Hamilton-Wentworth Official Plan and Glanbrook Official Plan.

RELEVANT CONSULTATION

Public Consultation

A Public Notice sign was placed on the subject lands by February 8, 2012, and notice of the Public Meeting was given in accordance with the regulations of the Planning Act. Pre-circulation of the Initiative was not undertaken given the technical nature of the amendment.

ANALYSIS / RATIONALE FOR RECOMMENDATION

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the policies of the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) It conforms to the “Urban Area” policies of the Hamilton-Wentworth Official Plan; and,
 - (iii) It conforms to the “Medium Density Residential” policies of the Glanbrook Official Plan and the Binbrook Village Secondary Plan.

SUBJECT: City Initiative for an Amendment to Glanbrook Zoning By-law No. 464 for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook (Glanbrook) (PED10007(a)) (Ward 11) - Page 4 of 5

- (iv) It is technical in nature, in that it corrects an inadvertent mapping error in the implementing By-law Amendment, consistent with Council's prior planning approvals.
- 2. The Provincial Policy Statement focuses growth in Settlement Areas. The proposed development provides densities and a mix of land uses, which efficiently uses the land, resources, infrastructure, and public service facilities within the Settlement Area and, therefore, the proposal is consistent with the Provincial Policy Statement.
- 3. The Growth Plan for the Greater Golden Horseshoe (Places to Grow) directs growth to the Built-up Area, and promotes residential intensification and complete communities through a range and mix of housing types and tenures with high quality open space and local stores and services. The proposal conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
- 4. The Hamilton-Wentworth Official Plan designates the subject lands as "Urban Area" in the Hamilton-Wentworth Official Plan. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. The proposal provides for residential development where full municipal services are available and therefore conforms to the Hamilton-Wentworth Official Plan.
- 5. The subject lands are designated as "Residential" and "Binbrook Village" on Schedule "A" - Land Use Plan, and "Medium Density Residential" on Schedule "B" - Binbrook Village Secondary Plan. The subject amendment is to correct an inadvertent mapping error, thereby implementing the residential townhouse development as permitted under the "Medium Density Residential" designation. The proposal, therefore, conforms to the Glanbrook Official Plan.

ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

- Not Applicable.

CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

- Not Applicable.

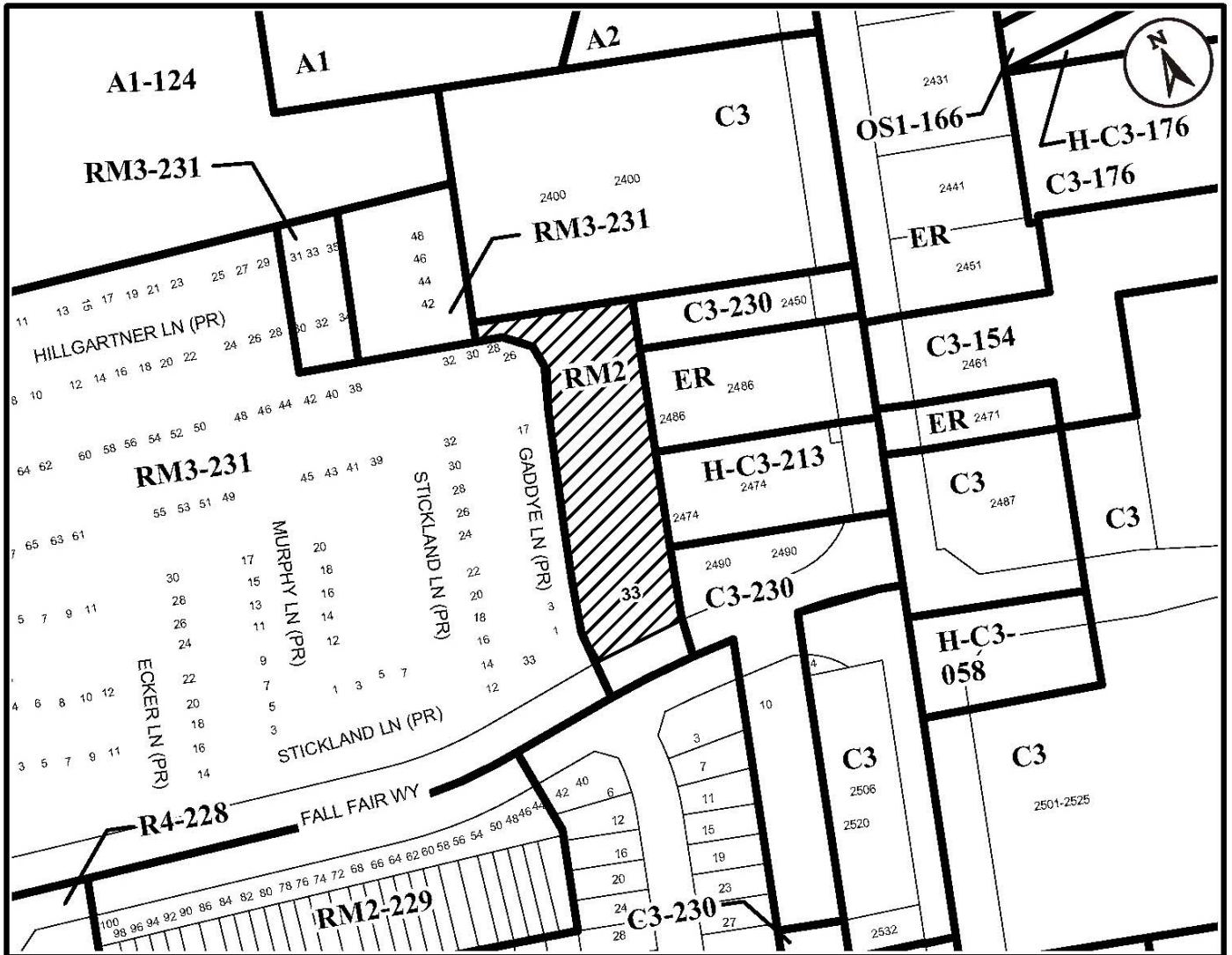
**SUBJECT: City Initiative for an Amendment to Glanbrook Zoning By-law No. 464
for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook
(Glanbrook) (PED10007(a)) (Ward 11) - Page 5 of 5**

APPENDICES / SCHEDULES

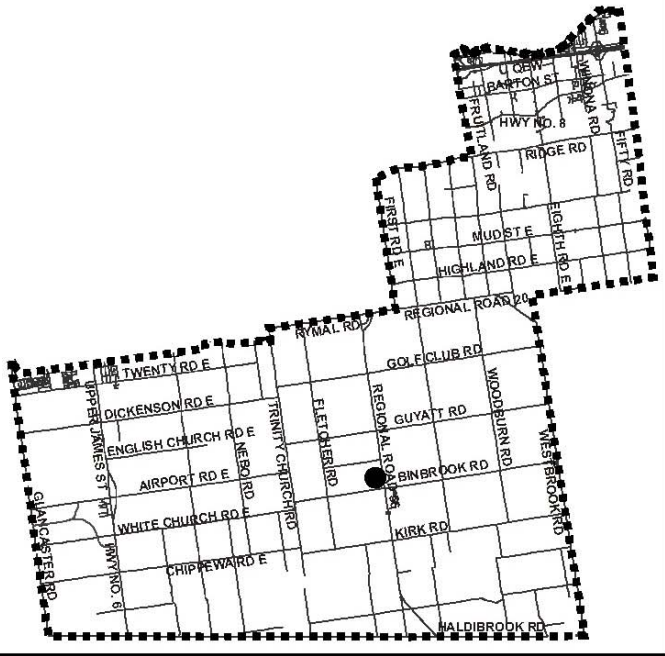
- Appendix "A": Location Map
- Appendix "B": Notice of Complete Application and Pre-circulation
- Appendix "C": Amendment to Town of Glanbrook Zoning By-law No. 464
- Appendix "D": Schedule "A" to City of Hamilton By-law No. 10-025
- Appendix "E": Draft Plan of Condominium 25CDM-201101
- Appendix "F": Final Approved Site Plan DA-10-113
- Appendix "G": Registered Plan of Subdivision 62M-1142 - "Binbrook Heights"

:AC

Attachs. (7)



● Site of the Application



Ward 11 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
CI-12-C

Date:
January 26, 2012

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AC/AL

Subject Property

33 Fall Fair Way



For a change in zoning from the Residential Multiple "RM2" Zone to the Residential Multiple "RM3-231" Zone



Hamilton

Mailing Address:
77 James Street North, Suite 400
Hamilton, Ontario
Canada L8R 2K3
www.hamilton.ca

Planning and Economic Development Department
Planning Division, Development Planning, East Section
77 James Street North, Suite 400, Hamilton ON L8R 2K3
Phone: 905-546-2424 Fax: 905-546-4202

August 10, 2009

File No: 25T200005(R); ZAC-06-062 and
OPA-06-018

Dear Sir/Madam:

**Re: Revised Preliminary Circulation
for a Draft Plan of Subdivision, Official Plan and Zoning By-law
Amendments from 108097 Ontario Limited on lands located at Highway
56 & Fall Fair Way, Glanbrook**

This letter is to advise that applications have been received by Hamilton's Planning and Economic Development Department for a Draft Plan of Subdivision, Official Plan and Zoning By-law Amendments from 108097 Ontario Limited on lands located at Highway 56 & Fall Fair Way, Glanbrook (see attached Location Plan).

Purpose and Effect of Applications

Draft Plan of Subdivision (25T200005R); Official Plan Amendment (OPA-06-018) & Zoning By-law Amendment (ZAC-06-062)

The purpose of these applications is to establish a Draft Plan of Subdivision for 68 single detached lots, a block for street townhouses, 5 blocks for commercial uses, and 1 block for block townhouses.

The purpose and effect of the proposed Zoning By-law Amendment (ZAC-06-062); Official Plan Amendment (OPA-06-018) and Plan of Subdivision (25T-200005(R)) applications is to create land use planning zones and regulations to permit future development on the subject lands consisting of low and medium density residential uses and neighbourhood commercial uses. (See attached maps and plans)

Development is to occur in accordance with a proposed draft plan which includes:

- 68 single detached dwelling lots;
- 1 block for street-oriented townhouse units;
- 1 block for block townhouse units
- 5 blocks for commercial purposes;
- 2 blocks for road widening purposes; and
- 1 block for a 0.3m reserve

**Re: Applications for Draft Plan of Subdivision; Official
Plan and Zoning By-law Amendments from 108097
Ontario Limited on lands located at Highway 56 &
Fall Fair Way, Glanbrook**

Page 2 of 3

Additional Information

A separate notice will be mailed to you confirming the date of the Public Meeting and where and when the proposed Official Plan Amendment and information and material related to it; additional information and material about the proposed By-law to amend the Zoning By-law; and additional information regarding the proposed Draft Plan of Subdivision will be available for public inspection.

If you wish to be notified of the adoption of the proposed Official Plan Amendment, or of the refusal of a request to amend the Official Plan, you must make a written request to the City Clerk, Economic Development and Planning Committee, City of Hamilton, 77 James Street North, Suite 220, Hamilton ON L8R 2K3.

If you wish to be notified of the adoption of the proposed Zoning By-law Amendment, or of the refusal of a request to amend the Zoning By-law, you must make a written request to the City Clerk, Economic Development and Planning Committee, City of Hamilton, 77 James Street North, Suite 220, Hamilton ON L8R 2K3.

If you wish to be notified of the decision of the City of Hamilton in respect of the proposed Draft Plan of Subdivision, you must make a written request to the Director, Planning Division, Planning and Economic Development Department, 77 James Street North, Suite 400, Hamilton ON L8R 2K3.

Public Input

Before we prepare a staff report for Council consideration, we are extending an opportunity to you to make comments. Any written comments received by the Department prior to August 31st 2009 will be published as part of the report. Those persons who respond to the Department will be provided with a copy of the staff report prior to the public meeting to be held by the Economic Development and Planning Committee of City Council. Please forward your comments, quoting File No: 25T200005(R); ZAC-06-062 and OPA-06-018 to:

Alvin Chan, City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning – East Section
77 James Street North, Suite 400, Hamilton ON L8R 2K3
Fax: 905-546-4202 - E-Mail: alvin.chan@hamilton.ca

Should you have any questions, please contact Alvin Chan at 905-546-2424 Ext 1334 or via email at alvin.chan@hamilton.ca.

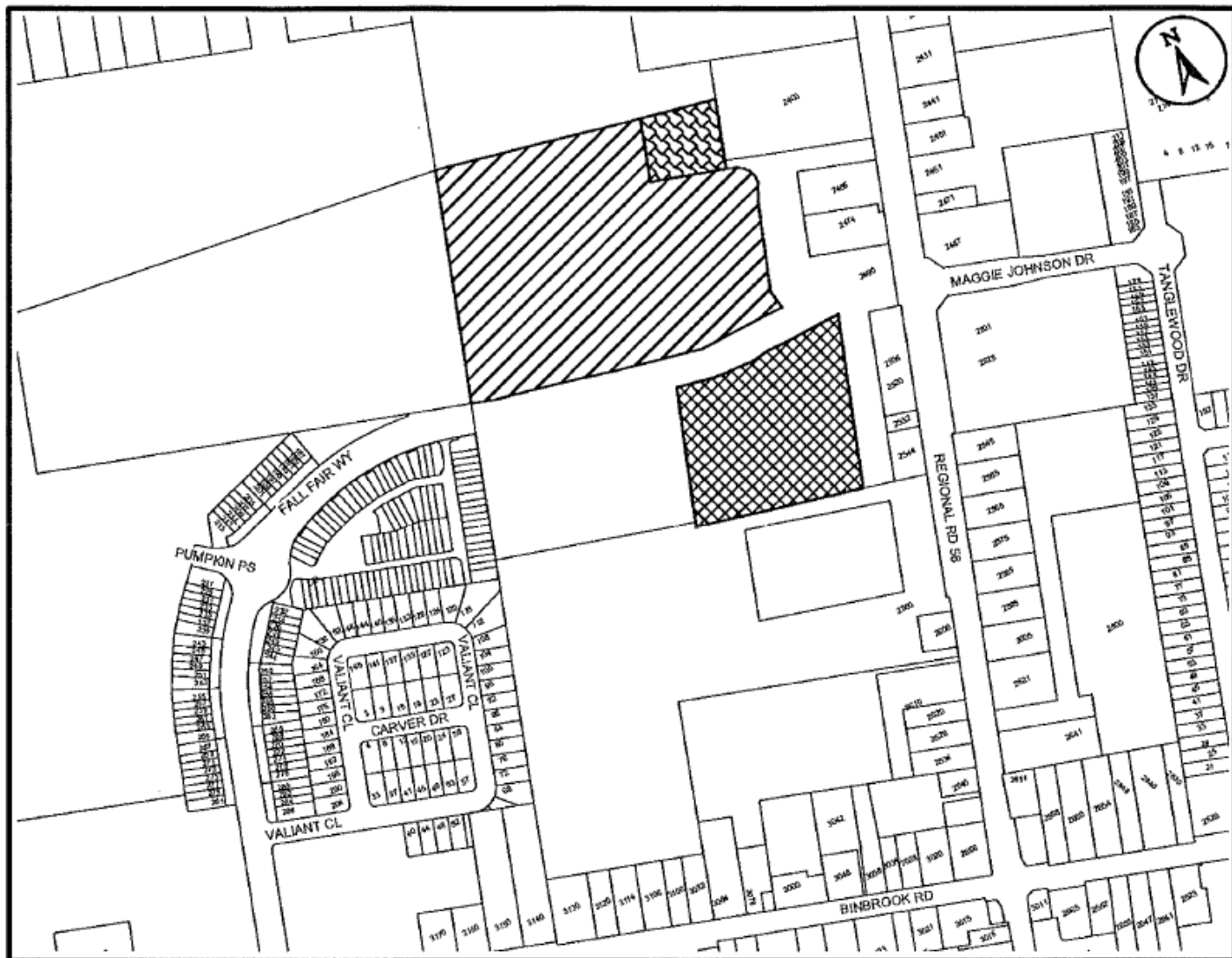
**Re: Applications for Draft Plan of Subdivision; Official
Plan and Zoning By-law Amendments from 108097
Ontario Limited on lands located at Highway 56 &
Fall Fair Way, Glanbrook**

Page 3 of 3

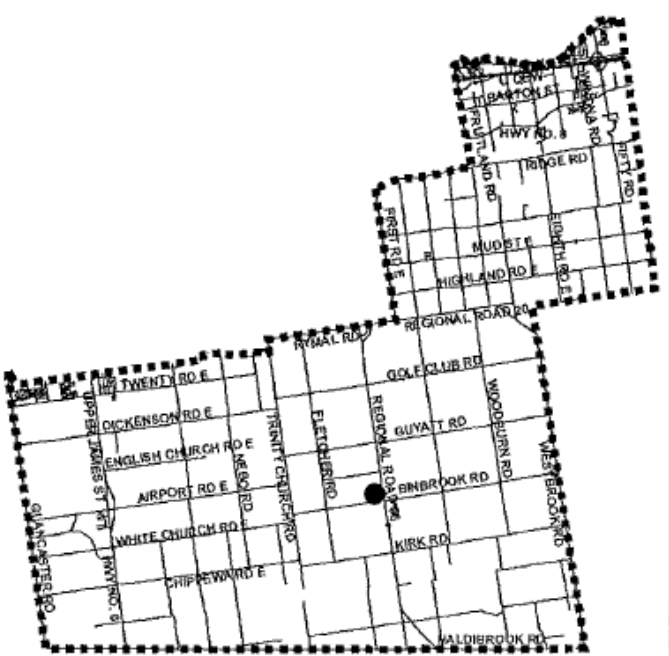
Yours truly,

Peter J. De Iulio, BES, MCIP, RPP,
Senior Project Manager
Development Planning - East Section

ac:cb
Attachments



● Site of the Application



Ward 11 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-06-62/25T-200005(R)

Date:
August 5, 2009

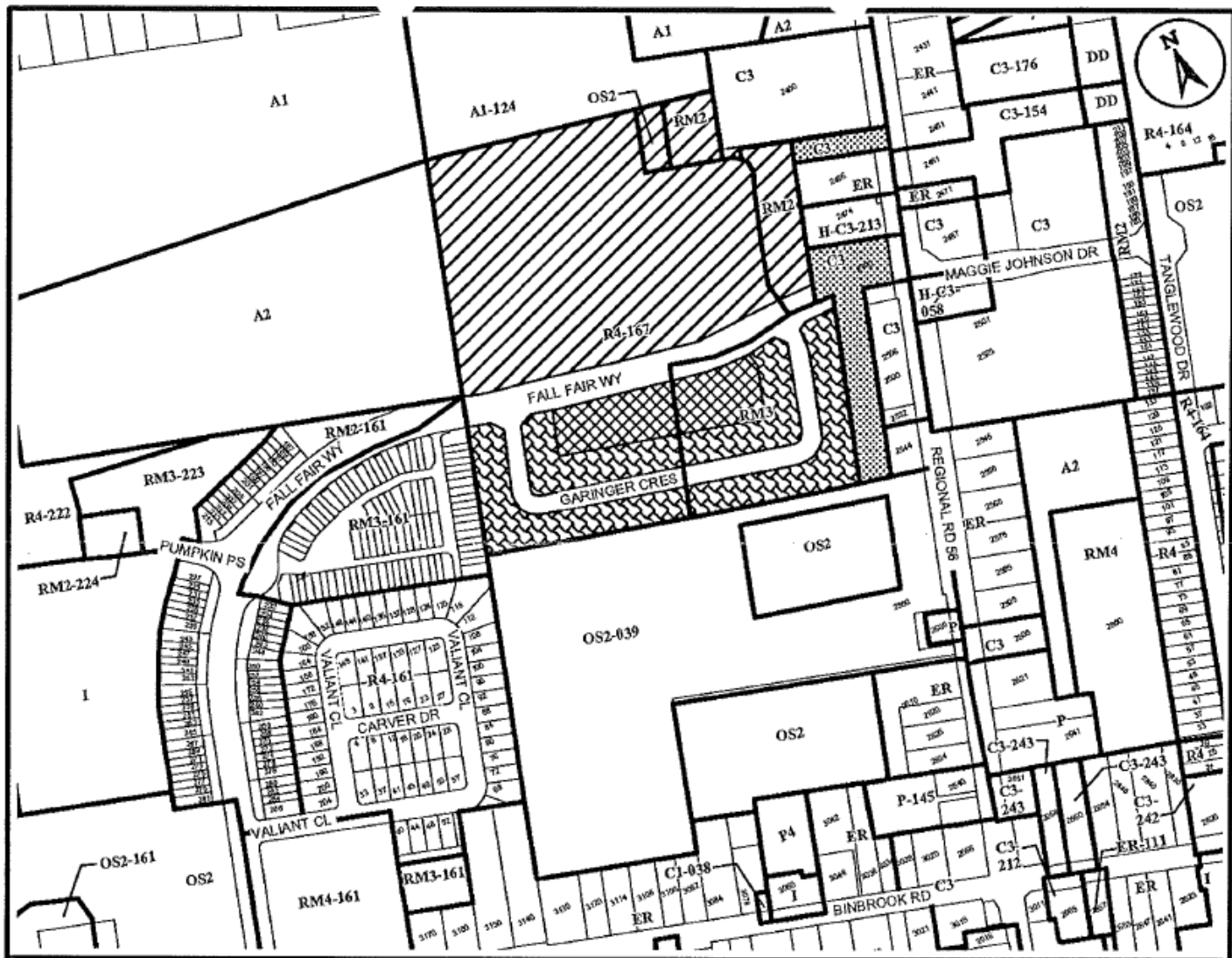
Appendix "A"

Scale:
N.T.S.

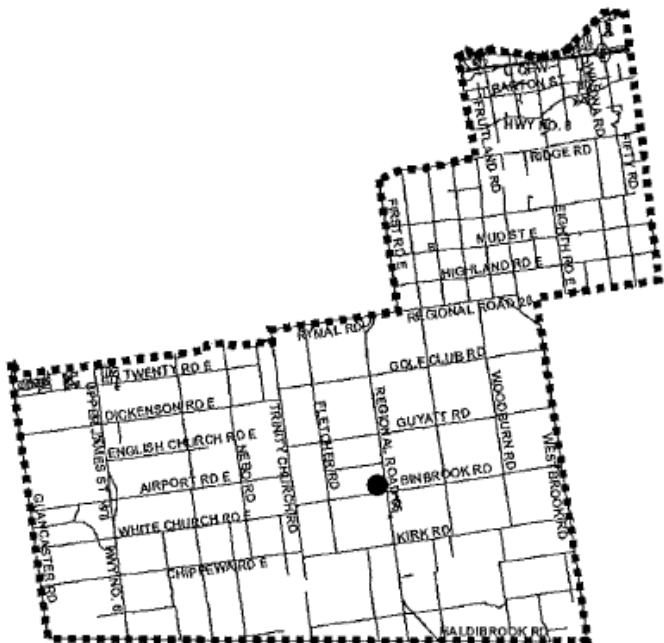
Planner/Technician:
AC/AL

Subject Property

- Medium Density Residential to Low Density Residential
- Low Density Residential to Medium Density Residential
- Parkette to Medium Density Residential



● Site of the Application



Ward 11 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-06-62/25T-200005(R)





Date:
August 5, 2009

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
AC/AL

Subject Property

-  Block 1 - From the Residential 4 "R4-167" and the Residential Multiple 3 "RM3" Zone to the Residential 4 "R4-228" Zone.
-  Block 2 - From the Residential 4 "R4-167" Zone and the Residential Multiple 3 "RM3" Zone to the Residential Multiple 2 "RM2-229" Zone.
-  Block 3 - From the General Commercial "C3" Zone to a modified General Commercial "C3-230" Zone.
-  Block 4 - From the Residential Multiple "RM2" Zone, the Residential 4 "R4-167" Zone and the Public Open Space "OS2" Zone to the Residential Multiple 3 "RM3-231" Zone.

Authority: Item [REDACTED]
Planning Committee
Report 12-[REDACTED] (PED10007(a))
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands located at 33 Fall Fair Way

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

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

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 464 (Glanbrook) be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Township of Glanbrook Official Plan, approved by the Minister under the Planning Act on June 16, 1987.

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

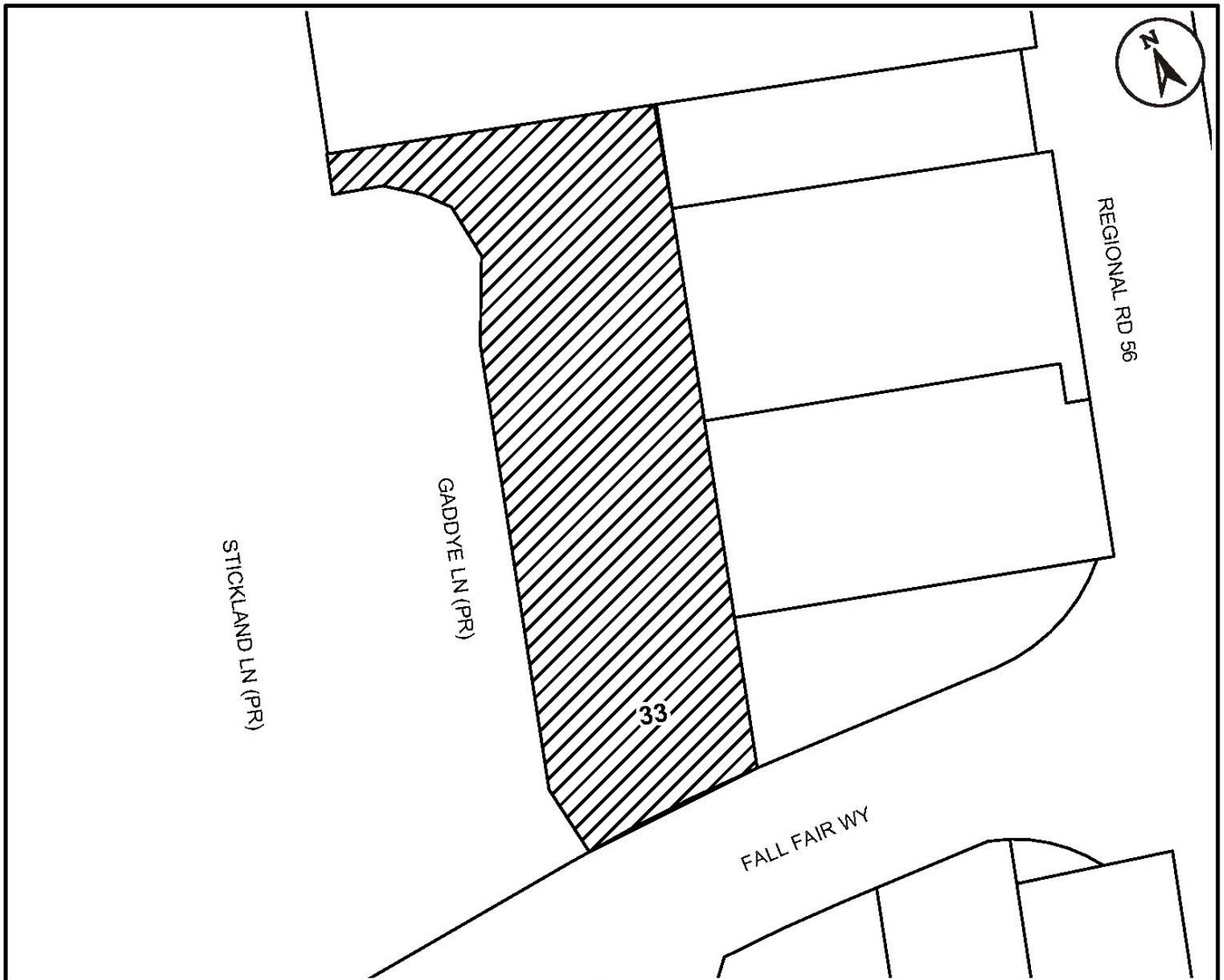
1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is amended by changing from the Residential Multiple "RM2" Zone to the Residential Multiple "RM3-231" Zone, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the Clerk is hereby 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 [REDACTED] day of [REDACTED], 2012.

R. Bratina
Mayor

Rose Caterini
Clerk

CI-12-C



This is Schedule "A" to By-Law No. 12-

Passed the day of, 2012

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 12-_____

to Amend By-law No.

Subject Property

33 Fall Fair Way



For a change in zoning from the Residential Multiple "RM2" Zone to the Residential Multiple "RM3-231" Zone

Scale:
N.T.S.

File Name/Number:
CI-12-C

Date:
January 26, 2012

Planner/Technician:
AC/AL



Hamilton

By-law Respecting 2490 Regional Road 56, Binbrook



This is Schedule "A" to By-Law No. 10-025

Passed the ..10..... day of ..February....., 2010











[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 10-025

to Amend By-law No.464

Subject Property

-  Block 1 - From the Residential "R4-167" Zone to the Residential "R4-228" Zone.
-  Block 2 - From the Residential Multiple "RM3" Zone to the Residential "R4-228" Zone.
-  Block 3 - From the Residential "R4-167" Zone to the Residential Multiple "RM2-229" Zone.
-  Block 4 - From the Residential Multiple "RM3" Zone to the Residential Multiple "RM2-229" Zone.
-  Block 5 - From the General Commercial "C3" Zone to the Holding General Commercial "H-C3-230" Zone.
-  Block 6 - From the General Commercial "C3" Zone to the General Commercial "C3-230" Zone.
-  Block 7 - From Residential "R4-167" Zone to the Residential Multiple "RM3-231" Zone.
-  Block 8 - From the Public Open Space "OS2" Zone to the Residential Multiple "RM3-231" Zone.
-  Block 9 - From the Residential Multiple "RM2" Zone to the Residential Multiple "RM3-231" Zone.
-  Block 10 - From the Residential Multiple "RM3" Zone to the Holding Residential "H-R4-228" Zone.

Scale: N.T.S.	File Name/Number: ZAC-06-62/25T-200005(R)
Date: December 2, 2009	Planner/Technician: AC/KA
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	





DRAFT PLAN OF
Binbrook Heights condominium
 BEING A PROPOSED CONDOMINIUM CORPORATION OF
BLOCK 73
 REGISTERED PLAN 62M-1142
CITY OF HAMILTON
 SCALE 1:500
 B.J. CLARKE O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.
METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.048.
SE: CHAPTER P.13 R.S. 1990 SECTION 5(1)(7) OF THE PLANNING ACT AND SECTION 8 OF THE CONDOMINIUM ACT (1998)
 A. SHOWN ON PLAN G. SHOWN ON PLAN
 B. SHOWN ON PLAN H. METROPOLITAN PIPED WATER AVAILABLE
 C. SHOWN ON PLAN I. GOLF COURSE
 D. SEE LAND USE SCHEDULE J. SHOWN ON PLAN
 E. SHOWN ON PLAN K. METROPOLITAN SERVICES TO BE INSTALLED BY SUBDEVELOPER
 F. SHOWN ON PLAN L. SHOWN ON PLAN

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

JANUARY 26, 2011
 DATE
 B. J. CLARKE
 ONTARIO LAND SURVEYOR

LAND USE SCHEDULE:
 AREA OF SITE: 66,514 m²
 TOTAL NUMBER OF CONDOMINIUM UNITS = 174

CONDOMINIUM DRAFT APPROVAL:
 I HEREBY APPROVE THE PROVISIONS OF THIS PLAN AND THE RELATIONSHIP TO ADJACENT LANDS AS SHOWN ON THIS PLAN AND I AGREE TO BE BOUND BY THE TERMS AND CONDITIONS OF THIS PLAN AND THE RELATIONSHIP TO ADJACENT LANDS AS SHOWN ON THIS PLAN.
 [Signature]
 [Title]

A. J. Clarke and Associates Ltd.
 SURVEYORS - PLANNERS - ENGINEERS
 25 MAIN STREET WEST, SUITE 300
 HAMILTON, ONTARIO, L8P 3W1
 TEL. 905-528-8761 FAX 905-528-2289
 www.ajclarke.com

