



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	April 15, 2014
SUBJECT/REPORT NO:	Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as "Binbrook Heights Addition", on Lands Located at 139 Fall Fair Way (Glanbrook) (PED12182(c))
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Joe Muto (905) 546-2424 Ext. 7859
SUBMITTED BY:	Neil Everson Acting General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Official Plan Amendment Application OPA-11-016, by John Bruce Robinson Construction Limited, Owner**, for Amendment No. [REDACTED] to the Urban Hamilton Official Plan (UHOP), to amend Land Use Plan Map B.5.1-1 Binbrook Village Secondary Plan Land Use Plan from "Local Commercial" to "Low Density Residential 2h", for a portion of the lands located at 139 Fall Fair Way (Glanbrook), as shown on Appendix "A" to Report PED12182(c), on the following basis:
- (i) That the draft OPA, attached as Appendix "B" to Report PED12182(c), be adopted by Council; and,
 - (ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That approval be given to **Zoning Application ZAC-11-065, by John Bruce Robinson Construction Limited, Owner**, for changes in zoning to Glanbrook Zoning By-law No. 464 from the Restricted Agricultural "A2" Zone to: the Residential "R4-276" Zone, Modified, with a Special Exception (Block 1); the Residential Multiple "RM2-277" Zone, Modified, with a Special Exception (Block

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2); the Residential “R4-222” Zone, Modified, with a Special Exception (Block 3); and, the Residential Multiple “RM2-161” Zone, Modified, with a Special Exception (Block 4); and from the Residential “R4-222” Zone, Modified, to the Residential Multiple “RM2-277” Zone, Modified, with a Special Exception (Block 5), to permit 113 lots for single detached dwellings, 32 lots for street townhouse dwellings, and 9 blocks for future residential to be developed in conjunction with adjacent lands, as shown on Schedule “A” to Appendix “C” of Report PED12182(c), on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED12182(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the changes in zoning will conform to the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (c) That approval be given to **Draft Plan of Subdivision Application 25T-201109, by John Bruce Robinson Construction Limited, Owner**, to establish a draft plan of subdivision, known as “Binbrook Heights Addition”, on lands at 139 Fall Fair Way, in the former Township of Glanbrook, as shown on Appendix “D” to Report PED12182(c), subject to the following conditions:
- (i) That this approval apply to “Binbrook Heights Addition”, 25T-201109, prepared by A.J. Clarke & Associates Ltd., and certified by B.J. Clarke, O.L.S., dated April 2, 2012, showing 113 lots for single detached dwellings (Lots 1-113), 32 lots for street townhouse dwellings (Lots 114-145), 9 blocks for future residential (6 single detached dwellings, 15 street townhouse dwellings, and approximately 12 townhouse units on a common elements road) to be developed in conjunction with adjacent lands (Blocks 146-154), one block for a public walkway (Block 155) and two streets (Festival Way and Fairgrounds Drive), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “E” to Report PED12182(c).
 - (ii) Acknowledgement that there will be no City share for any municipal works associated with this development;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. 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 each building permit, with the exception of Lots 114 to 145 and Blocks 146, 147 and

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154, for which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said block;

With regard to Lots 1-113 and Blocks 148-153 (Single Detached Residential), a parkland dedication at a ratio of 5% shall be required;

With regard to Lots 114-145 and Blocks 146, 147 and 154 (Street Townhouses), a parkland dedication at a ratio of 1 ha. per 300 dwellings units shall be required;

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

EXECUTIVE SUMMARY

The purpose of these applications is to amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law, and for approval of a Draft Plan of Subdivision, known as “Binbrook Heights Addition” (see Appendix “E”), in order to permit the development of the subject lands for 113 lots for single detached dwellings, 32 lots for street townhouses, and 9 blocks to be developed in conjunction with adjacent lands, for a total of approximately 178 dwelling units, including one block for a public walkway and two local streets.

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement (PPS), and conform with the Growth Plan for the Greater Golden Horseshoe. The proposed development is considered to be compatible with and complementary to the existing and planned development in the immediate area, and is in keeping with the intent of the Urban Hamilton Official Plan (UHOP) and the Binbrook Village Secondary Plan.

Alternatives for Consideration - See Page 24

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

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

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HISTORICAL BACKGROUND

The applicant had submitted a plan of subdivision application, together with applications to amend the UHOP and Township of Glanbrook Zoning By-law No. 464, in order to permit the implementation of the proposed plan of subdivision.

On June 22, 2006, applications were accepted for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for “Binbrook Heights Addition”. The 2006 proposal identified 103 lots for single detached dwellings, five blocks for a total of 17 future single detached dwellings, and one block for a total of approximately 12 street townhouse dwelling units. The 2006 proposal would have yielded a total of approximately 132 units. Those applications were processed by the City and were subsequently abandoned by the applicant. The applicant made new applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for “Binbrook Heights Addition” which were received on October 18, 2011.

Proposal:

On November 6, 2012, the subject applications went before Planning Committee. The applications were tabled at the public meeting, until such time as the results of an interim report regarding the flooding in the Village of Binbrook was prepared and approved by the Planning Committee. The flooding report was prepared by the City’s consultant (AMEC), and went before Planning Committee on April 2, 2013. At that meeting, the Planning Committee passed a motion that AMEC be retained to continue additional studies in Binbrook and Upper Stoney Creek to establish the relationship between the storm run-off and the municipal storm and sanitary conveyance systems and hydraulic analyses of the minor and major overland flow systems. The additional studies were subsequently prepared and went before Planning Committee on February 4, 2014, wherein Planning Committee received the findings of the study. The Draft Plan of Subdivision “Binbrook Heights Addition” requires stormwater quantity controls to mitigate downstream impacts as identified in the Binbrook Flooding Assessment Report prepared by AMEC, 2014.

In this regard, the applications subject to this report can now go forward. However, since the original report (PED12182) was prepared, the UHOP has come into force and effect. Hence, the need for the subsequent staff report and recommendation which addresses the UHOP currently in effect. Further, given the new Plan, there is also a statutory obligation to circulate these applications and provide notice of complete application with a public meeting.

The applicant’s proposal remains as previously described in report PED12182. Therefore, they are still proposing to redesignate a portion of the subject lands from “Local Commercial” to “Low Density Residential 2h” in the UHOP. The proposed

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changes in zoning are from the Restricted Agricultural “A2” Zone to various residential zones to allow 113 lots for single detached dwellings, 32 lots for street townhouse dwelling units, and nine blocks will also be rezoned to the existing abutting zones to allow for residential uses. Overall, the proposal will allow for the development of approximately 178 units. These amendments will implement the proposed draft plan of subdivision, and are further discussed below.

Official Plan Amendment:

An application to amend the UHOP, in particular, Land Use Plan Map B.5.1-1-Binbrook Village Secondary Plan Land Use Plan from “Local Commercial” to “Low Density Residential 2h” (see Appendix “B”), is required in order to redesignate a portion of the subject lands to reflect the proposed draft plan of subdivision.

Zoning By-law Amendment:

A corresponding application to amend the Glanbrook Zoning By-law is also required to rezone the lands to reflect the proposed draft plan of subdivision. Two new site-specific zones are being proposed to facilitate the development. For those lands to be developed in conjunction with the neighbouring lands, two existing site-specific zones will be utilized. The two new site-specific zones are comparable to some of the existing zones in the immediate neighbourhood. However, they require separate provisions in order to recognize four modifications: an enhancement to increase parking for each residential unit; an enhanced side yard setback; to incorporate a reduced setback from the transmission pipeline which this development abuts; and to permit the encroachment of a cantilever or alcove to project into a yard. There is also a remnant sliver of land to the southwest of the subject lands, which is also included in the implementing Zoning By-law (see Appendix “C” - Block 5). While this remnant sliver is not owned by the applicant, the existing owner has agreed to have these lands rezoned, as proposed, which will allow for the future orderly development of the lands for street townhouse units. These modifications are discussed in detail in the Analysis/Rationale for Recommendation section of the Report.

Plan of Subdivision:

The proposed Draft Plan of Subdivision (see Appendix “D”) is intended to create:

- 113 single detached dwelling lots (Lots 1-113);
- 32 lots for street townhouse dwellings (Lots 114-145);

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- nine blocks for future residential (six single detached dwellings, 15 street townhouse dwelling units, and approximately 12 street townhouse units on a common element road) to be developed in conjunction with adjacent lands (Blocks 146-154);
- one block for a public walkway (Block 155); and,
- two internal public roads (Festival Way and Fairgrounds Drive).

Chronology:

<u>June 22, 2006:</u>	Applications accepted for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision for “Binbrook Heights Addition”. Applications were circulated by the City and, subsequently, abandoned by the applicant.
<u>June 22, 2011:</u>	FC-11-058 considered at the Development Review Committee. The Formal Consultation Document was issued, which identified the required studies and materials necessary for complete application submission.
<u>November 3, 2011:</u>	Applications ZAC-11-065, OPA-11-016 and 25T-201109 are deemed complete.
<u>November 10, 2011:</u>	Notice of Complete Applications and Preliminary Circulation for Applications ZAC-11-065, OPA-11-016 and 25T-201109 was mailed out to all property owners and residents within 120 m. of the subject lands.
<u>November 28, 2011:</u>	Public Notice sign posted on the property.
<u>September 28, 2012:</u>	Circulation of Notice of Public Meeting to all residents within 120 m. of the subject lands.
<u>November 6, 2012:</u>	Statutory Public Meeting held. Planning Committee tabled applications.
<u>February 7, 2014:</u>	Letter of request from Applicant to amend UHOP.
<u>March 19, 2014:</u>	Public Notice Sign updated.
<u>March 28, 2014:</u>	Circulation of Notice of Complete Application and Notice of Public Meeting to all residents within 120 m. of the subject lands.

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DETAILS OF SUBMITTED APPLICATIONS:

Location: 139 Fall Fair Way (Glanbrook)

Owner/Applicant: John Bruce Robinson Construction Ltd.

Agent: A.J. Clarke and Associates Ltd.

Property Description: Area: 7.427 ha.
Frontage: +/- 60 m. (along Fall Fair Way)
Depth: 217.45 m.

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Restricted Agricultural “A2” Zone
<u>Surrounding Lands:</u>		
North	Farm Field and Interprovincial Pipeline (Enbridge)	General Agricultural “A1” Zone
South	Street and Block Townhouse Dwellings	Residential Multiple “RM3-223”, “RM2-161” Zones, and Residential “R4-222” Zone
East	Block Townhouse Dwellings	Residential Multiple “RM3-231” Zone
West	Single Detached Dwellings	Residential “R4-222” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement:

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The applications are consistent with the policies that focus growth in Settlement Areas, Policy 1.1.3.1.

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

The subject lands are located within a designated Greenfield area, as defined by Places to Grow. Policy No. 2.2.7.2 states that the designated Greenfield area of each upper or single-tier municipality will be planned to achieve a minimum density target that is not less than 50 residents and jobs combined per hectare. Based on the foregoing, this development proposal conforms to Places to Grow.

Urban Hamilton Official Plan:

The proposal has been evaluated against the policies of the new UHOP. The Ontario Municipal Board (OMB) approved the UHOP, in part, on August 16, 2013. At this time, the majority of the policies in the UHOP are now in effect. As a statutory requirement under the Planning Act, an amendment to the UHOP was requested on February 7, 2014. An updated Public Meeting Notice was sent on March 28, 2014.

The UHOP designates the subject lands as “Neighbourhoods” on Schedule “E-1” Urban Land Use designations, and as “Local Commercial” and “Low Density Residential 2h” on Map B.5.1-1, the Binbrook Village Secondary Plan. The “Neighbourhoods” designation permits a range of proposed residential uses, however, amendments to the Binbrook Village Secondary Plan are needed to redesignate a portion of the lands from “Local Commercial” to “Low Density Residential 2h” in order to permit the proposed street townhouse dwellings.

Further, through Implementing By-law No. 464-70-00, passed in 2000 for the subdivision to the south known as “Woodview Estates” and subsequently amended in 2002, the westerly larger portion, previously designated as “Corner Retail” was, at that time, redesignated as “Medium Density Residential”. Staff are supportive of the redesignation, and are of the opinion that the existing and proposed village commercial uses around the Community Core are in keeping with the vision of the Official Plan, as it allows for a variety of local commercial uses that are within walking distance to the proposed development and neighbourhood.

The proposed development of single detached dwellings and street townhouses conforms with the UHOP and Binbrook Village Secondary Plan, as it provides for a

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minor increase in unit yield based on the proposed number of street townhouse dwellings. Upon redesignation of the subject lands, the proposed changes in zoning and Draft Plan of Subdivision will conform to the existing “Low Density Residential 2h” designation.

Staging of Development:

The proposal is consistent with the Criteria for Staging of Development, in that utilities and services are available, there are no unanticipated budgetary impacts, and it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides employment opportunities, and conforms with the land use policies of the UHOP. The application has been identified in the staging plan with an anticipated draft plan approval date in 2011.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Taxation Division, Corporate Services Department.
- Operations and Waste Management Division, Public Works Department.
- Hydro One Networks Inc.

The following Departments and Agencies submitted the following comments:

Budgets and Finance Division (Corporate Services Department) has advised that the applicant will be required to pay the Binbrook Stormwater Management Charge of \$40,735.00 dollars. This has been addressed through a draft plan condition (see Appendix “E” - Condition No. 5).

Forestry and Horticulture Section (Public Works Department) has advised that there are no municipal tree assets impacted by the development, and that street tree plantings will be required. This is addressed through the Standard Form Subdivision Agreement (Clause 2.8).

Traffic Engineering Section (Public Works Department) has advised that the current development cap imposed for the Binbrook developments, on the west side of Regional Road No. 56, has been reviewed and revised from 660 units to 900 units. This cap is based on the projected capacity of the existing temporary traffic signal at the intersection of Fall Fair Way and Maggie Johnson Drive and Regional Road No. 56. Traffic advises that allocation of units to be developed will be based on the previous three-party developer agreement. They advise that the cap limit is applicable to the

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“Binbrook Heights Addition” development applications. Traffic has been in discussion with the applicant and other City staff. Traffic advises that they will continue to schedule yearly traffic counts on Fall Fair Way at Regional Road No. 56, and other intersections within the Village of Binbrook, in order to maintain a database and identify growth and increased traffic volumes on a yearly basis. They advise that they have no comments regarding the Official Plan or Zoning Amendment applications. However, they requested a condition for the draft plan of subdivision (see Appendix “E” - Condition No. 24).

Hamilton Municipal Parking System (HMPS) advises that the applicant is providing the minimum 6.5 m. between the driveways, based on their lot sizes. They further advise that the on-street parking layout is satisfactory, however, they have some concerns overall.

HMPS advises that the preliminary parking plan, which was provided by the applicant, includes tandem parking for the townhouse units fronting onto Fairgrounds Drive. They advise the second car is overhanging onto the right-of-way, and would be subject to parking enforcement. The preliminary parking plan identifies that 40% of on-street parking is being achieved. However, HMPS is not in support of some of the parking spaces. Given that the 40% requirement is only a guideline for single detached dwelling units, the preliminary on-street parking plan accommodates only 30% on-street parking. In this regard, the applicant has advised that the proposed floor plans will provide for larger garages that can adequately allow for 2 parking spaces within each garage for the single detached units. The implementing Zoning By-law has addressed this parking concern through the inclusion of a site-specific provision for parking. In this regard, planning staff is of the opinion that the development can provide a sufficient level of parking for the proposed amount of units. Further, HMPS has requested that a warning clause be placed in all purchase of sale agreements as follows:

“Garages are intended for use as parking. It is the owner’s responsibility to ensure that their parking needs can be met on their own property. On-street parking in this area is limited, and cannot be guaranteed in perpetuity.”

This clause has been included as a draft plan condition (see Appendix “E” - Condition No. 4).

Enbridge Pipelines Inc. (Enbridge) has advised that they operate two high pressure petroleum pipelines contained in an 18.3 m. wide right-of-way/easement adjacent to the subject lands. In their letter, dated June 17, 2011, they had advised that they have no objections to the proposed development provided that the following conditions for working on or near the Enbridge right-of-way are adhered to:

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- That a permanent fence be constructed, prior to construction, along the south edge of the Enbridge right-of-way to prevent future encroachments, and ensure heavy equipment does not cross the pipeline during construction;
- Enbridge is regulated by the National Energy Board (NEB) Act. Section 112 of the Act states that “No person shall, unless leave is first obtained from the Board, construct a facility across, on, along, or under a pipeline, or excavate using power-operated equipment or explosives within 30 m. of a pipeline”;
- No grading or placing of fill on Enbridge’s right-of-way will be permitted without the prior written approval of Enbridge;
- No work shall take place on Enbridge’s right-of-way without the presence of an Enbridge inspector;
- No heavy machinery will be permitted to cross Enbridge’s right-of-way without the prior written approval of Enbridge; and,
- No landscaping shall take place on Enbridge’s right-of-way without Enbridge’s written approval.

The applicant has been advised of the above noted concerns, and they have been addressed, where appropriate, as a draft plan condition (see Appendix “E” - Condition Nos. 1, 12, and 27). The Standard Form Subdivision Agreement (Clause 1.21) will also address their concerns. Further, the implementing Zoning By-law also includes a provision which addresses the setback distance from the pipeline right-of-way. This is discussed below.

Union Gas Limited has advised that the owner/applicant provide the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project. The concern will be addressed through the Standard Form Subdivision Agreement (Clause 1.21).

Bell Canada has advised that conditions of draft plan approval are required to ensure all telecommunication infrastructure is adequately provided for in the development. These comments are addressed through standard conditions of approval in the Standard Form Subdivision Agreement (Clause 1.21).

Canada Post has advised that conditions of draft plan approval must be included pertaining to warning clauses for purchasers that mail delivery will be from a designated centralized mail box, and to provide for a location for a mail box. This is addressed in the Standard Form Subdivision Agreement (Clause 1.22).

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Niagara Peninsula Conservation Authority (NPCA) has reviewed the 'Functional Servicing Report - Binbrook Heights Addition' (dated October, 2011) by A.J. Clarke and Associates Ltd., and the “Summerlea” Subdivision Summary of Water Resources Issues' (updated February, 2006) by Weslake Inc. Based upon their review, the NPCA offers the following comments:

1. The NPCA is satisfied that the existing Stormwater Management Pond #2, constructed in the “Summerlea” Subdivision, has been designed to provide stormwater quality controls for the “Binbrook Heights Addition” development.
2. The NPCA is satisfied that the existing Stormwater Management Pond #5, constructed in the “Southbrook-on-the-Green” development, has been designed to provide stormwater quantity controls for the “Binbrook Heights Addition” development.
3. The NPCA has no objection to the provision of an orifice within the “Binbrook Heights Addition” storm sewer in order to attenuate the flows to prevent surcharging of the downstream “Woodview Estates” storm system.
4. Prior to construction, the NPCA will require that detailed grading, storm servicing, and construction sediment control drawings be submitted to this office for review and approval.

In addition to the above comments, the NPCA requests that the following clauses be included as conditions of Draft Plan Approval (the equivalent City of Hamilton standard draft plan wording is acceptable, where applicable):

1. That detailed lot grading and drainage plans, delineating both existing and proposed grades and the means whereby major system flows will be accommodated across the lands, be submitted to the NPCA for review and approval.
2. That the owner prepares and implements an erosion and sediment control plan for the subject property, to the satisfaction of the NPCA, including all erosion and sediment control measures that shall be installed, prior to development, and maintained throughout the construction process and inspected after each rainfall, to the satisfaction of Authority staff, until all disturbed areas have been re-vegetated.
3. That the owner/developer agrees in the executed Subdivision Agreement to implement Conditions 1 and 2 noted above.

The above noted conditions have been addressed through draft plan conditions (see Appendix “E” - Condition Nos. 25 and 26).

PUBLIC CONSULTATION

In accordance with the new provisions of the Planning Act and the Council-adopted Public Participation Policy, Notice of Complete Applications and Preliminary Circulation was circulated to 195 property owners and tenants within 120 m. of the subject property on November 10, 2011, requesting public input on the application. A Public Notice sign was also posted on the property on November 28, 2011. An updated Notice of Public Meeting was given in accordance with the requirements of the Planning Act. Prior to the Public Meeting on November 6, 2012, five letters of concern were submitted by local residents (see Appendix “F”), and are discussed in the Analysis/Rationale for Recommendation section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
 - (ii) It meets the intent of the Urban Hamilton Official Plan upon;
 - (iii) The proposed development provides for a minor realignment of the location of townhouses and single detached dwellings with only a minimal increase in density, and conforms with the intent of the policies in the Binbrook Village Secondary Plan of the Urban Hamilton Official Plan; and,
 - (iv) The proposal is compatible with the range of uses approved in the surrounding neighbourhood.
2. Staff have had consideration for the criteria contained in Sub-section 51 (24) of the Planning Act to assess the appropriateness of the proposed subdivision and advises that:
 - a) It consistent with the Provincial Policy Statement.
 - b) Through the phasing of development within the Binbrook Village Secondary Plan, the proposal represents a logical and timely extension of existing development and services, and is in the public interest.
 - c) It conforms with the general intent of the Official Plan, and upon finalization of the proposed Official Plan Amendment, will conform with the UHOP.

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- d) The lands can be appropriately used for the uses for which they are to be subdivided.
 - e) The proposed roads will adequately service the proposed subdivision and can connect with the current road system.
 - f) The dimensions and shape of the lots are appropriate.
 - g) Restrictions and regulations for the development of the subdivision may be included in the implementing Zoning By-law Amendment, conditions of draft plan approval, and the Standard Form Subdivision Agreement.
 - h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as a standard condition of draft plan approval.
 - i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and the Standard Form Subdivision Agreement.
 - j) School Boards have advised that adequate school sites are available to accommodate the anticipated student yield of this subdivision.
 - k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Form Subdivision Agreement and final registration of the plan of subdivision.
3. The Growth Management Division (GMD) reviewed the applications, and has no objection to the proposed Official Plan Amendment, however, advises that the subject lands must be developed under a satisfactory plan of subdivision.

With respect to the zoning application and the proposed side yard setbacks, GMD staff recommends that 1.2 m. minimum setbacks be required on both sides of all lots to accommodate the required drainage swales and provide for unobstructed pedestrian access to the back yard if one-way (back-to-front) drainage is being utilized, otherwise the lots will be required to utilize two-way (split) drainage. A minimum separation of 2.0 m. is required between buildings in order to provide an emergency overland flow route where a rear lot catch basin is being proposed.

Based on the City's new Grading Policy for one-way drainage, there must be a minimum 2.0 m. separation between the buildings, and a minimum of 1.2 m. on the garage side. Where rear lot catchbasins are proposed, a maximum 0.5 m.

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depth of ponding shall be permitted. This concern has been addressed through the implementing Zoning By-law provisions for minimum side yards.

With respect to the Draft Plan of Subdivision known as “Binbrook Heights Addition”, GMD staff provides the following information in conjunction with the draft plan conditions (see Appendix “E” - Conditions Nos. 5 to 23):

- (i) There are existing watermains available on Festival Way, Blue Ribbon Way and Fall Fair Way which can be extended to service the proposed development. The static pressures at the street lines are, on average, in the range of 59-64 psi. The owner is required to submit a Water Servicing Study focusing on the following issues:
 - (a) Provide the expected occupancy, water demand generation, and fire flow calculation for the development;
 - (b) Demonstrate how the proposal fits with GRIDS numbers;
 - (c) Confirm the water servicing layout based on field information and hydraulic models; and,
 - (d) Provide the new hydrant locations on the Water Distribution Plan.
- (ii) The owner is advised that water servicing approvals are no longer processed under the MOE Safe Drinking Water Act Certificate of Approval Program. Water servicing is now approved under the MOE’s New Municipal Drinking Water Licensing Program.

Under provincial license, the new system provides the municipality with a Municipal Drinking Water Permit, from which the municipality issues Drinking Water Works Permits Amendments for the works to be constructed by the developer.
- (iii) There are existing storm and sanitary sewers on Fall Fair Way to service the proposed development.
- (iv) The storm drainage system for this development is intended to outlet to the existing quality and quality control stormwater management facilities located south of Binbrook Road.
- (v) The owner is advised that the storm and sanitary sewer MOE Certificate of Approval is now called the Environmental Compliance Approval, as of October 31, 2011.

- (vi) Due to the narrow width of some of the lots within the proposed development, it is recognized that on-street parking may be a concern. Therefore, the owner will be required to provide the City with an on-street parking plan for Festival Way and Fairgrounds Drive, based on the premise of achieving on-street parking for 40% of the total number of single detached units.

GMD staff advises that a preliminary parking plan was received as part of the application submission. It was noted that the plan indicates the applicant is proposing to achieve on-street parking of approximately 30% of the total number of single family units (see Appendix “G”). To create additional parking, the applicant’s plan has demonstrated that additional parking can be accommodated within proposed double driveways and garages for the single detached lots. In this regard, the implementing Zoning By-law has included a provision to provide four parking spaces per single detached lot. Two parking spaces per street townhouse unit is the standard By-law requirement. Also, the subsequent Purchase and Sale Agreements will address the parking requirements for this subdivision (see Appendix “E” - Condition No. 4).

- (vii) The owner is advised that servicing cannot commence until the owner prepares and agrees to implement a stormwater management plan for the subject lands in accordance with the Binbrook Flooding Assessment report prepared by AMEC, the posted development flows must be controlled to capacity (on surcharged condition) of the receiving pipes on Fall Fair Way for all storm events up to and including 100 year storm, to the satisfaction of the Senior Director of Growth Management.

- (viii) There is no cost sharing by the City anticipated for this development.

4. The applicant has requested amendments to Township of Glanbrook Zoning By-law No. 464 in order to provide development regulations implementing the draft plan of subdivision. The requested amendments are similar to the neighbouring site-specific zones which currently exist. However, some site-specific regulations for each of the single detached dwelling lots and street townhouse blocks are required, as noted above. The proposed modifications are discussed below:

Residential “R4-276” Zone (see Appendix “C” - Block 1):

Minimum Lot Frontage:

The requested change to the minimum lot frontage is 10 m., except 11.8 m. for a corner lot, whereas the By-law requires 12 m., except 16 m. on a corner lot. This request is considered minor and appropriate, as it maintains the intent of the Official Plan and By-law without a noticeable impact to streetscape frontage. Further, the proposed frontages will be in keeping with the existing developments already approved and built within the neighbouring subdivisions.

Minimum Lot Area:

The applicant has also requested a corresponding reduction in the minimum lot area to 320 sq. m. for a lot, whereas the By-law requires 400 sq. m., except 500 sq. m. for a corner lot. This modification is supportable, as this reduction is consistent with the abutting subdivision to the west.

Maximum Lot Coverage:

The applicant has also requested that the maximum 35% lot coverage requirement be deleted. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks. City of Hamilton Zoning By-law No. 05-200 has removed this requirement from the regulations for this very reason. As a result, this request is considered minor and supportable.

Minimum Front Yard:

Relief is also being sought for a minimum front yard of 4.5 m. to the dwelling, except 6.0 m. to a garage, whereas the By-law requires 7.5 m. for a front yard. This request is considered appropriate, corresponds with guiding principles of urban streetscape character and design, while maintaining consistency of front yards for the entire subdivision, and provides for tandem parking, as per the Zoning By-law parking provisions.

Minimum Side Yard:

Modifications to the minimum required side yard are also being requested for 1.2 m. on one side and 0.6 m. on the other side, except for a corner lot abutting a flankage street, which shall be 3.0 m., and where the garage fronts onto the flankage street, it shall not be located within 6.0 m. of the flankage lot line, and

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on a corner lot with a daylight triangle, a minimum 2.0 m. setback for any building from the hypotenuse of the daylight triangle is required. The parent By-law requires 1.2 m. on one side, as well as a 4.5 m. side yard for a corner lot, and 6.0 m. for the flankage lot line. In keeping with other recent development approvals, the City has further modified this request to specify that the 1.2 m. shall only be on the garage side, and the 0.6 m. shall be on the non-garage side, subject to a maintenance easement registered on title for any minimum side yard that is less than 1.2 m. In addition, with the narrower side yard provision, split drainage for each lot will be a requirement in order to convey surface drainage in accordance with the City's Grading Policy. The maintenance easement will permit the encroachment across neighbouring properties for maintenance purposes only. A further provision has also been included to address GMD staff concerns regarding emergency spillway in the event of the rear lot catch basin becoming blocked during a major storm event. In this regard, the regulation ensures that a minimum 2.0 m. separation is provided between buildings along one common lot line. Staff are satisfied that this additional modification will allow for appropriate and reasonable access to the rear yard, while maintaining technical engineering requirements with respect to overland stormwater movement and, therefore, is supportable.

Minimum Rear Yard:

The applicant has requested that the rear yard setback be reduced to 7.0 m., whereas 7.5 m. is required. This requested modification cannot be supported by staff, as the cumulative impact from the front and side yard reductions, in conjunction with any reduction to the required rear yard, will impact the overall amenity space. As well, any additional development (i.e. deck or accessory structure) would also impact overland stormwater runoff. As such, no special provisions have been incorporated into the By-law with regard to rear yard setbacks.

Minimum Parking Requirements:

The applicant had requested that in addition to stairs, a maximum of three risers and a door swing shall be permitted to encroach into the interior garage parking space, whereas they are not recognized under the current By-law. This provision can negatively impact parking within the garage and, therefore, will not be included. This provision was further modified to ensure that a minimum of two parking spaces will be accommodated within the garage of the proposed units, as well as ensuring two parking spaces within the driveway. This provision ensures that every single detached dwelling lot will be able to provide four parking spaces per unit.

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Special Setback from Transmission Pipeline Right-of-Way:

The applicant has requested that a special setback for all principal buildings from a transmission pipeline right-of-way be a minimum 7.5 m., whereas the By-law requires 10 m.. This request has been supported by staff in the past for similar developments along the Enbridge Pipeline right-of-way in Binbrook, and Enbridge has no objection to the modification. Based on this, staff is of the opinion that the request is minor and consistent with previously approved developments to the east and west of the subject lands and, therefore, supportive of the modification, as requested.

Yard Encroachments:

The applicant has requested the following yard encroachments:

- That covered porches may project into any required front yard a distance of not more than 3.0 m., whereas the By-law permits 1.5 m.;
- That bay windows, either with or without foundations, may project into any required front, rear or flankage yards a distance of not more than 0.9 m., whereas the By-law permits 0.5m.;
- That stairs may project into any required front yard a distance of not more than 4.5 m., whereas the By-law does not recognize stairs;
- That a cantilever and/or alcove, either with or without foundations, may project into any required front, rear or garage side yard setback a distance of not more than 0.6 m., whereas the By-law does not recognize a cantilever or alcove; and,
- That a covered porch may project into a required flankage yard a distance of not more than 1.8 m., whereas the By-law permits 1.5 m.

These provisions are consistent with other developments in Stoney Creek, Ancaster and Glanbrook. The request is justifiable, and can be supported, as it is a product of constructing dwelling units on smaller lots, which is a result of recent planning and urban design initiatives to increase densities under Places to Grow and the UHOP, and conforms to the Secondary Plan policies. Further, it is consistent with some of the built form in the City and other municipalities from a new urbanism approach.

Residential Multiple “RM2-277” Zone (see Appendix “C” - Blocks 2 and 5):

Minimum Lot Frontage:

The requested change to the minimum lot frontage is 6.0 m. per dwelling unit, except 8.0 m. for a dwelling end unit which does not abut a flanking street, and 10.0 m. for a corner lot for a dwelling end unit adjacent to a flanking street, whereas the By-law requires 7.0 m. per dwelling unit, except 9.0 m. for a dwelling end unit which does not abut a flanking street, and 12 m. for a corner lot for an end dwelling unit. This request is considered minor and appropriate as it maintains the intent of the Official Plan and By-law without a noticeable impact to streetscape frontage.

Minimum Lot Area:

The applicant has also requested a corresponding reduction in the minimum lot area of 180 sq. m. per dwelling unit, except 240 sq. m. for a dwelling end unit which does not abut a flanking street, and 300 sq. m. on a corner lot for a dwelling end unit abutting a flanking street, whereas the By-law requires 210 sq. m. per dwelling unit, except 270 sq. m. for a dwelling end unit which does not abut a flanking street, and 360 sq. m. on a corner lot for a dwelling end unit abutting a flanking street. The variation in lot areas provides for a slightly higher density and mix of lot areas, which is in keeping with the Binbrook Village Secondary Plan. Further, the overall lot areas will range from 180 to 240 sq. m., with substantial rear yard setbacks and adequate rear yard amenity space. These modifications are supportable as it is consistent with the existing character of the Binbrook Community, while still providing sizable units which can accommodate sufficient parking for each dwelling within the driveway and garages.

Maximum Lot Coverage:

The applicant has also requested that the maximum 35% lot coverage requirement be deleted. The justification for allowing no maximum lot coverage is that removal of this regulation allows greater flexibility in architecture and design, while maintaining an established building footprint as a result of the minimum required setbacks. City of Hamilton Zoning By-law No. 05-200 has removed this requirement from the regulations for this very reason. As a result, this request is considered minor and supportable.

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Minimum Front Yard:

Relief is also being sought for a minimum front yard of 6 m. to the dwelling, whereas the By-law requires 7.5 m. for a front yard. This request is considered appropriate, corresponds with guiding principles of urban streetscape character and design, while maintaining consistency of front yards for the entire draft plan of subdivision, and provides for tandem parking, as per the Zoning By-law parking provisions.

Minimum Side Yard:

Modification to the minimum required side yard is also being requested for 1.2 m. on an end unit not abutting a flanking street and 3.0 m. for an end unit on a corner lot abutting a flanking street, whereas the By-law requires 2.0 m. for an end unit not abutting a flanking street and 6.0 m. for end dwelling unit on a corner lot abutting a flanking street. The modification to a 1.2 m. side yard is considered minor, and can be supported. With respect to the requested 3.0 m. provision, staff are of the opinion that this request is considered appropriate and corresponds with guiding principles of urban streetscape character and design for the proposed end and corner units.

Minimum Rear Yard:

The applicant has requested that the rear yard setback be reduced to 7.0 m., whereas 7.5 m. is required. This requested modification cannot be supported by staff, as the cumulative impact from the front and side yard reductions, in conjunction with any reduction to the required rear yard, will impact the overall amenity space. As well, any additional development (i.e. deck or accessory structure) would also impact overland stormwater runoff. As such, there will be no change to the parent By-law provision.

Minimum Landscape Area:

The applicant has proposed that the minimum landscape area be reduced to 25% of the lot area, whereas the By-law requires 30% of the lot area. Staff are satisfied that a reduction of 5% is considered minor, still maintains the intent of the Official Plan and the Zoning By-law, and is reflective of reduced lot widths.

Yard Encroachments:

The applicant has requested the following yard encroachments:

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- That covered porches may project into any required front yard a distance of not more than 3.0 m., whereas the By-law permits 1.5 m.;
- That bay windows, either with or without foundations, may project into any required front, rear or flankage yards a distance of not more than 0.9 m., whereas the By-law permits 0.5 m.;
- That stairs may project into any required front yard a distance of not more than 4.5 m., whereas the By-law does not recognize stairs;
- That a cantilever and/or alcove, either with or without foundations, may project into any required front, rear or side yard (end unit and/or corner unit) a distance of not more than 0.6 m., whereas the By-law does not recognize a cantilever or alcove; and,
- That a covered porch may project into a required flankage yard a distance of not more than 1.8 m., whereas the By-law permits 1.5 m.

These provisions are consistent with other developments in Stoney Creek, Ancaster and Glanbrook. The request is justifiable and can be supported, as it is a product of constructing dwelling units on smaller lots, which is a result of recent planning and urban design initiatives to increase densities under the Places to Grow Plan and the UHOP, and conforms to the Secondary Plan policies. Further, the built form will be consistent with architectural design and flexibility, including other municipalities approach to new urbanism.

Residential Multiple “RM2-161” Zone (see Appendix “C” - Block 4):

The site-specific “RM2-161” Zone was established through the approval of By-law No. 464-70-00. The subject lands are abutting the lands, which were zoned in 2000 for a plan of subdivision known as “Woodview Estates”, and subsequently amended in 2006. It was always anticipated that the subject lands would be developed in conjunction with these lands. It is noted that this block will be undevelopable until such time as the lands have merged in order to create sufficiently sized lots and, that, as per the Standard Form Subdivision Agreement, the owner will be required to declare these lands undevelopable until such time as land assembly occurs.

Residential “R4-222” Zone (see Appendix “C” - Block 3):

The site-specific “R4-222” Zone was established through the “Fairgrounds East” draft plan of subdivision. The implementing Zoning By-law, which permits the uses within the plan of subdivision, came into force in 2007. It was also intended

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that the subject lands were to be developed in conjunction with the “Fairgrounds East” plan of subdivision to the west. Once again, this block will also be undevelopable until such time as the lands have merged in order to create sufficiently sized lots.

5. Five letters of concern were received from residents whom have recently taken occupancy in the townhouse units to the neighbouring southerly development, at 10 Pumpkin Pass. Their concerns are centralized on the types of units/density proposed along the rear yard lot line, public notice issuance, and the notion of decreased property values. Staff’s response is as follows:

Increased Density and Property Values:

The public perception of this proposal having an increase in density is not justified. The current “Binbrook Heights Addition” applications would permit a total of approximately 178 units, and permits a mix of both single detached and street townhouse dwellings. This residential mix is in keeping with the rest of the neighbourhood. In response to resident’s concerns, the existing residential designation which abuts the resident’s lands (“Low Density Residential 2h”) would permit approximately 16 single detached units, whereas the current proposed designation would permit approximately 30 street townhouse units backing onto the subject lands. The overall proposed increase is considered appropriate, and is in keeping with the Growth Plan and the overall density ranges for the Village of Binbrook.

Staff are not aware of any data that would support the opinion that the proposed higher density development would result in a loss of property values.

Notice:

With respect to the improper notice, or lack of, the residents at that time were all recent owners of the townhouse development, and took occupancy after the public notice had been issued. In this regard, the City’s tax roll had not been updated at the time of the original notice of complete applications and preliminary notice. Further, the Planning Act identifies that a public notice sign also be erected on-site, which was done on November 28, 2011, and, therefore, proper notice was issued pursuant to the Act. Staff have recently requested a new circulation prior to this public meeting and, therefore, the most up-to-date circulation list will be used.

6. With respect to vehicular parking constraints and new residential development within the Village of Binbrook, all proposed residential development within a proposed draft plan of subdivision is required to submit an on-street parking plan.

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A preliminary parking plan was submitted by the applicant, and the appropriate staff reviewed the plan and provided comment. Staff from HMPS, Traffic, and GMD had conducted a review of the preliminary street parking plan (see Appendix “G”), which was submitted by the applicant. With respect to their comments, they have requested that draft plan conditions be included which address parking (see Appendix “E” - Condition Nos. 4 and 17). Further, through meetings with the developer and the Ward Councillor, the developer has advised that all of the proposed single detached dwellings will have two-car garages with double-wide driveways, and the minimum required two spaces will be provided for the street townhouse units.

ALTERNATIVES FOR CONSIDERATION

If the applications are denied, the lands could only be developed for the uses permitted under the Restricted Agricultural “A2” Zone, which includes agricultural uses, except new intensive livestock operations and kennels, one single detached dwelling on one lot, and commercial greenhouse operations.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Urban Hamilton Official Plan Amendment
- Appendix “C” Draft Zoning By-law Amendment
- Appendix “D”: Draft Plan of Subdivision “Binbrook Heights Addition”
- Appendix “E”: Draft Plan Conditions of Approval
- Appendix “F”: Residents’ Letters
- Appendix “G”: Preliminary Parking Plan

:JM

Attachs. (7)