

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	May 6, 2014
SUBJECT/REPORT NO:	Application for an Amendment to the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law for Lands Located at 1117 Garner Road East (PED14075) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Heather Travis 905-546-2424, Ext. 4168
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-13-009, by Sonoma Homes Inc, Owner**, for Official Plan Amendment No. [REDACTED], for a change in designation from “Utility” to “Medium Density Residential 2c” on Map B.2.6-1 - Land Use Plan, and to establish a new Site Specific Policy Area F, within the Meadowlands Neighbourhood IV Secondary Plan, to permit a three-storey, mixed-use building containing offices on the ground floor, and 36 residential units on the second and third floors, on lands located at 1117 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED14075, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED14075, be adopted by City Council.
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and the Places to Grow Growth Plan.
- (b) That approval be given to **Zoning By-law Amendment Application ZAC-12-036, by Sonoma Homes Inc, Owner**, for changes in zoning from the Motor Vehicle Services “C6-271” Zone, Modified, and Agricultural “A” Zone, to the Holding - Residential Multiple “H-RM6-658” Zone, Modified, to permit a three-storey, mixed-use building containing offices on the ground floor and 36 residential units on the second and third floors, on lands located at 1117 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED14075, on the following basis:

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- (i) That the draft By-law, attached as Appendix “C” to Report PED14075, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law be added to Map 1 to Schedule “B” of By-law No. 87-57; and,
- (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan (UHOP) upon finalization of Official Plan Amendment No. [REDACTED].

EXECUTIVE SUMMARY

The proposed development, located at 1117 Garner Road East, is for a three-storey mixed-use building, containing business office and medical office uses on the ground floor, and 36 residential units on the second and third floors. In order to implement the proposed development, an amendment to the Meadowlands Neighbourhood IV Secondary Plan is required, to change the designation on the subject lands from Utility to Medium Density Residential 2c, with an increase in permitted density, and to allow commercial uses on the ground floor of the proposed apartment building. A Zoning By-law Amendment is required to rezone the lands to the Residential Multiple “RM6-658” Zone, with site-specific modifications.

The proposal has merit and can be supported. The City, as will be discussed in the Report, does not require the lands for Utility purposes. The proposed development is consistent with the Provincial Policy Statement (2014) and conforms to the Places to Grow Growth Plan. Further, the development is compatible with existing and planned development in the area, and will allow for the redevelopment of an under-utilized brownfield site.

Alternatives for Consideration – See Page 22

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 an amendment to the Official Plan and amendment to the Zoning By-law.

HISTORICAL BACKGROUND

History of Subject Lands:

The subject lands are located at 1117 Garner Road East, in the Town of Ancaster, as shown on Appendix “A”. The lands are located within the Meadowlands Neighbourhood IV Secondary Plan, and are designated “Utility”. The Garner Road water reservoir and pumping station is located immediately to the north and east of the subject lands, and is also designated “Utility” in the Secondary Plan (see the lands zoned “P” on Appendix “A”).

The subject lands previously contained an automotive service station, which ceased operation in the 1990s. The western portion of the lands presently maintain the zoning for the automotive use, and are zoned Motor Vehicle Services “C6” Zone, Modified, with a Special Exception, which states that the lands may only be used for a motor vehicle service station, sales and service of snowmobiles, and a lawn care service operation. The eastern portion of the lands are zoned “Agricultural”.

During the preparation of the Ancaster Meadowlands Neighbourhood IV Secondary Plan, which was adopted by Council in 2004, the subject lands were identified by Public Works staff as being necessary for possible future expansion of the adjacent reservoir, and also for the long term maintenance of the reservoir and pump station. As such, the lands were given the “Utility” designation in the Secondary Plan.

The applicant submitted an Official Plan and Zoning By-law Amendment application in 2012, to redesignate the lands from the “Utility” designation, in order to permit the development of a three-storey mixed-use building. During circulation of the application, Public Works staff initially identified the need for the lands to remain in the “Utility” designation, in order to ensure access and availability for the long term maintenance and repair of the reservoir and pumping station.

Prior to the Official Plan and Zoning By-law Amendment applications proceeding to a public meeting, the applicant appealed the applications to the Ontario Municipal Board (OMB) for non-decision.

After further consideration and investigation, Public Works staff have indicated that the City will not be pursuing acquisition of the subject lands, and the lands do not require the “Utility” designation. Public Works staff will pursue an access easement over the subject lands to provide access to the reservoir lands to the north. This will be further discussed in the Analysis/Rationale for Recommendation Section of the Report.

Prior to the appeal proceeding to a hearing, the applicant withdrew the appeal. Subsequently, the applicant submitted a revised Official Plan Amendment application to the Urban Hamilton Official Plan (now in force and effect), and a revised Zoning By-law

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Amendment application to permit medical office uses in addition to general office uses on the ground floor.

Current Proposal:

The proposed development consists of a three-storey, mixed-use building containing 1,195 sq. m. of office space on the ground floor (which may include medical offices) and 36 residential units above. A total of 96 parking spaces are proposed, including 54 spaces at grade and 42 spaces underground, as shown on Appendix “B”.

Chronology:

- September 14, 2011: Formal Consultation Application FC-11-111 is submitted by applicant.
- September 21, 2012: Official Plan Amendment Application OPA-12-014 to the Town of Ancaster Official Plan, and Zoning By-law Amendment Application ZAC-12-036 to the Town of Ancaster Zoning By-law, are submitted by applicant.
- September 28, 2012: Official Plan Amendment Application OPA-12-014 and Zoning By-law Amendment Application ZAC-12-036 are deemed complete.
- May 2, 2013: Applicant files an appeal to the OMB for Council's failure to make a decision on the Official Plan and Zoning By-law Amendments in accordance with the applicable provisions of the Planning Act.
- July 9, 2013: Information Report PED13113 presented to Planning Committee regarding the appeals to the OMB.
- September 23, 2013: Applicant withdraws appeals of the Official Plan and Zoning By-law Amendments to the OMB.
- October 16, 2013: Applicant submits a revised application for an Amendment to the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law.
- April 17, 2014: Notice of Public Meeting circulated to all residents within 120 m. of the subject lands.

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Road East (PED14075) (Ward 12) - Page 5 of 22**

Details of Submitted Application:

Location: 1117 Garner Road East (Ancaster)
Owner/Applicant: Sonoma Homes Inc.
Agent: Glenn Wellings

Property Description: Lot Frontage: 83.82 m.
Lot Depth: 60.96 m.
Total Lot Area: 0.51 ha.

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Motor Vehicle Services “C6-271” Zone, Modified, and Agricultural “A” Zone
<u>Surrounding Lands:</u>		
North	Regional Reservoir and Pump Station	Public “P” Zone
South	High School	Institutional “I-418” Zone, Modified (Airport Prestige Business Park (M11) Zone – under appeal)
East	Regional Reservoir	Public “P” Zone
West	Vacant	Residential Multiple “RM2-616” Zone, Modified, and Residential “R5-618” Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The Planning Act requires that, in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. These applications are consistent with Policy 1.1.3.1 of the PPS, which focuses growth in Settlement Areas.

Specifically, Policy 1.1.3.2 states that:

“1.1.3.2 Land use patterns within Settlement Areas shall be based on:

a) densities and a mix of land uses which:

1. efficiently use land and resources;
2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
4. support active transportation;
5. are transit supportive, where transit is planned, exists, or may be developed;
6. are freight-supportive; and,

b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in Policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated, taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

Further, Policy 1.4.3 states the following:

“1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all forms of housing required to meet social, health and well-being requirements of current and future residents, including special needs requirements; and,

2. all forms of residential intensification and redevelopment in accordance with Policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed.”

The proposed development represents an opportunity for redevelopment of an underutilized site in a manner that is compatible with surrounding land uses. The proposed density and mix of uses on the site promotes the efficient use of land in an appropriate location on an arterial road, served by transit. As such, the proposal is consistent with the policies of the PPS.

In addition, Policy 1.1.1(c) outlines that healthy, liveable, and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns. Further, Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use, such that there will be no adverse effects. Staff note that the subject proposal entails a change in land use from Commercial to Residential, which triggers a mandatory filing of a Record of Site Condition (RSC) under Ontario Regulation 153/04. The applicant has submitted a RSC to the Ministry of Environment (MOE), which has been filed on the Environmental Registry, and staff have received an acknowledgement of the receipt of the RSC by the MOE. As such, staff have no further concerns in this regard.

Policy 1.2.6.1 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 lands uses are appropriately designed, buffered, and separated from each other, to prevent adverse effects from odour, noise, and other contaminants, and minimize the risk to public health and safety. Due to the proximity of the proposed sensitive land use (residential) to road noise sources (Garner Road East), the requirement for a noise study was triggered, and will be addressed and implemented through the future required Site Plan Control application.

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources, or areas of archaeological potential, if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on

site, development and site alteration, which maintains the heritage integrity of the site, may be permitted. Staff note that the subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Culture for determining archaeological potential. The applicant has submitted a Stage 1 - 2 Archaeological Report, which has been reviewed by staff. While the report has yet to be signed off by the Ministry of Culture, staff have reviewed the report and concur with the recommendations, and therefore, the archaeology condition of the subject lands has been met to the satisfaction of staff.

Based on the foregoing, the proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (Places to Grow)

The subject lands are located within a designated greenfield area as defined by Places to Grow. Policy 2.2.7.1 states that new development taking place in designated greenfield areas will be planned, designated, zoned, and designed, in a manner that contributes to creating complete communities, creates an urban form that promotes walking, cycling, and transit use, and provides a diverse mix of land uses. Further, Policy 2.2.7.2 states that the designated greenfield area of each municipality will be planned to achieve a minimum density target of not less than 50 residents and jobs combined per hectare.

The mixed residential/commercial nature of the proposed development achieves a compact urban form, as envisioned by the Growth Plan, and represents residential intensification through the redevelopment of an underutilized site. Based on the foregoing, the proposal conforms with the policies of Places to Grow.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule ‘E’ - Urban Structure, which are intended to provide a mix of low, medium, and high rise, residential areas and various types of commercial uses. Further, the subject lands are designated “Neighbourhoods” on Schedule ‘E-1’ - Urban Land Use Designations, which permits residential dwellings, open space and parks, local community facilities/services, and local commercial uses. The following policies, among others, are applicable to the proposed development:

- “E.3.2.1 Areas designated Neighbourhoods shall function as complete communities, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 - Urban Land Use Designations:

- a) residential dwellings, including second dwelling units and housing with supports;
- d) local commercial uses.

E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.”

The proposed development of a three-storey apartment building containing 36 units on a 0.44 ha. parcel would be considered medium density residential, and as such, the following policies would apply:

“E.3.5 Medium Density Residential

E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.

E.3.5.4 Local commercial uses may be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 - Local Commercial are satisfied.

E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare, and not greater than 100 units per hectare.

E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.

E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road.

- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) The City may require studies, in accordance with Chapter F - Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

Staff are satisfied that the proposed three-storey mixed-use building conforms to the medium density residential policies of the UHOP. The proposed density is 82 units per hectare, which is consistent with Policy E.3.5.7. Further, the subject lands are suitably located on an arterial road with lands designated for high density uses to the east, and street townhouses to the west. The commercial uses are evaluated in the policies below.

Local Commercial

“E.3.8.1 Local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhoods designation.

E.3.8.2 The following uses shall be permitted:

- a) retail and service uses such as a craftsperson shop, day nursery, commercial school, financial establishment, medical office, business office, professional office, motor vehicle service station, personal service, place of worship, repair service, restaurant, studio, art gallery, tradesperson shop, and veterinary service;
- b) medical offices or clinic, provided it has direct access to an arterial road and is adjacent to other local commercial uses; and,
- c) residential uses, in accordance with Policy E.3.8.10.

E.3.8.8 Local commercial uses shall comply with the following provisions:

- a) The gross floor area for any individual office shall not exceed 500 square metres; and,
- b) The total maximum gross floor area and height for a development located on a particular site shall be determined through secondary plans or corridor studies where applicable, and Zoning By-laws.

E.3.8.9 Development and redevelopment of local commercial uses shall:

- a) front and have access to a major arterial, minor arterial, or collector road;
- b) provide safe and convenient access for pedestrians and cyclists; and,
- c) be compatible with the surrounding areas in terms of design, massing, height, setbacks, on-site parking, noise impact, landscaping, and lighting.

E.3.8.17 No parking, drive-throughs, or stacking lanes should be permitted between buildings and the public sidewalk.”

Commercial uses are permitted on the ground floor of a multiple dwelling in the Neighbourhoods designation. The amending Zoning By-law will restrict the location of the office uses to the ground floor only, and commercial uses will only be permitted in a mixed-use building. The applicant has indicated that the ground floor will be comprised of business offices or stand-alone medical offices. A medical clinic comprising the entire ground floor is not proposed, in keeping with Policy E.3.8.2. The amending By-law will limit the size of any individual office unit, as per Policy 3.8.8. While Policy 3.8.17 identifies that parking should not be provided between the building and the sidewalk, the applicant has investigated alternative design options for the site, but cannot find a satisfactory option which would allow for the removal of the front yard parking. A single row of parking is therefore proposed at the front of the building to accommodate the commercial uses, but the applicant has strengthened the pedestrian connections on the site through the provision of walkways and wider sidewalks. The City’s Site Plan Guidelines allow for a single row of parking in front of small commercial buildings. The remainder of the parking is located to the side and rear of the building and underground. As such, staff are satisfied that the proposal meets the intent of the local commercial policies of the UHOP.

Urban Design

“3.3.3.5 Built form shall create comfortable pedestrian environments by:

- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
- b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
- c) including a quality landscape edge along frontages where buildings are set back from the street;
- d) locating surface parking to the sides or rear of sites or buildings, where appropriate; and,
- e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The applicant submitted an Urban Design Brief and addendum to indicate how the proposed development conformed to the urban design policies of the UHOP and the Site Plan Guidelines. In response to staff comments and suggestions, the applicant made revisions to the design concept which has resulted in an increased planting area along the western lot line (adjacent to future residential); stronger pedestrian connections throughout the development including wider sidewalks; and increased landscaping including rooftop amenity area. While one row of parking has been maintained in the area between the building and the sidewalk to accommodate the proposed commercial uses, a clear pedestrian path from the sidewalk to the building has been provided for pedestrian accommodation.

Meadowlands Neighbourhood IV Secondary Plan

In addition, the lands are designated “Utility” on Map B.2.6-1, Meadowlands Neighbourhood IV Secondary Plan - Land Use Plan. The applicant has applied for an amendment to the Secondary Plan to change the designation from “Utility” to “Medium Density Residential 2c”. Further, the applicant has applied to amend the density provisions within the Secondary Plan to permit a maximum density of 82 units per hectare, whereas the Medium Density Residential 2c designation permits a maximum density of 70 units per net hectare, and to permit office uses on the ground floor.

As will be discussed further in the Analysis/Rationale for Recommendation section of this Report, while the proposed development does exceed the maximum permitted density within the “Medium Density Residential 2c” designation, it meets the intent of the policies of the Plan in providing appropriate buffering and screening from adjacent low density areas, providing a variety of housing types and supporting uses, and is appropriately located on an arterial road served by public transit. As such, and subject to the Official Plan Amendment to change the designation on the subject lands to

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Medium Density Residential 2c, with site-specific provisions, the proposal would conform to the policies of the UHOP.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments on the submitted application:

- Hamilton Police Services;
- Emergency Services;
- Horizon Utilities; and,
- Union Gas.

Traffic Engineering and Operations provided comments on the proposed site design, circulation and access width. The applicant made revisions to the concept plan to address the concerns by providing a wider drive aisle and manoeuvring space, relocating parking spaces, and identifying a one-way traffic flow. Traffic staff are satisfied with the revisions.

In addition, Traffic staff note that Garner Road is classified as a major arterial in the UHOP. It is currently a two-lane road that carries approximately 12,700 vehicles per day (both directions). The Garner Road Environmental Assessment has identified future widening of Garner Road to a five-lane cross section that will encompass four travelled-lanes, a two-way left turn lane, and a bike path. Widening is expected to occur with Airport Employment Growth District development, south of Garner Road.

The proposed development is expected to generate 46 a.m. peak hour trips (16 residential, 31 medical) and 67 p.m. peak hour trips (21 residential, 46 medical). It is the opinion of staff that there is sufficient network capacity to support this development and therefore Traffic staff have no objections to the change in Zoning.

Operations and Waste Management Division (Public Works Department) advises that the property is eligible for waste collection services.

Forestry and Horticulture Section (Public Works Department) advises that there are no municipal tree assets that will be impacted by the development, and therefore a tree management plan will not be required. A Landscape Planting Plan will be required at the Site Plan Control stage.

Recreation Planning advises that a common outdoor private amenity space should be included within the development, as the closest proposed park is Ancaster Meadows Park (approximately 600 m. walking distance). The applicant has added a rooftop amenity area to address this concern.

Hamilton Municipal Parking System advises that there is no room for overflow parking in the vicinity of the subject lands and that parking is not advisable on Garner Road East. Medical office uses are parking intensive. A parking justification study is required for any proposed reduction in parking. Further, the applicant must ensure that all parking spaces are adequately sized and without encroachments (in response to these concerns, the applicant submitted a Parking Justification Study which is discussed in the Analysis/Rationale for Recommendation Section below).

Hamilton Street Railway (HSR) operates the Routes #34 Upper Paradise and #44 Rymal buses within this area, with no planned changes in service. HSR supports the inclusion of high quality pedestrian amenities at this development, such as walkways and lighting. HSR notes that a bus stop landing pad may be required east of the driveway.

Rapid Transit has advised that the development is located along the S-line, which is a future Rapid Transit project detailed in the Metrolinx Regional Transportation Plan. As such, the development should contribute to a positive pedestrian environment, and be consistent with urban design policies in the UHOP. Increased pedestrian linkages and site amenities should be provided, and additional density would be beneficial.

Hamilton Conservation Authority (HCA) advises that the site does not contain any watercourses or associated flood and erosion hazard lands, and is situated more than 275 m. west of the Tiffany Creek Headwaters Environmentally Significant Area, and more than 300 m. west of the Tiffany Creek Provincially Significant Wetland. As such, the site is not affected by Regulation 161/06, and no permit is required from the HCA.

The subject property is located within the Tiffany Creek subwatershed area of Spencer Creek, which flows into Hamilton Harbour and ultimately into Lake Ontario. Since the proposed new development will involve a significant increase in the imperviousness of the site, Enhanced (Level 1) quality control, and sediment and erosion control, will be required in accordance with the recommendations of the Hamilton Harbour Remedial Action Plan, in addition to stormwater quantity control.

The HCA has no objection to the approval of the subject applications provided that the submission of a Stormwater Management Report, site grading, drainage and sediment, and erosion control plans shall be required and the Site Plan Control stage.

Bell Canada has advised that an easement may be required to service the subject property.

PUBLIC CONSULTATION

In accordance with Council's Public Participation Policy, a Notice of Complete Application was circulated to 34 property owners within 120 m. of the subject property

on October 2, 2012. One letter (see Appendix “D”) has been received from the owner of the properties at 1157 and 1175 Garner Road East, with a concern regarding potential impacts on their property development rights as a result of the proposed development, in particular, related to driveway access. It is noted that Traffic staff have reviewed the development proposal, and have no concerns regarding the location of the proposed access to Garner Road, nor would the location of the proposed access conflict with any future access proposed on lands located at 1157 or 1175 Garner Road East.

A Public Notice Sign has also been posted on the subject lands and notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - i) The applications are consistent with the Provincial Policy Statement (2014) as they focus on growth in the Settlement Area;
 - ii) The applications conform to the Places to Grow Plan as they represent a compact, mixed-use form of residential intensification;
 - iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - iv) The proposal will allow for the redevelopment of an under-utilized brownfield site suitably located on an arterial road.
2. The applicant has applied for an amendment to the Meadowlands Neighbourhood IV Secondary Plan to change the designation on the subject lands from “Utility” to “Medium Density Residential 2c”. At the time of preparation of the Meadowlands Neighbourhood IV Secondary Plan, the subject lands (as well as other lands to the east) were designated “Utility” to allow for the potential future expansion of the water reservoir and pumping station to the north and east. As it was not known whether or not expansion of the facility would be required, several parcels surrounding the facility were designated Utility as a precautionary measure.

Since 2004, and the adoption of the Meadowlands Neighbourhood IV Secondary Plan, the City has completed its Water and Wastewater Master Plan (WWMP), in coordination with the Growth Related Integrated Development Strategy (GRIDS). The WWMP does not identify any requirements for expansion to the Garner Road reservoir or pumping station. However, regardless of the fact that there are no requirements for expansion to the Garner Road reservoir or pumping station, the City maintains a need for the 1117 Garner Road East lands to ensure access

and availability for the long term maintenance and repair of the reservoir and pumping station. As such, Public Works staff will work with the property owner to pursue an access easement over the subject lands. The easement would be required to the east and north of the proposed building. The location of the proposed building has been reviewed by Public Works staff, and staff are satisfied that the location of the building will not interfere with any future required easement. Setbacks have been included in the amending Zoning By-law to ensure that no development will occur on lands which may be required for the easement. Based on the above, the City has no objection to the removal of the "Utility" designation from the subject lands.

3. The proposed designation on the subject lands is Medium Density Residential 2c in the Meadowlands Neighbourhood IV Secondary Plan. Policy 2.6.1.3 of the Secondary Plan states that residential buildings shall have a height of no more than three-storeys; a diversity of housing types should be provided; and, higher densities shall be encouraged throughout the neighbourhood, particularly in external locations. The proposed development at 1117 Garner Road East meets this criteria. The proposed multiple dwelling is three-storeys in height, and is providing an alternative form of housing in the neighbourhood, at a higher density, in an appropriate location. As such, the proposed redesignation to Medium Density Residential 2c can be supported.

The applicant has further requested that a special policy area be included in the Secondary Plan to permit an increased maximum density for the subject lands to 82 units per net hectare, whereas the designation permits a maximum density of 70 units per net residential hectare, and to permit office uses on the ground floor, whereas the Secondary Plan does not contemplate commercial uses. Staff have reviewed the proposed amendments. First, staff have no concerns with the proposed increase in density. The increase in net density to 82 units per hectare equates to an increase of 5 additional units over the permitted 70 units per hectare. This increase is considered minor. Staff are satisfied that adequate parking is provided on site, as well as landscaping to provide buffering to adjacent uses. As such, from an intensity of use and compatibility perspective, staff are satisfied that the proposed 82 units per hectare is appropriate. Further, the increase in density is in keeping with provincial policies encouraging compatible intensification.

In addition, staff are supportive of the introduction of commercial uses on the ground floor. While this is not contemplated in the Secondary Plan, the policies of the UHOP, being the parent plan, are very clear that local commercial uses are permitted on the ground floor of multiple dwellings in medium density areas (Policy E.3.5.4). This is recognizing a need for the provision of local commercial uses to serve area residents. Further, at the request of staff, the applicant provided an addendum to their Planning Justification Report to provide rationale

for the inclusion of office space within the development. Staff are satisfied with the addendum which indicates that the inclusion of office space is compatible with the goals of the Places to Grow Growth Plan, the UHOP, and will fulfil a need within the neighbourhood. As such, the amendment can be supported.

4. The applicant has applied to rezone the subject lands to the Residential Multiple "RM6-658" Zone. In order to implement the proposed development, several modifications to the zoning are required, as detailed below:

Addition of office and medical uses

The RM6 Zone does not permit any commercial uses as-of-right. The applicant is requesting to add the additional uses of business office and medical office on the ground floor. As noted above, staff are supportive of the introduction of commercial uses within the development. This is consistent with the direction of the UHOP which encourages mixed-use development and the provision of commercial uses on the ground floor of multiple dwellings. Further, the introduction of office and medical uses will provide services to surrounding residents. However, in order to implement Policy E.3.8.8 of the UHOP, a regulation has been included in the amending By-law to limit the size of each office unit to a maximum of 500 sq. m. A restriction on the number of medical practitioners has also been included to address concerns over parking, as will be discussed below. Staff also note that the current zoning on the site is a site-specific Motor Vehicle Services "C6" Zone which would permit a gas station, snowmobile repair service, or a lawn care service operation. The proposed office and medical uses are considered more compatible with the surrounding residential uses than the currently permitted uses.

The Ancaster Zoning By-law uses the following terminology for office uses: general office uses are described as Business Office; a medical office for one or two practitioners is described as a Professional Office; and, a medical office that would accommodate three or more practitioners is described as a Clinic, Medical. While the applicant has indicated that the ground floor will not operate as one large medical clinic (i.e. a walk-in clinic), which would accommodate multiple doctors, it is possible that one medical office may contain more than 2 doctors. As such, the amending Zoning By-law is allowing the three uses of Business Office, Professional Office, and Clinic, Medical, but the size of any individual unit has been restricted to 500 sq. m., in keeping with the policies of the UHOP.

Density

The RM6 Zone permits a maximum density of 60 units per hectare, whereas the 36 units proposed and a net lot area of 0.44 hectares equates to a maximum density of 82 units per hectare. As noted above, staff are supportive of the

increase in density for the following reasons: high density uses are encouraged in the Secondary Plan; adequate parking will be provided on site; adequate buffering is provided to adjacent uses; the development is located on an arterial road; and, high and medium density uses have already been approved to the east and west.

Further, it is noted that there is a requirement for an 8 m. road widening on the Garner Road frontage. This road widening reduces the overall site area from 0.51 ha. to 0.44 ha., which has created design challenges. Without the road widening, the proposed density would be approximately 70 units per hectare, closer in line to the as-of-right permission.

Lot coverage

The RM6 Zone permits a maximum lot coverage of 25%, whereas the applicant is proposing a maximum coverage of 32%. As noted, the required road widening reduces the overall site area from 0.51 ha. to 0.44 ha., which has created design challenges for the development of the site. Without the widening, the proposed lot coverage would comply with the RM6 provisions. Staff are satisfied that the proposed increase is minor and that appropriate buffering and amenity area can be provided on site, and can therefore be supported.

Setbacks

The RM6 Zone requires a minimum side yard of 9.0 m. The applicant is proposing a minimum easterly side yard of 7.5 m. The side yard reduction on the east side can be supported as this would be adjacent to the City reservoir lands and, therefore, the impact is minor. Further, Public Works staff have reviewed the location of the building in relation to their needs for a future access easement to the City reservoir. Public Works staff have no concerns with the proposed location. As such, the reduction in side yard setback can be supported.

The proposed development is providing a 15 m. setback on the west side yard, which exceeds the By-law requirement of 9 m. However, the By-law includes a further requirement for an 18.0 m. separation between an apartment building and a dwelling on an adjacent lot. As such, the amending By-law includes a modification to permit a 17.5 m. separation distance between the proposed apartment building and the future townhouse dwelling to the west. This reduction is considered minor and can be supported by staff.

In addition, the RM6 Zone requires a rear yard setback of 9.0 m. The proposed development exceeds this requirement, with a proposed rear yard setback of 13.7 m. However, in order to protect the City's need for a future access easement to the reservoir lands, the amending Zoning By-law is recognizing the

proposed 13.7 m. rear yard setback as the required setback, thereby ensuring no further development will occur within this area.

Landscaped area

The RM6 Zone requires minimum landscaping of 40% of the lot area, and also requires the provision of a Children's Outside Play Area. As the proposed units are all one-bedroom units and therefore not geared toward families with children, staff are supportive of the removal of this requirement. The proposed development concept includes 37% landscaped area, including a landscaped rooftop amenity area. In order to provide clarity to ensure that rooftop amenity area is included within the required 37% landscaped area, this has been written into the amending By-law. Staff are satisfied that with the provision of the rooftop amenity space, adequate landscaped area is provided on site.

Planting Strip

The Zoning By-law requires a 3.0 m. planting strip to be provided along the street line and the west lot line adjacent to the future residential uses, whereas the applicant is proposing to provide a 2.0 m. planting strip. Staff are satisfied that the 2.0 m. width is sufficient to provide a planting strip, and will require a landscape plan at the Site Plan Control stage to ensure that high quality landscaping is provided. As such, staff are supportive of this reduction.

Parking

The Town of Ancaster Zoning By-law requires two spaces per dwelling unit for units within a commercial building. Further, the By-law requires one space for each 25 sq. m. of gross floor area for business or professional offices, or four spaces per each doctor in a medical clinic (which is defined as having three or more doctors in one building).

As such, the residential component of the development, with 36 units, requires 72 parking spaces under the Ancaster Zoning By-law. It is not known, at this time, how the ground floor will develop in terms of office uses. The applicant has requested that the zoning allow for both medical and business office uses on the ground floor. In terms of business office uses, if the entire ground floor at 1,195 sq. m. were to develop for business office use, the parking requirement for the office use would be 48 parking spaces. The total parking requirement together with the residential units would be 120 spaces.

If the ground floor were to develop for medical office uses, the number of required parking spaces would be determined based on the number of practitioners. The applicant has indicated that a maximum of 7 doctors would be

accommodated within the building. The doctors would not operate in a clinic setting, rather as separate offices. Based on this premise, the parking requirement would be 28 spaces. The total parking requirement together with the residential uses would be 100 spaces.

The applicant submitted a Parking Justification Study to support the proposed reduction in parking. The Parking Study finds that the requirement for two parking spaces per dwelling unit in the Ancaster Zoning By-law, is high for the proposed one-bedroom units. Based on available data from the Institute of Transportation Engineers and survey data from the Transportation Tomorrow Survey, the study finds that an appropriate ratio for the proposed one-bedroom units in this location would be no more than 1.25 spaces per unit. It is noted that this reduction is in keeping with other municipal zoning by-laws that have been reviewed. If the residential parking requirement is reduced to 1.25 spaces per unit, as per the recommendation of the parking study, the required parking for the 36 residential units would be 45 spaces. When combined with the required parking for the business office use (48 spaces) or medical office use (28 spaces for 7 doctors), the total required parking would be 93 spaces or 73 spaces, respectively. For ease of calculation, the amending By-law will require one parking space for each 25 sq. m. of gross floor area for any of the commercial uses on the ground floor. The proposal provides for 96 parking spaces, with 54 spaces to be provided at grade, and 42 spaces to be provided below grade.

The reduction in the residential parking requirement is further supported by the fact that the office and medical uses which are proposed for the ground floor are expected to operate during weekday, daytime hours only. As such, during off times (evenings, weekends) the spaces in front of the building, which would normally be utilized by the office uses, could instead function as visitor parking. Further, the proposed residential units are small in size, including bachelor and one-bedroom apartments. As such, the proposed parking ratio of 96 spaces for 36 residential units and ground floor office uses is considered sufficient.

It is noted that the Parking Justification Study made reference to the possible inclusion of an “ancillary pharmacy” within one of the medical offices. The use of a pharmacy was not requested as part of the Zoning Amendment application. Neither the current zoning or the amending Zoning By-law will permit a stand-alone pharmacy, which is considered a retail use. An ancillary pharmacy would only be permitted within one of the office units if it had no separate external access to the building, and was designed in such a manner as to function as an ancillary use for one unit. This would be reviewed at the building permit stage.

At-grade Parking Area

The amending By-law also includes a regulation to allow the at-grade parking area to occupy a maximum of 58% of the lot area, whereas the Zoning By-law permits a maximum of 35% of the lot area to be occupied by parking. Staff note that 42 of the 96 provided parking spaces are located underground. Further, sufficient landscaped area is being provided on site with the addition of the rooftop amenity area. As such, staff can support the modification to permit an increased percentage of the lot area to be used for parking.

6. For the information of the applicant, the future width of this section of Garner Road East is 36.58 m. (120 ft.). As such, as a future condition of development approval, the applicant will be required to convey to the City of Hamilton sufficient lands (27 ft. or 8.23 m.) for a road widening to establish this future width.

There is a 750 mm. watermain and a 400 mm. watermain within the Garner Road East right of way, fronting the subject property. There is no storm or sanitary sewers within the Garner Road East right of way fronting the subject property. Adequate capacity is available in the Raymond Road sanitary sewer to the west for the collection of wastewater from the property. However, these lands were not originally anticipated to connect to the Raymond Road sewer at Garner Road. Sanitary drainage for the site will utilize the future sanitary sewer to be installed by Ancaster Meadows to the west without deepening the sewer, by proposing to drain the ground floor and above by gravity and provide pumped drainage for any underground parking uses. As such, staff are recommending that the property be placed in a Holding Zone until such time as suitable sanitary and storm sewer outlets are extended to the subject lands, to provide adequate drainage for the site, to the satisfaction of the Manager of Engineering Approvals, Growth Management.

Stormwater management is proposed to be incorporated to address quality and quantity runoff from the site, using the existing ditch on Garner Road as an outlet. The onsite storm sewer system will be designed to provide a perpendicular connection to the future storm sewer on Garner Road. Garner Road is currently going through an EA process to address the future urbanization of the road.

At the development stage, the applicant will be required to enter into an external works agreement to deal with items such as the design, build and securing of the extension of the sanitary sewer to service the subject lands and to design, build and secure drainage works for the full frontage of the property, to a suitable outlet.

7. Based on all of the above, staff are supportive of the proposed Official Plan Amendment and change in Zoning to permit the development of a three-storey

mixed-use building, which will contribute to the range of housing options in Ancaster, provide services to local residents, and be designed in a manner which is compatible with adjacent planned development.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the western portion of the lands could be developed for the range of uses permitted within the existing Motor Vehicle Services “C6” Zone, Modified, which are limited to a motor vehicle service station, sales and service of snowmobiles, and a lawn care service operation. The eastern portion of the lands are zoned “Agricultural”.

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

- 1.1 Continue to grow the non-residential tax base.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” – Location Map
- Appendix “B” – Concept Plan
- Appendix “C” – Urban Hamilton Official Plan Amendment
- Appendix “D” – Town of Ancaster Zoning By-law Amendment
- Appendix “E” – Resident Comment