



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 3, 2015
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 and for Approval of a Draft Plan of Subdivision, "Part of Lot 5, Block 4, Concession 4", for Lands Located at 3105 Fletcher Road (Glanbrook) (PED15012) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Alvin Chan Planner (905) 546-2424 Ext. 1334 Steve Robichaud Director of Planning and Chief Planner Planning Division
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-14-014, by Patrick McNally, (Owner)**, to amend the Binbrook Village Secondary Plan to provide for a redistribution of densities, a realignment of blocks and roads, the establishment of a storm water management facility designation and to permit additional housing forms, for lands located at 3105 Fletcher Road (Glanbrook), as shown on Appendix "A" to Report PED15012, be **denied**, on the following basis:
- (i) That the application is not consistent with the Provincial Policy Statement, and the Planning Act;
 - (ii) That the application does not comply with the vision of the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan, as the application does not ensure appropriate and orderly development, and does not

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conform to the Staging of Development Plan as the subject lands have not been identified within the Plan for processing between 2014-2016;

- (iii) That the application is premature as adequate services are not available to service the proposed development; and,
 - (iv) That the application is premature as the impact on traffic volumes and level of service at the temporary signalized intersection of Fall Fair Way at Regional Road 56/Maggie Johnson Drive, as a result of this development, has not been assessed.
- (b) That **Zoning By-law Amendment Application ZAC-14-028 by Patrick McNally, (Owner)**, for changes in zoning from the Restricted Agricultural "A2" Zone to the Residential "R4" Zone, Modified, Residential Multiple "RM2" Zone, Modified, Residential Multiple "RM3" Zone, Modified, General Commercial "C3" Zone, Modified, Institutional "I" Zone, Modified, and Public Open Space "OS2" Zone, Modified, in order to permit the development of the proposed Draft Plan of Subdivision, "Part of Lot 5, Block 4, Concession 4" (25T-201405), for lands located at 3105 Fletcher Road (Glanbrook), as shown on Appendix "A" to Report PED15012, be **denied**, on the following basis:
- (i) That the application is not consistent with the Provincial Policy Statement, and the **Planning Act**;
 - (ii) That the application does not comply with the vision of the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan, as the application does not ensure appropriate and orderly development, and does not conform to the Staging of Development Plan as the subject lands have not been identified within the Plan for processing between 2014-2016;
 - (iii) That the application is premature as adequate services are not available to service the proposed development; and,
 - (iv) That the application is premature as the impact on traffic volumes and level of service at the temporary signalized intersection of Fall Fair Way at Regional Road 56/Maggie Johnson Drive, as a result of this development, has not been assessed.
- (c) That **Draft Plan of Subdivision Application 25T-201405 by Patrick McNally, (Owner)**, to establish a Draft Plan of Subdivision known as "Part of Lot 5, Block 4, Concession 4", on lands known as 3105 Fletcher Road (Glanbrook), as shown on Appendix "A" to Report PED15012, be **denied**, on the following basis:

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- (i) That the application does not conform to the requirements of Sub-section 51(24) of the Planning Act. The development has not demonstrated how it would be compatible with existing and proposed land uses in the immediate area and does not represent good planning by, among other things, providing for adequate services and the development of a complete community, while making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary;
- (ii) That the application is not consistent with the Provincial Policy Statement;
- (iii) That the application does not comply with the vision of the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan, as the application does not ensure appropriate and orderly development, and does not conform to the Staging of Development Plan as the subject lands have not been identified within the Plan for processing between 2014-2016;
- (iv) That the application is premature as adequate services are not available to service the proposed development; and,
- (v) That the application is premature as the impact on traffic volumes and level of service at the temporary signalized intersection of Fall Fair Way at Regional Road 56/Maggie Johnson Drive, as a result of this development, has not been assessed.

EXECUTIVE SUMMARY

The applications are for amendments to the Urban Hamilton Official Plan (UHOP) and Glanbrook Zoning By-law No. 464, and for approval of a Draft Plan of Subdivision, in order to permit the development of the property known as 3105 Fletcher Road for 333 single detached residential units (Blocks 3-6; 8-10; 12-19; 22-24; and, 27-34, inclusive), 131 townhouse units (Blocks 1; 2; 7; 11; 20; 21; 25; and, 26), one block for medium density (Block Townhouse) residential development (Block 37), one block for commercial uses (Block 38), one block for a future school (Block 39), one block for parkland purposes (Block 40), one block for stormwater management purposes (Block 41), two blocks for road widening purposes (Blocks 42 and 43), seven blocks for one-foot reserves (Blocks 44-50, inclusive), one block for a temporary pumping station (Block 36), one block for a temporary turning circle (Block 35), and 17 streets shown as Streets A to Q, inclusive (attached as Appendix "B").

The subject proposal does not have merit and cannot be supported, as it is not consistent with the Planning Act and the Provincial Policy Statement (PPS), does not comply with the Urban Hamilton Official Plan (UHOP) and the Binbrook Village

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Secondary Plan, and is considered to be premature as adequate services are not available, and impacts on traffic volumes and natural features have not been fully assessed, and therefore is not considered orderly development.

Alternatives for Consideration – See Page 35

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 amendment to the Official Plan and Zoning By-law, and for approval of a Draft Plan of Subdivision. The Planning Act stipulates that an approval authority must make a decision in regards to an application to amend the Zoning By-law within 120 days of the application being received, or an application to amend the Official Plan or for approval of a Draft Plan of Subdivision within 180 days of the application being received, or if a decision is not made, the applicant may file an appeal to the Ontario Municipal Board.

HISTORICAL BACKGROUND

Proposal

The subject lands, 3105 Fletcher Road, totalling approximately 30.95 ha, are located east of Fletcher Road, west of Binhaven Boulevard, and south of Binbrook Road, with frontage on both Binbrook Road and Fletcher Road (see Appendix "A").

The applicant has applied for an amendment to the Urban Hamilton Official Plan (UHOP) for changes to the Binbrook Village Secondary Plan including a redistribution of densities, realignment of blocks and roads, and changes in built form, to permit additional housing forms. The applicant has also applied for an amendment to the Glanbrook Zoning By-law No. 464 to change the zoning from the Restricted Agricultural "A2" Zone to the Residential "R4" Zone, Modified, Residential Multiple "RM2" Zone, Modified, Residential Multiple "RM3" Zone, Modified, General Commercial "C3" Zone, Modified, Institutional "I" Zone, Modified, and Public Open Space "OS2" Zone, Modified.

Finally, the applicant has applied for approval of a Draft Plan of Subdivision, in order to permit the development of the property known as 3105 Fletcher Road for: for 333 single detached residential units (Blocks 3-6; 8-10; 12-19; 22-24; and, 27-34, inclusive), 131

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townhouse units (Blocks 1; 2; 7; 11; 20; 21; 25; and, 26), one block for medium density (Block Townhouse) residential development (Block 37), one block for commercial uses (Block 38), one block for a future school (Block 39), one block for parkland purposes (Block 40), one block for stormwater management purposes (Block 41), two blocks for road widening purposes (Blocks 42 and 43), seven blocks for one-foot reserves (Blocks 44-50, inclusive), one block for a temporary pumping station (Block 36), one block for a temporary turning circle (Block 35), and 17 streets shown as Streets A to Q, inclusive (attached as Appendix "B").

Chronology:

- April 23, 2014: Formal Consultation Meeting for Application FC-14-026. Issues regarding traffic, sanitary, water and stormwater servicing and capacity, were flagged at this stage. The proposed development was identified by staff as being premature.
- August 29, 2014: Submission of Applications UHOPA-14-014, ZAC-14-028 and 25T-201405.
- September 26, 2014: Applications UHOPA-14-014, ZAC-14-028 and 25T-201405 deemed incomplete.
- October 16, 2014: Applications UHOPA-14-014, ZAC-14-028 and 25T-201405 deemed complete.
- October 24, 2014: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-14-014, ZAC-14-028 and 25T-201405 to all residents within 120 m of the subject lands.
- October 29, 2014: Public Notice Sign installed on subject lands.
- January 7, 2015: Public Notice Sign updated with Public Meeting Information.
- January 16, 2015: Circulation of the Notice of Public Meeting to all residents within 120 m of the subject lands.

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Details of Submitted Application:

Location: 3105 Fletcher Road (see Appendix "A").

Owner/Applicant: Patrick McNally

Agent: MMM Group (c/o Kristy Shortall)

Property Description:

<u>Lot Frontage:</u>	Binbrook Road	– 345.03 m
	Fletcher Road	– 667.08 m
<u>Lot Depth:</u>	Irregular	– 667.08 m
<u>Lot Area:</u>	30.95 ha	
<u>Servicing:</u>	No municipal services	

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling and Agricultural Lands	Restricted Agricultural "A2" Zone
<u>Surrounding Land Uses:</u>		
North	Single Detached Dwellings, Vacant Agricultural Lands and Woodlot	Existing Residential "ER" Zone Restricted Agricultural "A2" Zone
South	Single Detached Dwellings	General Agricultural "A1" Zone
East	Single Detached Dwellings and Agricultural Lands	Restricted Agricultural "A2" Zone General Agricultural "A1" Zone
West	Single Detached Dwellings, Agricultural Lands (Tree Farm)	General Agricultural "A1" Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Planning Act, R.S.O. 1990, c. P. 13

The Planning Act identifies matters of Provincial interest. With respect to the responsibilities of municipal authorities, regard shall be given to matters of Provincial interest, among others.

Section 2(f) of the Planning Act states that municipal authorities must have regard for “the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems”. Further, Section 2(h) of the Planning Act states “that orderly development of safe and healthy communities” is a matter of Provincial interest. Orderly development refers to systematic planning and development. In this regard, the notion of orderly development is paramount as it guides and ensures good urban planning practice which is efficient and organized. The applications do not have regard to the Planning Act as adequate services are not available to service the subject lands. There is no watermain available along Fletcher Road or Binbrook Road fronting the subject property, and extension of the watermain looping through the adjacent lands to the east is required before the subject property can be serviced. These lands to the east are not subject of a Planning Act application and therefore the timing of construction of this watermain is unknown. In addition, a sanitary outlet is not available to service the subject lands. Staff are of the opinion that the proposed applications are premature and would not be appropriate, nor be considered orderly development of safe and healthy communities, in the absence of full municipal services being available.

Based on the above, matters of Provincial interest as identified in the Planning Act have not been addressed.

Provincial Policy Statement (2014)

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The following policies, amongst others, are applicable to the subject applications:

“1.1.1 Healthy, liveable and safe communities are sustained by:

- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; and,

- g) ensuring that necessary *infrastructure*, electricity generation facilities and transmission and distribution systems, and *public service facilities* are or will be available to meet current and projected needs."

"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; and,
 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."

The owner/applicant has not demonstrated that the development is appropriate for, nor confirmed that adequate services and system capacity are available to facilitate the proposed development, as there is currently no watermain or sanitary outlet available to service the lands, which would result in the unjustified and/or uneconomical expansion of the infrastructure necessary to service the lands.

Staff further note that the land use pattern and respective associated uses, densities, and impacts of the development have not been suitably analyzed within the submitted Planning Justification Report. Accordingly, without this information, the impact on traffic volumes and level of service at the temporary signalized intersection of Fall Fair Way at Regional Road 56/Maggie Johnson Drive, as a result of this development, and the corresponding built forms and densities, cannot be assessed.

Further, Policy 1.1.3.7 states that:

"Planning authorities shall establish and implement phasing policies to ensure:

- b) the orderly progression of development within *designated growth areas* and the timely provision of the *infrastructure* and *public services facilities* required to meet current and projected needs."

The above policy implements the Planning Act direction respecting orderly development. In particular it allows for the comprehensive review of the development so as to integrate planning and engineering considerations. Staff note that the proposed development has not been included in the City's Staging of Development Plan to be accepted for processing between 2014 and 2016, which establishes the City's orderly growth progression, and therefore, is not consistent with this policy.

Further, the proposed sanitary servicing options (provision of a temporary pumping station or portable wastewater treatment plant) are contrary to the City's Water and

Wastewater Master Plan, and a 400 mm diameter watermain looping through the adjacent lands to the east is required before the subject property can be serviced. These lands are not subject of a Planning Act application and therefore the timing of construction of this watermain is unknown. Accordingly, the proposal would result in the unjustified and/or uneconomical expansion of infrastructure.

In addition, and further regarding servicing, the following policies are applicable:

“1.6.6.1 Planning for sewage and water services shall:

- a) direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing:
 - 1. *municipal sewage services and municipal water services*; and,
 - 2. *private communal sewage services and private communal water services*, where *municipal sewage services and municipal water services* are not available;
- b) ensure that these systems are provided in a manner that:
 - 1. can be sustained by the water resources upon which such services rely;
 - 2. is feasible, financially viable and complies with all regulatory requirements; and,
 - 3. protects human health and the natural environment.”

Moreover, Policy 1.6.6.6 further states that:

“Subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 planning authorities may allow lot creation only if there is confirmation of sufficient *reserve sewage system capacity* and *reserve water system capacity* within *municipal sewage services and municipal water services* or *private communal sewage services and private communal water services*. The determination of sufficient *reserve sewage system capacity* shall include treatment capacity for hauled sewage from *private communal sewage services* and *individual on-site sewage services*.”

“1.6.6.7 Planning for stormwater management shall:

- a) minimize, or, where possible, prevent increases in contaminant loads;
- b) minimize changes in water balance and erosion;

- c) not increase risks to human health and safety and property damage;
- d) maximize the extent and function of vegetative and pervious surfaces; and,
- e) promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.”

In regards to the above, the application is premature as there are no watermains available fronting the property on Fletcher Road or Binbrook Road, and no sanitary outlet is available. Additionally, the proposed stormwater management design is not acceptable as additional details are required, as documented in the Analysis and Rationale for Recommendation Section of this Report.

Accordingly, the Functional Servicing Report (FSR) submitted by the applicant has not provided confirmation that adequate services and system capacity are available to facilitate the proposed development, as will be discussed in greater detail, in the Analysis and Rationale for Recommendation Section of this Report.

The options to address these deficiencies as presented in the FSR, including the provision of a temporary pumping station, are not acceptable and cannot be supported by staff. As such, the proposal is premature and is not consistent with the servicing policies of the PPS.

Regarding Natural Heritage, staff note the following policies:

“2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term *ecological function* and biodiversity of *natural heritage systems*, should be maintained, restored or, where possible, improved, recognizing linkages between and among *natural heritage features and areas*, *surface water features* and *ground water features*.”

Staff note that a General Vegetation Inventory (GVI) was required to be submitted as part of the subject applications to address the vegetation on-site and to assist in identifying trees that could be retained. A GVI was submitted with the applications, prepared by MMM Group, dated August 28, 2014, which was reviewed and deemed unsatisfactory. The GVI fails to identify trees and vegetation units which are healthy and worth retaining because it does not address all of the trees on-site. This information should be used to design the site to preserve identified trees and vegetation units wherever possible. Accordingly, the GVI should be revised to reflect this principle.

Further information in this regard is included in the Analysis and Rationale for Recommendation Section of this Report.

Based on the foregoing, the development is not consistent with the policies of the PPS.

Lastly, the subject development is also subject to Policy Section 1.2.6.1 regarding sensitive land uses and compatibility and Policy Section 2.6 – Cultural Heritage and Archaeology, which are further discussed in Section 4 of the Analysis and Rationale for Recommendations Section below.

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

The Growth Plan's main objective is to provide direction in developing communities in order to achieve a better mix of housing, jobs, shops and services in close proximity to each other. The subject lands are "designated greenfield area" within the Plan. Policy 2.2.7 indicates that new development in greenfield areas shall be planned as complete communities, and further, that the designated greenfield area of each municipality shall be planned to achieve a minimum density of not less than 50 residents and jobs per hectare. The applicant proposes a mix of residential, commercial and institutional land uses in achieving this requirement.

Of note, Section 7 - Planning Justification of the submitted Planning Justification Report has not provided any details with respect to the density envisioned by the Binbrook Village Secondary Plan, nor justified the proposed changes to the density as per the submitted Official Plan Amendment application.

While the proposal does not meet specific policies of the Binbrook Village Secondary Plan, the proposal does generally conform to the "designated greenfield area" policies contained within Places to Grow with regard to a mix of housing, and developing complete communities.

Urban Hamilton Official Plan

The subject lands are designated "Neighbourhoods" on Schedule "E-1" - Land Use Designations. Additionally, the lands also form part of the Binbrook Village Secondary Plan and are designated as "Low Density Residential 2e"; "Low Density Residential 2h"; "Local Commercial"; "Parkette"; and, "Institutional - Elementary School" on Map B.5.1-1 – Binbrook Village Secondary Plan Land Use Plan (attached as Appendix "D"). The policies of the UHOP Volume 1 will be addressed below, followed by a discussion of the policies of Volume 2 – Binbrook Village Secondary Plan.

The following policies, amongst others, would apply to the applications for an Official Plan Amendment, Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision.

City's Vision

Amendments to the Urban Hamilton Official Plan and Binbrook Village Secondary Plan are subject to Policy F.1.1.5, whereby:

- "F.1.1.5 When considering amendments to this Plan, including secondary plans, the City shall have regard to, among other things, the following criteria:
- a) the impact of the proposed change on the City's vision for a sustainable community, as it relates to the objectives, policies and targets established in this Plan; and,
 - b) the impact of the proposed change on the City's communities, environment and economy and the effective administration of the public service."

This policy stresses the importance of the consideration of the City's vision when considering amendments to the Official Plan. These lands are contained within the Binbrook Village Secondary Plan, which represents the City's vision for this area. As will be detailed under the review of the Secondary Plan later in this Report, the applications propose amendments to the Secondary Plan, including changes to the road network, densities, types of housing, and location of the park and school blocks. Staff find that insufficient justification has been provided for these changes, which represent a departure from the approved vision for this area. The submitted Planning Justification Report has not demonstrated how the proposed amendments impact the City's vision for a sustainable community, as it relates to the objectives, policies and targets established in the Urban Hamilton Official Plan, nor the impact on the City's communities, environment, and economy and the effective administration of the public service. With respect to the environment, staff note that the submitted GVI was deemed unsatisfactory as per the comments above. As such, staff find that the proposal does not comply with the above noted policy.

Staging of Development

- "F.3.6.1 Staging of development refers to the process of managing the rate and timing of subdivision *development* for lands within the urban boundary of the City. This type of management ensures effective and efficient growth in existing and newly developing areas.

- F.3.6.2 The City shall use the annual, three-year Staging of Development Report to manage subdivision growth. The report shall:
- a) provide a document and process which integrates the City's financial planning of growth-related capital costs with land use planning and timing of *development* for new growth areas;
 - b) ensure that growth takes place in an orderly and appropriate sequence in locations desirable to meet market demands, other growth strategies, servicing programs, and the priorities in this Plan; and,
 - c) outline the City's intention toward the scheduling and processing of plans of subdivision for residential, employment and commercial *development*, and infrastructure."

The UHOP identifies the requirement for a Staging of Development Report. The policy indicates that the Staging of Development Report will provide a process which integrates the City's financial planning of growth-related capital costs with land use planning and timing of new development. The Report will also ensure that growth takes place in an orderly and appropriate sequence. The Staging Report identifies Draft Plans for priority processing between 2014 and 2016. The subject lands have not been included in the Staging Report for processing between 2014 and 2016, and such, the applications are considered premature at this time.

Servicing

The UHOP contains extensive policies on servicing, as outlined below:

- "C.5.3.5 All new *development* and *redevelopment* within the *urban area* shall be connected to the City's water and wastewater system."

This is further reinforced under Policy C.5.3.11 whereby "the City shall ensure that any change in density can be accommodated within the municipal water and wastewater system."

Furthermore, Policy C.5.3.14 requires that:

- "C.5.3.14 Expansion of water and wastewater systems within the *urban area*, shall be in accordance with the Water and Wastewater Master Plan and Staging of Development Plan as well as supporting the City's density and

intensification targets as detailed in Sections A.2.3.3 – Other Targets and B.2.4 – Residential Intensification.”

Staff note that the Draft Plan of Subdivision is not included in the Staging of Development Report 2014-2016, which will be further analyzed below. In addition, the proposed servicing option is contrary to the City’s Water and Wastewater Master Plan, which is discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

Policy C.5.3.15 further states that:

“C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any *development* or intensification proceeding and, where technically and economically possible, the City shall require such services to be located underground.”

With respect to stormwater management, Policy C.5.4.2 requires that:

“C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on offsite drainage.”

Finally, Policy Sections C.5.4.3; C.5.4.4 and C.5.4.9 provide direction with respect to development and stormwater management. In particular:

“C.5.4.3 Construction of new storm water management ponds and the expansion, extension, alteration and operations of *existing* facilities shall be to the satisfaction of the City and shall be accompanied by a storm water management plan which shall demonstrate that:

- a) Planning, design and construction practices minimize vegetation removal, grading and soil compaction, sediment erosion, the creation of breeding areas for human disease vector species and impervious surfaces; and,
- b) Where appropriate, an integrated approach is used to minimize storm water management flows and structures by such measures as controls and conveyance techniques on individual lots.

C.5.4.4 In addition to Sections C.5.4.3 a) and b), a storm water management plan otherwise required, by Section F.3.2. – Council Adopted Guidelines and

Technical Studies, shall comply with recommendations, standards and targets of the Stormwater Master Plan, approved *watershed plans*, *sub-watershed plans*, and other relevant municipal and provincial studies and guidelines relating to the provision of storm water management.

C.5.4.9 All land designated on Schedule E-1 – Urban Land Use Designations shall meet the following conditions:

- a) *development* and/or *redevelopment* shall be connected to, or serviced by, a storm water drainage system or other appropriate system such as ditches, or any other techniques acceptable to the City, Conservation Authorities, or the Province and/or detailed in a Storm Water Master Plan or other relevant study;
- b) *development* shall be in accordance with the system capacity for drainage and storm water management and where relevant, will conform to storm water site management plans, a Storm Water Master Plan, site plans and/to other relevant studies, guidelines or regulations; and,
- c) storm water systems shall be designed and constructed, in accordance with the City' standards and guidelines, provincial guidelines, storm water master plans, master drainage plans and any other relevant study or legislation."

In review, adequate infrastructure services are not available for the development as there are constraints with the adequacy of municipal services in the area. The proposed development cannot be serviced for water from either Fletcher Road or Binbrook Road West since there are no watermains available fronting the property on either street, and as such, extension of services along the road allowance is not an option. Therefore, a watermain extension through the adjacent lands to the east is required to provide for watermain looping before the subject property can be serviced. As there are currently no Planning Act applications submitted for the lands to the east, the timing of this required extension is unknown. The applicant could pursue the option of extending the watermain over the lands to the east at their own cost, but this would require agreement of the adjacent landowner and the establishment of an easement over the lands. No information has been provided to indicate that such an agreement has been considered. Further, a sanitary outlet is not available for the subject lands, and the options to address this deficiency as presented in the Functional Servicing Report, including the provision of a temporary pumping station or portable wastewater treatment plant, are not acceptable and cannot be supported by staff. Lastly, the proposed stormwater management design is not acceptable and requires additional

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details as documented in the Analysis and Rationale for Recommendation Section below.

As such, the proposed development does not conform to the policies of Section C.5.0 Infrastructure of the UHOP.

Plans of Subdivision

Policy F.1.14.1.2 of Volume 1 identifies that: "Council shall approve only those plans of subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City's staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the Planning Act."

In review of the proposal against the criteria in Policy F.1.14.1.21 above, staff note that the proposal does not conform to a), b), c), d), e) or g) above, as follows:

- As has already been noted, the proposal does not comply with the policies and land use designations of the Urban Hamilton Official Plan, nor the Binbrook Village Secondary Plan and it has not been demonstrated why the proposed amendments are appropriate.
- These lands have been identified as being outside of the City of Hamilton's Staging of Development Plan. The City's Staging of Development Plan identifies Draft Plans that will be accepted for processing between 2014 and 2016. The purpose of the Staging of Development Plan is to ensure that the City's resources are being used efficiently, services are being provided in a logical manner, and development is proceeding in an orderly progression. The subject

Draft Plan of Subdivision has not been included in the Staging of Development Plan, and therefore, is premature.

- The development has not demonstrated that it can be supplied with adequate services, as no watermain is available to service lands on Fletcher Road or Binbrook Road, and a sanitary outlet is not available.
- It has not been demonstrated that the development shall not adversely impact the natural environment as the submitted GVI is not satisfactory.
- It has not been demonstrated that the development shall not adversely impact the transportation system, as the review of the Traffic Impact Study has not been completed, however, concerns have been raised by Engineering Services Division Staff regarding impacts at the intersection of Fall Fair Way at Regional Road 56/Maggie Johnson Drive (to be discussed further in the Relevant Consultation Section).
- The development has not demonstrated how the subdivision can be integrated with adjacent lands and roadways as the proposal differs from the approved Secondary Plan and will proceed in advance of the development of 3489 Binbrook Road, 3479 Binbrook Road and 3460 Kirk Road to the east, for which there are no Planning Act applications submitted with the City.
- Finally, as per Section 2 of the "Analysis and Rationale for Recommendation" section below, the proposal does not conform to the requirements of Subsection 51(24) of the Planning Act for Approval of a Draft Plan of Subdivision.

Neighbourhood Character

Staff note that the subject lands would constitute a greenfield development, accordingly Policy Section E.3.7 of Volume 1, Residential Greenfield Design, would apply. In particular:

- "E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character.
- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.

- E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods.”

The subject development would by-pass lands to the east (3479 and 3489 Binbrook Road, and 3460 Kirk Road), leaving a void in the developed areas of Binbrook Village and, therefore, has not demonstrated how this proposal would maintain and/or enhance the existing neighbourhood character or how it will be a compatible integration of development with the surrounding area with respect to street patterns, pedestrian and cycling connections, and land uses.

Natural Heritage

- “C.2.3 It is the intent of this policy to preserve and enhance Core Areas and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.

- C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

Staff note that there is a Core Area (stream) to the west of Fletcher Road, a Core Area (Significant Woodland) near the southeast corner of the property and other trees and vegetation units throughout the property. As previously noted, a GVI was submitted with the applications, was reviewed and the GVI was deemed unsatisfactory.

The GVI fails to identify trees and vegetation units which are healthy and worth retaining because it does not address all trees on site. This information should be used to design the site to preserve the identified trees and vegetation units wherever possible. Accordingly, the GVI should be revised to reflect this principle. Further information in this regard is included in the Analysis and Rationale for Recommendation Section of this Report. As such, staff find that the applications do not comply with the Natural Heritage policies of the UHOP.

Archaeology

Additionally, Policy B.2.4.3.1 of Volume 1 requires that “*residential intensification* involving *cultural heritage resources* shall be in accordance with Section B.3.4 – Cultural Heritage Resources Policies.” Staff note that the archaeological assessments

submitted do not include the northwest portion of the subject lands. Accordingly, the proposal fails to comply with Policy B.2.4.3.1 of Volume 1.

Based on the foregoing, the proposal does not comply with the policies of Volume 1 of the UHOP.

Binbrook Village Secondary Plan:

The subject lands are designated “Low Density Residential 2e”; “Low Density Residential 2h”; “Local Commercial”; “Parkette”; and, “Institutional - Elementary School” on Map B.5.1-1 – Binbrook Village Secondary Plan Land Use Plan (see Appendix “D”).

As previously mentioned, the proposed Draft Plan of Subdivision proposes multiple changes to the Binbrook Village Secondary Plan with respect to densities, layout, road network, built form, and block alignments. The applicant has not demonstrated how these changes satisfy the policies of the Binbrook Village Secondary Plan, analysed below.

The following policies, amongst others, would apply to the applications for an Official Plan Amendment, Zoning By-law Amendment, and for Approval of a Draft Plan of Subdivision. Policy B.5.1.3.6 of Volume 2 states that “the City shall ensure that the design of Binbrook Village will provide for the ability to accommodate future public transportation within the Village through:

- a) community design which minimizes pedestrian street walking distance to future transit service;
- b) design of community focal points which integrates future transit system needs; and,
- c) design of the street system to promote the efficient circulation of future transit vehicles.”

As mentioned above, the proposal involves multiple changes to the road network, and it has not been demonstrated how these changes away from a grid pattern would facilitate future transit and short walking distances, as desired by the Secondary Plan Policies.

In review of the Planning Justification Report, staff note that it does not provide detailed information regarding the proposed amendment to the Binbrook Village Secondary Plan. The Planning Justification Report should provide detailed information regarding densities for each of the different residential densities proposed in the attached concept plan (Appendix “B”). In addition, it should identify the net change in each of the

residential designations in comparison to the proportion of lands designated Low Density Residential 2e, 2h, and 3e in the Binbrook Village Secondary Plan and demonstrate need and appropriateness for the changes.

Furthermore, the Planning Justification Report should also demonstrate the need for the proposed changes in road pattern, the separation of the school block from the Neighbourhood Park and for the removal of the restrictions on the maximum ground floor area for retail uses within the Local Commercial block, and assess the impacts of these changes.

Based on the foregoing, staff is of the opinion that the proposal does not comply with the policies of the Binbrook Village Secondary Plan.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

- Recreation Division, Community and Emergency Services Department.

The following Departments and Agencies have provided comments on the applications:

Forestry and Horticulture Section (Public Works Department) have advised that the development, if approved, will be subject to a Landscape Plan and Street Tree Planting Requirements which are addressed under the Standard Form Subdivision Agreement, Section 2.08 "Street Trees".

Hamilton Municipal Parking System have requested that parking details be provided for both on- and off-street parking. The on-street parking plan shall show the location of all proposed parking spaces, fire hydrants and super mailboxes.

Of further note, parking in front of fire hydrants and mailboxes is prohibited and is also prohibited along the perimeter of a park and/or school unless the property is fenced. The applicant should ensure parking requirements are met.

A minimum 6.5 m between driveways is recommended to accommodate a parking space and comfortable manoeuvring room for residents accessing their driveways (particularly in winter conditions).

All driveways should be appropriately dimensioned to ensure their use of parking as Hamilton Municipal Parking System staff advises that they are not supportive of encroachments into the minimum dimensions of a parking space.

Should the subject applications be approved, the required driveway location plan, as per Section 4.07 of the standard form subdivision agreement, would apply.

Strategic Planning Section (Public Works Department) have advised that the recommendations of the City of Hamilton's UHOP should be followed; in particular, Schedule C-2 - Future Road Widening (Binbrook Road 30.480 metres), and Schedule C-1 - Future Road Widening (Rural) (Fletcher Road 26.213 to 30.480 metres) and "Chapter C - City Wide Systems and Designations, 4.5 Road Network Functional Classification, 4.5.2 d) Minor Arterial roads 36.576 metres, e) Collector Roads 26.213 metres, and f) Local Road 20.117 metres."

With respect to Chapter E - Urban Designations - Scale and Design, "3.2.7. a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm." Appropriate daylighting triangles of 15m x 15m are required.

Furthermore, the City of Hamilton has approved the Hamilton Pedestrian Mobility Plan and this development needs to provide appropriate pedestrian amenities from the City's right-of-way to the building access points to encourage walking (consider the needs of pedestrians with disabilities, for example, AODA regulations and barrier free designs). Sidewalks along both sides of the right-of-way and through the site are required at a minimum of 1.5m wide. The development should include provision for trees in the boulevard. This development should include Transportation Demand Management (TDM) initiatives, for example, to provide adequate cycling facilities and convenient bike parking (including secure spaces).

With respect to the proposed park, the proposal is consistent with the envisioned size of the parkette as per the Secondary Plan. However, if the Owner is conveying to the City naturalized open space blocks, tableland for parkland uses, or any other lands for public usage, then the owner shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of Environment (MOE), to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE.

Planning staff advise that parkland dedication would be addressed under Section 1.06 "Land for Park or Cash-in-Lieu of Land for Park" of the Standard Form Subdivision Agreement, if the applications are approved.

Furthermore, Strategic Planning staff advise the Developer of the option of constructing the park/trail as part of the subdivision construction. Should the Developer agree to constructing the parkette, the process will follow the outline in the Draft Park and Open

Space Development Manual. If agreed upon, a special condition would be required within the Subdivision Agreement.

Hamilton Water Division, (Public Works Department) have identified that:

- The Functional Servicing Report provided to support the current application has not provided the required information;
- In order to confirm the City's ability to accommodate the proposed development, a watermain hydraulic analysis is required and shall be provided upfront; and,
- The proponent should ensure that the Fire Department is satisfied with hydrant coverage, accessibility and provisions for firefighting within the development.

In review of the Functional Servicing Report, Hamilton Water provides the following comments:

- The proposed development is located in Pressure District 23 (PD23);
- The PD23 is supplied from PD7, but staff note that it has its own pumping station (HD019/HD023) to boost pressures to the required levels and fill the elevated storage tank HDT23; and,
- The watermain looping described in the Functional Servicing Report (on page 21) is different from that described in the Planning Justification Report (on pages 31 and 32); the proponent may need to review the latest Development Charge Background Study (2014) and consult with the Growth Management staff, which could provide details on any plans related to future watermain extensions in the area.

Furthermore, Source Protection Planning has reviewed the application and supporting documents relating to the proposed development. The Preliminary Geotechnical Investigation (SPL, August 2014) has indicated water levels on the subject site at depths ranging from 1.0 to 8.1 m below ground surface and have concluded that "It is expected that any seepage, which occurs during wet periods or from the wet silt seams/layers in the deposits, can be removed by pumping from sumps" insinuating that dewatering may be required during construction.

In the event that dewatering activities will occur on site, the following comments apply: "Source Protection Planning will require the proponent to provide an inventory of private well users within a 500 metre radius of the property boundary. A scoped Hydrogeologic

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 and for Approval of a Draft Plan of Subdivision, "Part of Lot 5, Block 4, Concession 4", for Lands Located at 3105 Fletcher Road (Glanbrook) (PED15012) (Ward 11) – Page 23 of 35

Study will be required to monitor groundwater quality and quantity and assess the impacts on the identified wells pre, during and post construction."

Accordingly, should the applications be approved, special conditions to address the above concerns would be required.

Engineering Services Division, Public Works Department have advised that "this Draft Plan of Subdivision application is not included in the Staging of Development Report 2014-2016." As such it is Engineering Services Division's "recommendation to not undertake an in-depth analysis of the application, and traffic implications, in relation to the road network in Binbrook Village at this time."

Of note, "the subject lands are included in the Binbrook Village Phase 2 development quadrant. During the earlier stage of Phase 1 of the Binbrook Village Development, the area developers established a private Agreement which enabled the construction of Fall Fair Way to Regional Road 56/Maggie Johnson Drive and an associated new signalized intersection. That connection was necessary to construct the community collector road network (Fall Fair Way) for new home construction west of Regional Road 56. The private Agreement did not involve the subject McNally lands or property owner.

The City, as a means of controlling the traffic volumes and level of service at the temporary signalized intersection of Fall Fair Way at Regional Road 56/Maggie Johnson Drive, placed a development unit cap on the developers involved in the private Agreement. The unit cap is still in place and serves as a means of providing development opportunity, but also allows staff to monitor the temporary design intersection to gauge when development volumes will increase to a point where a permanent intersection at Fall Fair Way and Regional Road 56/Maggie Johnson Drive is required.

Follow-up traffic counts have been completed at the intersection as housing construction progresses and resident traffic patterns evolve. Staff recently reviewed a Binbrook Area traffic impact assessment of the ongoing Draft Plan of Subdivision applications to determine what level of residential development could be permitted while still achieving an acceptable level of service for the temporary traffic signal and intersection design at Fall Fair Way and Regional Road 56/Maggie Johnson Drive. Engineering Services Division's recommendation is that the limit of development could increase to include ongoing applications; however, that the subject lands should not be included in the overall traffic impact review.

At this time, the development cap in Binbrook Village has not been lifted. Not all units in the previously approved Plans of Subdivision have been constructed." Accordingly, Engineering Services Division have a "concern that permitting the development of the

subject lands will generate new traffic volumes on the subject road network and through the temporary intersection at Fall Fair Way at Regional Road 56/Maggie Johnson Drive."

Staff acknowledge that an updated traffic impact study (TIS) is being prepared by the Applicant. The City of Hamilton undertook traffic counts at various intersections and road sections this Fall and have recently provided the data to the Applicant's traffic consultant for their use in the aforementioned traffic impact study.

Notwithstanding, it is Engineering Services Division's suggestion that the review of the Zoning, Official Plan and Draft Plan of Subdivision applications should not proceed until such time as the additional approved dwelling units have been constructed and the traffic volumes from those units travelling on the road network have been considered.

Finally, "as the subject lands are not included in the recently updated Staging of Development Report 2014-2016 there is opportunity for approved development to proceed while the Applicant works toward inclusion in the Staging program." However, the Engineering Services Division maintains that the subject applications are premature and should not be supported.

Niagara Peninsula Conservation Authority (NPCA) have advised that "the subject lands do not contain any features regulated by the NPCA. The NPCA will, however, require a stormwater management report be submitted to this office for review and approval that demonstrates stormwater runoff is treated to a normal level and water quantity is attenuated such that post-development flows equal pre-development peak flows."

Accordingly, Section 1.10 "Storm & Sanitary Sewers and Watermains" of the Standard Form Subdivision Agreement would be applied if the subject applications were to be approved.

Canada Post have advised that this subdivision will receive mail service to centralized mail facilities provided through their Community Mailbox program and have identified the requirements related to the location and placement of Community Mailboxes as well as warning clauses required for the purchase and sale agreements. These requirements would be applied through the Standard Form Subdivision Agreement if the applications were to be approved.

Bell Canada advise the developer "that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development.

In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services)."

In addition to the advisement above, Bell Canada have requested the following:

- "1. The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.
2. Bell Canada requires one or more conduit or conduits of sufficient size from each unit to the room(s) in which the telecommunication facilities are situated and one or more conduits from the room(s) in which the telecommunication facilities are located to the street line."

If approved, these conditions would be implemented through Section 2.06 "Telecommunication Servicing" of the Standard Form Subdivision Agreement.

Hydro One Networks Inc. have no objection in principle to the proposed Plan of Subdivision, provided the owner/applicant is advised of the following and subject to the conditions of approval documented below:

"NOTE: The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 188 – Proximity – of the Regulations for Construction Projects in the *Occupational Health and Safety Act*, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230 kV conductors is 4.5 metres (15 feet), and for 115 kV conductors it is 3 metres (10 feet).

It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the *Act*. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line."

Requested Conditions of Approval:

- “1. Prior to final approval, a copy of the lot grading and drainage plan, showing existing and final grades, must be submitted in triplicate to HONI for review and approval.
2. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the right-of-way. During construction, there will be no storage of materials or mounding of earth, snow or other debris on the right-of-way.
3. Temporary fencing must be in place along the easement corridor during construction. Permanent fencing must be erected where subdivision lots directly abut the HONI easement at the developers expense.
4. The subdivider shall make arrangements satisfactory to HONI for the crossing of the hydro right-of-way by any proposed roads. Separate proposals including detailed lighting and site servicing plans shall be submitted in triplicate to HONI for future road crossings. The developer must contact Jim Oriotis, HONI Senior Real Estate Coordinator at (905)946-6261 to begin the process of acquiring a Construction and Encroachment Agreement.
5. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the developer.
6. The easement rights of HONI and its legal predecessors are to be protected and maintained.
7. If the proposed development is within close proximity to a Transmission or Distribution station, additional requirements are required and have been provided to the developer.”

If approved, these conditions would be implemented through the Standard Form Subdivision Agreement.

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 29 property owners within 120 m of the subject property on October 24, 2014,

for the proposed Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications.

To date, two public submissions have been received identifying concerns with respect to future development potential of their private holdings as a result of the proposed layout and design of the Draft Plan of Subdivision, and transition to the agricultural lands to the south of the subject development (Appendix "C").

Furthermore, a Public Notice Sign was posted on the property on October 29, 2014, and updated on January 7, 2015 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act on January 16, 2015.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal does not have merit and cannot be supported for the following reasons:
 - (i) That the applications are not consistent with the Provincial Policy Statement, and the Planning Act;
 - (ii) That the applications do not comply with the vision of the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan, as the applications do not ensure appropriate and orderly development, and do not conform to the Staging of Development Plan as the subject lands have not been identified within the Plan for processing between 2014-2016;
 - (iii) That the applications are premature as adequate services are not available to service the proposed development; and,
 - (iv) That the applications are premature as the impact on traffic volumes and level of service at the temporary signalized intersection of Fall Fair Way at Regional Road 56/Maggie Johnson Drive, as a result of this development, has not been assessed.
2. The UHOP (policy F.3.6.2) identifies the requirement for the City to prepare a Staging of Development Report which will manage subdivision growth. The policy indicates that the Staging of Development Report will provide a process which integrates the City's financial planning of growth-related capital costs with land use planning and timing of new development. The Report will also ensure that growth takes place in an orderly and appropriate sequence. Orderly development is important to maximize the use of existing and planned infrastructure. The objective of the Staging of Development Program, as

indicated in the Staging of Development Report, is to define an orderly growth progression for development in the City, while considering the efficiency of infrastructure investments and the timeliness and location of development. The Staging Report identifies Draft Plans for priority processing between 2014 and 2016. The subject lands have not been included in the Staging Report for processing between 2014 and 2016, and such, the applications are considered premature at this time.

3. Through the review of the relevant policies in the Policy Implications Section above, staff identified several areas of non-conformity with applicable planning documents. A significant area of concern is the lack of adequate services available for this development, as detailed below:

Watermain:

The proposed development cannot be serviced for water from either Fletcher Road or Binbrook Road West since there are no watermains available fronting the property on either street. Therefore, a 400 mm diameter water main looping through the adjacent lands to the east is required before the subject property can be serviced. Currently, no Planning Act applications for development of the lands to the east have been received, and therefore, the timing of this extension is unknown. In addition, a watermain hydraulic assessment is required. As such, the application is not considered orderly development, and is premature at this time.

Wastewater:

Two major constraints with regard to wastewater have been identified:

- a) Sanitary drainage is intended to outlet easterly but the lands to the east have not been developed. The two proposals outlined in the Functional Servicing Report of providing a temporary pumping station or a portable wastewater treatment plant out-letting to the storm sewer will not be supported by the City.

Therefore, the vacant lands between existing development and the subject lands must be developed before this development can be considered a logical extension. As noted, there are currently no Planning Act applications for development of the lands to the east. As such, the application is not considered orderly development and is premature at this time.

- b) Furthermore, the existing sanitary pumping station and forcemain must be upgraded prior to these lands being developed.

Roads:

From a Development Engineering perspective, until the lands to the east are developed and the roadways are extended further west from the existing development, only one access to the subject lands from Binbrook Road West is available. The phasing proposal indicated in the FSR will exceed the 100 unit maximum that the City will allow to be serviced from only one access.

Functional Servicing Report:

The Growth Management Division, Growth Planning Section, has reviewed the submitted Functional Servicing Report, and provides the following comments:

The subject applications are premature until the following works and servicing report are completed:

- a) Sanitary pumping station and forcemain upgrades;
- b) Sanitary trunk sewer outlet through the adjacent land to the existing 600 mm sewer on Windwood Drive;
- c) Watermain hydraulic assessment and 400 mm watermain looping through the adjacent lands to Windwood Drive and Binbrook Road;
- d) A Geomorphologic and erosion threshold analysis for the receiving creek system from the pond outlet to Kirk Road;
- e) An updated Master Drainage Plan assessment to verify:
 - The drainage boundary;
 - Functional design of pond 1B; and,
 - Confirm required flow rates at each node for interim and ultimate conditions;
- f) A composite grading plan to show back to front & split drainage; and,
- g) An updated/revised Functional Servicing Report.

Stormwater Management Report:

With respect to Stormwater Management, the applicant/owner will be required to:

- Provide a discretized post development drainage area plan;
- Submit total percent impervious calculation details for each sub-catchment area;
- Prepare an erosion assessment for the downstream creek system to confirm erosion control requirement(s);
- Prepare a storm design which should be selected based on a sensitivity assessment for various storms and durations (Chicago storm -4, 6,: SCS storm - 6, 12, 24 hr);
- Verify and confirm hydrologic parameters (ex: CN number, Ia, Tp, etc.);
- Provide a model schematic diagram for pre-development and post-development conditions;
- Accommodate the Fletcher Road drainage (quality and quantity) through the proposed stormwater management facility;
- Revise the proposal to avoid major system flows from the adjacent development to an Arterial road (Binbrook Road), as per City's drainage policy;
- Provide, where required, for one way drainage with a minimum of 2.0 m separation between foundation walls; and, for split drainage, a minimum 2.0 m separation between foundation walls to accommodate an overland flow route and a required rear yard catch basin, in accordance with the City's "Lot Grading Policy, Criteria and Standards for Single and Semi-Detached Dwelling Created Through Development Applications.";
- Minimize ponding on rear yard catch basins where split drainage is proposed, with the maximum desirable ponding level above a rear yard catchbasin of 0.33 m, and any rear lot catch basin leads shall be constructed on 1.2 m setback side;
- Update the Master Drainage Plan assessment to verify:
 - The drainage boundary;
 - Functional design of pond 1B; and,
 - Confirm required flow rates at each node for interim and ultimate conditions;
- Design the pond layout and characteristic in accordance with City Stormwater Management Guideline, 2007 (Section 6.4.2), and to confirm the required stormwater management block sizes. Additional details have been provided to the applicant/owner.

Sanitary Servicing:

- The City does not support interim servicing options (Option 1 and 2), as the proposed servicing option is contrary to the City's Water and Wastewater Master Plan.

Conclusion:

For all the reasons listed above, the proposal cannot be adequately serviced at this time and is considered premature. The applicant has been advised of the comments and concerns identified by both Public Works and Growth Management staff.

4. As previously noted in the Policy Implications Section, the subject lands contain a Core Area (stream) to the west of Fletcher Road and a Core Area (Significant Woodland) near the southeast corner of the property. A GVI was submitted with the applications, which was reviewed and deemed unsatisfactory. The applicant was advised of Planning staff's concerns with the GVI as submitted, but a revised GVI has not been received. The GVI fails to identify trees and vegetation units which are healthy and worth retaining because the report does not address all trees on site. As the applicant is proposing changes to the approved Secondary Plan, then the information from the GVI must be used to design the site to preserve the identified trees and vegetation units wherever possible. Accordingly, revisions to the GVI to reflect this principle are required.

A summary of concerns related to the GVI is stated below, whereby the owner/applicant is required to:

- Provide additional information in a clear manner, and shall not include trees which are not part of the subject property, except for trees that abut the property line (shared trees), which may be affected by the proposed development;
- Revise the plan to remove the trees on "non-participating" properties from the report (unless they directly abut the subject property);
- Provide clarification of trees identified as "unknown" ownership;
- Revise the plan to clearly label and identify trees and vegetation units recommended for further assessment on the Figures GVI-1 and GVI-2;
- Provide additional information to determine whether trees should require further analysis as part of a tree preservation plan;
- Revise the GVI and provide additional information regarding the woodland on the southeast corner, and how it is to be protected; and,

- Revise the GVI to reflect current conditions on site, as there appears to be vegetation units that have not been accounted for.
5. The proposed Draft Plan of Subdivision (see Appendix “E”) will consist of 333 single detached residential units (Blocks 3-6; 8-10; 12-19; 22-24; and, 27-34, inclusive); 131 townhouse units (Blocks 1; 2; 7; 11; 20; 21; 25; and, 26); one block for medium density (Block Townhouse) residential development (Block 37), one block for commercial uses (Block 38), one block for a future school (Block 39), one block for parkland purposes (Block 40), one block for stormwater management purposes (Block 41), two blocks for road widening purposes (Blocks 42 and 43); seven blocks for one-foot reserves (Blocks 44-50, inclusive); one block for a temporary pumping station (Block 36); one block for a temporary turning circle (Block 35); and, 17 streets shown as Streets A to Q, inclusive.

In review of Sub-section 51(24) of the Planning Act, to assess the appropriateness of the proposed subdivision, staff advise that:

- (a) It is not consistent with the Provincial Policy Statement;
- (b) It is premature, and is not in the public interest as adequate services are not available to facilitate the proposed development and expansion is unjustified;
- (c) It does not comply with the policies of the UHOP, and has by-passed the adjacent lands within Binbrook Village, and therefore cannot ensure compatibility with adjacent plans of subdivision and does not represent orderly development;
- (d) The suitability of the lands for residential purposes cannot be determined due to the lack of analysis and justification and undemonstrated need for the proposed changes to the Binbrook Village Secondary Plan and corresponding servicing requirements, which have been identified as insufficient, at this time;
- (e) The proposed development includes significant changes to the envisioned road network and road linkages to the neighbourhood, which have not demonstrated adequacy in servicing the proposed units;
- (f) The proposed development includes a realignment of development blocks and road networks which have not been adequately analysed to ensure the layout and the corresponding dimensions and shapes of the lots are consistent with those found in the area;

- (g) At this time, there remains a restriction on the proposed development, as the proposal is premature due to the lack of adequate services and planning justification of the proposed layout;
 - (h) Conservation of natural resources remains in review, and the lands are currently premature for development as staff cannot support the storm water management design;
 - (i) Adequate municipal services are not available for the proposed Draft Plan of Subdivision;
 - (j) The proposed development includes a significant change to the envisioned elementary school block to which the school board has yet to comment, and has not been appropriately justified by the owner/applicant;
 - (k) The proposal has altered the location of the parkette, but maintains the envisioned size, being 0.6 hectares;
 - (l) The proposed development has not demonstrated how the proposed changes to the Binbrook Village Secondary Plan and the resultant layout and design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,
 - (m) The interrelationship between the design of the proposed Draft Plan of Subdivision and site plan control matters have not been determined as the Urban Design Report remains in review.
6. There are other Provincial and Urban Hamilton Official Plan policies that will need to be addressed in the future, at the appropriate time, once the issues of prematurity have been addressed. Policy 1.2.6.1 of the PPS requires that “major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered, and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.”

Accordingly, due to the proximity of the subject lands to Binbrook Road and Fletcher Road, should the application be approved, a noise study and implementation of mitigation requirements would be required as a special condition of approval of the Draft Plan of Subdivision.

Moreover, the lands are of cultural heritage interest as per Policy Section 2.6 – Cultural Heritage and Archaeology of the PPS. Similarly, the lands are also subject to Policy Section B.3.4 – Cultural Heritage Resource Policies of the Urban Hamilton Official Plan.

Staff note that Stage 1-4 Archaeological Assessments (P123-012-2010 and P123-039-2010) were completed for a portion of the subject lands and were submitted to the City of Hamilton and the Ministry of Tourism, Culture, and Sport. While the Provincial interest has yet to be signed off by the Ministry, Staff are of the opinion that the municipal interest of the assessed portions of the site have been satisfied.

However, the northwest portion of the property has not been assessed; accordingly, staff require that an archaeological assessment be completed and submitted for the outstanding portion of the lands. Therefore, the subject proposal has not demonstrated conformity with the Cultural Heritage policies, and should be subject to an “H” Holding Provision for the northwest portion of the site, if the applications are approved.

7. To date, two letters have been received from the public in response to the preliminary circulation of the subject applications (see Appendix “C”). The letters identify concerns with respect to the proposed layout and compatible lot creation with adjacent private lands and existing agricultural operations.

In review, staff acknowledge that the layout of Street “P” does not follow the standard grid pattern promoted within the policies of the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan and would not allow for the adjacent lands to take advantage of the frontage created at the intersection of Streets “P” and “M” of the Draft Plan, attached as Appendix “B”.

Similarly, staff acknowledges the transition issue with adjacent agricultural operations to the south. In particular, a stormwater management block has been proposed over lands previously designated as “Low Density Residential 2e.”

As mentioned in the analysis of the “Policy Implications and Legislated Requirements” section above, the owner/applicant has not demonstrated how the proposed changes in the road network and layout with respect to corresponding densities and block alignments complies with the policies of the Urban Hamilton Official Plan and Binbrook Village Secondary Plan. Staff support this concern.

ALTERNATIVES FOR CONSIDERATION

1. The applications could be tabled or deferred, however, there is the risk that the applicant may appeal the applications for non-decision to the Ontario Municipal Board.
2. If the applications are approved, staff will require direction to incorporate this development into the Staging of Development Plan and to prepare and report back to Planning Committee with the requisite Official Plan and Zoning By-law Amendments and conditions of approval for the proposed Plan of Subdivision.

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

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 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.

SUBJECT: Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 and for Approval of a Draft Plan of Subdivision, "Part of Lot 5, Block 4, Concession 4", for Lands Located at 3105 Fletcher Road (Glanbrook) (PED15012) (Ward 11) – Page 36 of 36

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Plan of Subdivision
- Appendix "C": Public Submissions
- Appendix "D": Binbrook Village Secondary Plan – Land Use Plan – Map B.5.1-1

:AC/th