



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 12, 2016
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 1169 Garner Road East (Ancaster) (PED16020) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Alvin Chan Senior Planner (905) 546-2424 Ext. 1334 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That approval be given to **Amended Urban Hamilton Official Plan Amendment Application UHOPA-15-004, by Losani Homes (1998) Limited (Owner)**, for OPA No. _____, to delete the subject lands from the “Natural Heritage System” designation on Schedule B and to delete portions of the subject lands from the “Local Natural Area (Environmentally Significant Areas)” designation on Schedule B-6; and for changes to the Meadowlands Neighbourhood IV Secondary Plan from “Utility” to “Medium Density Residential 2c”; from “Natural Open Space” to “Utility”; from “Natural Open Space” to “Low Density Residential 2b”; to delete in its entirety “Area Specific Policy – Area E”; and, to establish a Site Specific Policy Area – Area G, for the lands known as 1169 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED16020, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED16020, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan.

- (b) That approval be given to **Amended Zoning By-law Amendment Application ZAC-15-008 by Losani Homes (1998) Limited, (Owner)**, for a further change to the Residential Multiple “RM6-611” Zone, Modified, in order to permit a multiple dwelling development comprised of 56 maisonette / back-to-back dwelling units, and 32 townhouse dwelling units, totalling 88 residential units, with 176 residential parking spaces and 47 visitors parking spaces, totalling 223 parking spaces, with a walkway, for lands located at 1169 Garner Road East (Ancaster), as show on Appendix “A” to Report PED16020, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED16020, 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 of Schedule “B” of the Town of Ancaster Zoning By-law No. 87-57.
 - (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. .

EXECUTIVE SUMMARY

The purpose and effect of the proposed Urban Hamilton Official Plan Amendment is to amend the Meadowlands Neighbourhood IV Secondary Plan, to reflect the former Town of Ancaster Official Plan, OPA No. 132, and to establish a Site Specific Policy Area – Area G to permit townhouse dwelling units and to permit development at an overall minimum density of 53 units per hectare, on lands known as 1169 Garner Road East.

The purpose and effect of the proposed Zoning By-law Amendment to the Town of Ancaster Zoning By-law No. 87-57 is for changes to the existing Residential Multiple “RM6-611” Zone, Modified, in order to permit a multiple dwelling development comprised of 56 maisonette / back-to-back dwelling units, and 32 townhouse dwelling units, totalling 88 residential units, with 47 visitors parking spaces and a walkway. The applicant has requested a number of site-specific amendments to facilitate the proposed development attached as Appendix “D” to this Report.

The proposed Official Plan Amendment and Zoning By-law Amendment have merit, and can be supported, since the proposal is consistent with the PPS (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan (UHOP), subject to the recommended amendment.

Alternatives for Consideration – See Page 27

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.

HISTORICAL BACKGROUND

Proposal

The subject lands are located east of Raymond Road, west of Glancaster Road, with frontage on the north side of Garner Road East.

The applicant proposes an 88-unit multiple dwelling development comprised of 56 maisonette / back-to-back dwelling units and 32 townhouse dwelling units. The units will have a maximum height of 12.6 m or three storeys. In addition, a parking reduction is proposed from 2.66 spaces per unit to 2.5 spaces per unit, resulting in a total of 220 onsite parking spaces (223 spaces have been shown conceptually). Forty-seven spaces will be for visitors parking, as shown on Appendix “D” to this Report.

The purpose and effect of the proposed Official Plan Amendment to the Urban Hamilton Official Plan is to reflect previous amendments to the Meadowlands Neighbourhood IV Secondary Plan, as approved by Council under the former Town of Ancaster Official Plan (OPA No. 132, under By-law No. 11-013).

In particular, the applicant has requested:

- changes to Volume 1 of the Urban Hamilton Official Plan, by deleting the subject lands from the “Natural Heritage System” Schedule B;
- deleting portions of the subject lands from the “Local Natural Area (Environmentally Significant Areas)” Schedule B-6;
- changes to the Meadowlands Neighbourhood IV Secondary Plan from “Utility” to “Medium Density Residential 2c”; “Natural Open Space” to “Utility”; from “Natural Open Space” to “Low Density Residential 2b”;
- deleting “Area Specific Policy – Area E”;

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- a new Site Specific Policy Area – Area G, to permit the additional built form of townhouses; and,
- to permit development at an overall minimum density of 53 units per hectare.

The purpose and effect of the proposed Zoning By-law Amendment to the Town of Ancaster Zoning By-law No. 87-57 is for changes to the existing Residential Multiple “RM6-611” Zone, Modified, in order to permit an 88 unit multiple dwelling development comprised of 56 maisonette / back-to-back dwelling units, and 32 townhouse dwelling units, with 176 resident parking spaces and 47 visitors parking spaces, and a walkway to a future street.

In particular, the existing site-specific modifications are to be deleted and replaced with the following modifications:

- to permit multi-plex dwellings, block townhouse units, a private roadway with parking and / or landscaping, and accessory uses, structures and / or buildings;
- to modify the definitions of street and lot lines;
- to reduce and modify the access and location for required parking;
- to increase the maximum lot area and lot coverage;
- to reduce the minimum front and side yard setback requirements;
- to remove the children’s play area requirement;
- to increase the maximum building height;
- to reduce the minimum landscaping and planting strips;
- to reduce building separation requirements; and,
- to eliminate restrictions on the placement of accessory structures.

Chronology:

December 12, 2014: Formal Consultation waived.

December 19, 2014: Applications UHOPA-15-004 and ZAC-15-008 submitted.

January 19, 2015: Applications UHOPA-15-004 and ZAC-15-008 deemed complete.

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January 27, 2015: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-15-004 and ZAC-15-008, to all property owners within 120 m of the subject lands.

February 2, 2015: Public Notice Sign installed on subject lands.

December 9, 2015: Public Notice Sign updated with Public Meeting Information.

December 18, 2015: Circulation of the Notice of Public Meeting to all property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 1169 Garner Road East (see Appendix “A”)

Owner/Applicant: Losani Homes (1998) Limited (c/o: Fred Losani)

Agent: WEBB Planning Consultants Inc. (c/o: James Webb)

Property Description:

<u>Lot Frontage:</u>	50.9 m
<u>Lot Depth:</u>	168.4 m (irregular)
<u>Lot Area:</u>	1.68 ha
<u>Servicing:</u>	Existing Full Municipal Services

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant Lands	Residential Multiple “RM6-611” Zone, Modified, and, Conservation / Hazard Lands (P5) Zone

Surrounding Land Uses:

North	Future Residential	Residential “R4-612” Zone, Modified
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South	Single Detached Dwellings and Hamilton District Christian High	Agricultural “A” Zone, and Community Institutional (I2, 463, H37) Zone
East	Single Detached Dwelling and Vacant Lands	Agricultural “A” Zone
West	Public Utility	Public “P” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The proposal provides for an efficient and resilient development and land use pattern that is healthy, liveable and safe as per Policy 1.1.

Furthermore, staff recognize that the applications are consistent with the policies that focus on growth and development in Settlement Areas (Policy 1.1.3.1). In particular, as per Policy 1.1.3.2, the proposed land use pattern will provide for a mix of densities that efficiently use the land and resources, and is appropriate for the infrastructure and public service facilities planned or available for this area, including transit.

However, Policy 1.2.6.1 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.

Garner Road East is identified as a “Major Arterial” on Schedule “C” – Functional Road Classification of the UHOP and development on abutting lands are therefore subject to a noise study. Staff have reviewed the supporting noise study, and concur with the findings of the noise study and note that these recommendations (i.e. warning clause, noise barriers and ventilation requirements) will be implemented at the Site Plan Control stage of development.

Policy 2.6.2 restricts development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

Accordingly, a Stage 1-2 archaeological report P384-014-2013 was submitted to the Ministry of Tourism, Culture and Sport, and the Province accepted the report for compliance with licensing requirements in a letter dated August 28, 2013. Municipal

staff concur with the recommendations made in the report and no longer have an interest in the subject property with respect to archaeology.

Additionally, a Core Area has been identified on the subject property on Schedule “B” – Natural Heritage Systems. Accordingly, an Environmental Impact Statement (EIS) was prepared by Ecoplans Limited February 2005, and upon review, deemed satisfactory by staff.

Based on the foregoing, as the subject lands are located within a settlement area, proposed to be developed with appropriate infrastructure, while protecting the Provincial interest with respect to cultural and natural resources, the proposal is consistent with the PPS.

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

The subject applications conform with the Guiding Principles, Section 1.2.2 Policies through a planned and managed form of growth that supports a strong and competitive economy while protecting, conserving, enhancing, and wisely using the valuable natural resources of land for current and future generations and optimizing the use of existing and new infrastructure to support growth that is in a compact, efficient form; thereby establishing a compact, vibrant and complete community.

As per Appendix “G” of the UHOP, Volume 1, the subject lands are within the built boundary, but constitute a “Greenfield Development” as it is outside of the built-up areas of the City of Hamilton. Accordingly, Policy Section 2.2.7 of the Growth Plan for the Greater Golden Horseshoe (Places to Grow), would apply.

In particular,

- “2.2.7.1 New development taking place in *designated greenfield areas* will be planned, designated, zoned and designed in a manner that –
- a. contributes to creating *complete communities*
 - b. creates street configurations, densities, and an urban form that support walking, cycling, and the early integration and sustained viability of transit services
 - c. provides a diverse mix of land uses, including residential and employment uses, to support vibrant neighbourhoods
 - d. creates high quality public open spaces with site design and urban design standards that support opportunities for transit, walking and cycling.

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2.2.7.2 The *designated greenfield area* of each upper- or single-tier municipality will be planned to achieve a minimum *density target* that is not less than 50 residents and jobs combined per hectare.”

The proposed development will provide for additional housing forms and tenures for the area contributing to creating a complete community with a single access which will promote walkability and will limit the potential of conflicts between pedestrians and motorists.

Moreover, the subject development will be subject to a future Site Plan Control Application, which will provide opportunity for a Transportation Demand Management (TDM) report to ensure a site design and streetscape that supports transit, walking and cycling, as it is located along the S-line, which is a future Rapid Transit project detailed in the Metrolinx Regional Transportation Plan.

Lastly, as noted above, the subject lands are of both cultural and natural heritage value, which is governed by Policy Section 4.2.1 - Natural Systems, and 4.2.2 - A Culture of Conservation. The requisite studies, being an EIS and Archaeological Assessment have been submitted, reviewed, and deemed satisfactory in addressing the Provincial Interest.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow Plan).

Urban Hamilton Official Plan

The subject lands are identified as a “Neighbourhoods” on Schedule “E” and designated as “Neighbourhoods” and “Utility” on Schedule “E-1” - Land Use Designations.

The proposed amendments are supportable as they were previously approved by Council under OPA No. 132 to the Town of Ancaster Official Plan, adopted under By-law No. 11-013 and the draft UHOP Amendment approved under recommendation (c) of Report PED10176.

In particular, Council approved changes to Volume 1 of the UHOP, by deleting the subject lands from the “Natural Heritage System” Schedule B and deleting portions of the subject lands from the “Local Natural Area (Environmentally Significant Areas)” Schedule B-6.

With respect to Volume 2, Council approved changes to the Meadowlands Neighbourhood IV Secondary Plan include changes in designation from “Utility” to “Medium Density Residential 2c”; from “Natural Open Space” to “Utility”; from “Natural Open Space” to “Low Density Residential 2b”; and deleting “Area Specific Policy – Area E”.

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At the time of adoption of OPA No. 132, Council also approved changes to the UHOP and requested the Ministry of Municipal Affairs and Housing (MMAH) to include the applicable amendments in the UHOP to reflect OPA No. 132. Due to timing consideration, the Ministry did not include the amendments when the UHOP was approved by the Minister.

In addition to the above, the proposed UHOPA seeks to establish a new Site Specific Policy Area (Area G), to permit townhouse dwelling units, and to permit development at an overall minimum density of 53 units per hectare.

Appropriate studies and review through the previous and current development applications have satisfied all cultural and natural heritage requirements as per Policy Sections B.3.4 and C.2.0 of Volume 1. An Environmental Impact Statement (EIS) was prepared by Ecoplans Limited February 2005. The EIS was reviewed by the City's Environmentally Significant Areas Impact Evaluation Group (ESAIEG) several times (Sept. 11, 2003; Dec. 8, 2005; July 13, 2006 and January 10, 2008) and was approved.

With respect to archaeology, a Stage 1-2 archaeological report P384-014-2013 was submitted to the Ministry of Tourism, Culture and Sport, and the Province accepted the report for compliance with licensing requirements in a letter dated August 28, 2013. Municipal staff concur with the recommendations made in the report and no longer have an interest in the subject property with respect to archaeology.

Lastly, appropriate noise mitigation (i.e. warning clause(s), noise barriers and ventilation requirements) are to be implemented through the future Site Plan Control application, in accordance with Policy Section B.3.6.3 of Volume 1.

Based on the foregoing, subject to adoption of the draft amendment as per recommendation (a) and attached as Appendix "B" to this Report, the proposal complies with the intent and purpose of the UHOP, and, is therefore supportable.

Meadowlands Neighbourhood IV Secondary Plan

The lands are identified as "Medium Density Residential 2c" and "Utility" on Map B.2.6-1 – Meadowlands Neighbourhood IV Secondary Plan – Land Use Plan.

The majority of the proposed amendment is to implement a previous Council direction, (i.e. Town of Ancaster Official Plan OPA No. 132).

The approved amendments envision residential land uses with the westerly half of the subject lands being proposed for change from "Utility" to "High Density Residential" as per OPA No. 132 in the former Town of Ancaster Official Plan, which would now constitute the "Medium Density Residential 2c" as per Map B.2.6-1, Meadowlands Neighbourhood IV Secondary Plan.

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The proposal satisfies the general residential policies of Section B.2.6.1.3 of Volume 2 noted below, by providing for a higher density with additional built forms and tenures along with a diverse unit type, size and style (masonettes and townhouses) of a maximum 12.6 m in height or three storeys as per the amending By-law attached as Appendix “C” to this Report:

“B.2.6.1.3 General Residential Policies

- a) Residential buildings in the Low Density Residential and Medium Density Residential designations shall have no more than three occupied storeys entirely above grade.
- b) Development within the Meadowlands Neighbourhood IV is intended to provide a mix and diversity of housing opportunities in terms of lot size, unit size, style and tenure that are suitable for different age levels, income groups, lifestyles, and household structures.
- c) To make best use of urban lands higher densities shall be encouraged throughout this neighbourhood. This density can be achieved through the provision of smaller lots in interior locations and higher density developments located at external locations within the neighbourhood.”

In review of the “Medium Density Residential 2c” designation Policy B.2.6.1.5 of Volume 2 states that:

“B.2.6.1.5 Medium Density Residential Designations

Notwithstanding Section E.3.5.2 and E.3.5.7 of Volume 1, the following policies shall apply to the Medium Density Residential 2c designations identified on Map B.2.6-1 – Meadowlands Neighbourhood IV – Land Use Plan:

- a) In the Medium Density Residential 2c designation:
 - i) the density shall be a maximum of 70 units per net residential hectare;
 - ii) predominantly apartment dwellings and innovative attached housing forms in buildings; and,
 - iii) generally located adjacent to or in close proximity to Arterial and/or Collector Roads, community facilities / services and open space areas.”

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In review, the subject lands propose a minimum density of 53 units per hectare, is predominantly comprised of innovative attached housing forms (maisonettes) and other permitted medium density built forms (townhouses), located on a major arterial (Garner Road East), and in proximity to existing community facilities / services and open space areas.

However, staff note that although the current policy does not establish a minimum density, and although Policy F.1.4.5 of Volume 1 states that:

“F.1.4.5 Schedules and maps in this document are part of this Plan. Appendices shall be considered as information only.”

Policy B.1.5 of Volume 2 of the UHOP requires that:

“B.1.5 The residential density ranges and permitted built forms of Sections E.3.4, E.3.5 and E.3.6 – Residential Uses of Volume 1 shall apply to new secondary plans. The residential density ranges and permitted built forms shown in Volume 2, Appendix B shall apply to new and existing secondary plans.”

Accordingly, the proposal does not achieve the required minimum density of 60 units per hectare. Therefore, the amendment proposes to also establish a Site Specific Policy Area – Area G, to permit the additional townhouses and a minimum density of 53 units per hectare for lands designated “Medium Density Residential 2c” in the Meadowlands Neighbourhood IV Secondary Plan.

Staff note that the reduction in density is a result of the irregular shape of the lot, and the ability to accommodate viable buildings and floor plates for the proposed medium density built forms within the maximum permitted height, as permitted under Policy E.3.5.2 of Volume 1, being “multiple dwellings”.

Upon detailed review, based on the existing lot area, the reduction would constitute a reduction of 13 total units overall. As the amendment is due to the limitations due to lot size, shape and maximum permitted heights, and as the amendment maintains the intent and purpose of the Meadowlands Neighbourhood IV Secondary Plan, staff support the requested amendment.

RELEVANT CONSULTATION

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

- Operations Division, Public Works Department.

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

Forestry and Horticulture Section, Public Works Department have requested that a landscape plan and street tree planting plan be required as part of the future Site Plan Control Application, and as per the Standard Form Subdivision Agreement, Section 2.08.

In particular, “a detailed Landscape Planting Plan prepared by a Certified Landscape Architect, to be submitted showing the placement of trees on internal and external City property.

This plan should specifically outline full planting details including the size and species of trees to be planted as well as hard surface and soft surface area percentages on the site. Trees can define and humanize a thoroughfare and one of the Conditions of Approval will be the submission of a Landscape Planting Plan.

Tree species selection should take into account cultural requirements, cultivars (fruitless etc.) salt and heat tolerance, mature tree size, public visibility and private daylight triangles, potential pest concerns as well as the exposure (south west prevailing winds).

Trees planted on the road allowance should have a minimum caliper of 50 mm. Soil depth in Planting or Landscape Strips should be an absolute minimum of 36 cm as this is the depth of a 70 cm root ball on an average 50 mm caliper tree and soil volume is a key component of new tree survival.”

Hamilton Street Railway have advised of the following:

- HSR currently operates the routes #34 Upper Paradise and #44 Rymal buses in this area with no planned changes in service.
- Street orientation and pedestrian entrances are important. Direct short walking distances between dwellings and transit service are preferable.
- HSR supports the inclusion of high quality pedestrian amenities at this development like walkways, lighting etc.
- As ridership along the corridor increases, Council may see fit to implement increased service frequency.”

In review, Planning staff note that the proposed development is a residential development with a density and connections to future sidewalks to be constructed through the future urbanization of Garner Road East which supports transit.

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Geomatics and Corridor Management Section, Public Works Department had originally expressed concerns with the proposed access location and potential impacts on the adjacent transportation network. An updated Traffic Impact Study was submitted to address these concerns and, staff have identified the access must be maintained along the west lot line, and the following conditions shall be required:

- “1. That the owner / applicant construct an eastbound left turn lane with 15 m storage on Garner Road at the access limits. The owner / applicant is responsible for all costs to design and construct the required turning lane.
2. That the owner / applicant shall provide a detailed Pavement Markings and Traffic Signs Plan for the eastbound left turn lane on Garner Road. The Pavement Markings and Traffic Signs Plan must be submitted to the Design Section in Micro Station V8 to the satisfaction of the Manager of Design.”

Lastly, the owner / applicant is advised that the City of Hamilton may require a revised Traffic Signal Plan for the potential modifications to the intersection of Garner Road at Glancaster Road. This need for this condition will be reviewed after the design submission for the eastbound left turn lane has been evaluated by staff.

Planning staff advise that the above noted items will be incorporated through the future Site Plan Control application.

Hamilton Municipal Parking System (HMPS), Planning and Economic Development Department have advised that the owner / applicant shall ensure that the Barrier Free parking spaces have a minimum width of 4.4 m.

Additionally, all garages must be sized appropriately, without encumbrances, to ensure they can comfortably be used for parking a vehicle. HMPS is not supportive of variance applications for encroachments into garage parking space.

With respect to the proposed revision, HMPS have advised that the reduction from 2.66 spaces per unit to 2.5 spaces per unit would not be considered significant; however, there is no opportunity for overflow parking and residents should therefore be made aware as per the following warning clause:

“It is the responsibility of property owners / tenants to ensure that the parking provided on site is sufficient for his / her needs. On-street, over flow parking may not be available and cannot be guaranteed in perpetuity”.

Planning staff advise that the above requirements will be incorporated through the future Site Plan Control application.

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Hamilton Conservation Authority have advised that the north-easterly portion of the subject property is affected by HCA's Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation 161/06 whereby a permit from HCA is required for any new development, including construction and grading activities, due to the presence of two headwater tributaries of Tiffany Creek and the Tiffany Creek Wetland Complex, a Provincially Significant Wetland (PSW) that are located on the abutting lands to the east.

In this regard, we note that these natural heritage features and their associated development buffers were established and approved by the City of Hamilton's Natural Heritage Planner and HCA staff in conjunction with the review of the Draft Plan of Subdivision for the Cimino / D'Amico (now Ancaster Woodlands) residential development proposal.

In addition, HCA staff has reviewed several Stormwater Management Reports, most recently the revised December 2014 report by S. Llewellyn and Associates Limited (SLA), that outlines the proposed stormwater management design for the Ancaster Woodlands Subdivision, including the construction of two stormwater management ponds to the north of the subject lands that will continue to contribute drainage to the watercourses and PSW.

According to the Functional Servicing Brief dated December 18, 2014, prepared by SLA on behalf of the proponent for the development of the subject lands, the "Ancaster Woodlands Subdivision storm drainage system has been designed to accommodate the majority of the site", with the north portion outletting to the proposed storm sewer system and stormwater management facility in the Ancaster Woodlands Subdivision and provide the necessary Enhanced (Level 1) quality control and quantity control; while the southerly portion of the site will outlet to the existing road side ditch on the north side of Garner Road. HCA staff has no concerns or objections with the proposed stormwater management design.

Based on the above, HCA staff advise that they have no objection to the approval of the subject applications.

Ministry of Transportation staff have advised that the subject lands are deemed to be outside of the Ministry's permit control area and staff therefore have no further comments and / or concerns.

Canada Post have advised that mail service will be provided from community mailboxes (CMB). The location of the CMB is to be determined in consultation with developer.

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 12 property owners within 120 m of the subject property on January 27, 2015.

Two public submissions have been received identifying concerns with respect to comprehensive development with adjacent lands; access to the lands to the north; emergency services and access; and, stormwater management (see Appendix “E”), which are discussed further in the Analysis and Rationale for Recommendation Section below.

A Public Notice Sign was posted on the property on February 2, 2015, and updated on December 9, 2015, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on December 18, 2015.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
 - (ii) It complies with the intent and purpose of the Urban Hamilton Official Plan and implements the previously approved Town of Ancaster Official Plan Amendment (i.e. OPA No. 132);
 - (iii) The proposed additional Official Plan Amendment policy to establish a Site Specific Policy Area – Area G, to permit townhouses and a minimum density of 53 units per hectare is supportable, due to the irregular shape of the lot; and,
 - (iv) The proposed development is compatible with existing residential land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, enhancing and continuing the streetscape within the neighbourhood while making efficient use of a vacant parcel of land and existing infrastructure within the urban boundary.

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2. The purpose of the proposed Official Plan Amendment is to reflect previous amendments the Ancaster Official Plan, (OPA No. 132). In particular:
- changes to Volume 1 of the UHOP, by deleting the subject lands from the “Natural Heritage System” Schedule B and deleting portions of the subject lands from the “Local Natural Area (Environmentally Significant Areas)” Schedule B-6; and,
 - changes to Volume 2, the Meadowlands Neighbourhood IV Secondary Plan include changes in designation from “Utility” to “Medium Density Residential 2c”; from “Natural Open Space” to “Utility”; from “Natural Open Space” to “Low Density Residential 2b”; and deleting “Area Specific Policy – Area E.”

A draft amendment to the UHOP was considered concurrent with the approval of OPA No. 132; however, the Ministry of Municipal Affairs and Housing did not include the amendment when the UHOP was approved.

As mentioned above an additional amendment is requested to establish a Site Specific Policy Area – Area G, to permit the additional built form of townhouses, and a minimum density of 53 units per hectare due to the irregular shape of the subject lands and the proposed built forms.

Based on the foregoing, staff support the requested amendments.

3. The applicant has requested amendments to Ancaster Zoning By-law No. 87-57 for an 88 unit multiple dwelling development comprised of 56 maisonette / back-to-back dwelling units, and 32 townhouse dwelling units. A total of 176 resident parking spaces and 47 visitors parking spaces, with a walkway to a future street, are proposed to be provided.

In particular, the existing site-specific modifications of the Residential Multiple “RM6-611” Zone, Modified, which permitted an apartment building with site-specific modifications to maximum lot area, children’s play area and minimum side yards, are to be deleted and replaced with the following:

- to permit multi-plex dwellings, block townhouse units, a private roadway with parking and / or landscaping, and accessory uses, structures and / or buildings;
- to modify the definitions of street and lot lines;
- to reduce and modify the access and location for required parking;
- to increase the maximum lot area and lot coverage;
- to reduce the minimum front and side yard setback requirements;
- to remove the children’s play area requirement;

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- to increase the maximum building height;
- to reduce the minimum landscaping and planting strips;
- to reduce building separation requirements; and,
- to eliminate restrictions on the placement of accessory structures.

Permitted Uses:

The owner / applicant has requested permissions for apartment buildings, multi-plex dwellings and townhouses, along with accessory buildings and / or structures. Of note, the Residential Multiple “RM6” Zone already permits apartment buildings.

In addition, upon review by staff, an additional permission is required to allow a private roadway, with parking and / or landscaping within said roadway to also be permitted, in order to facilitate the future establishment of common elements through a future Draft Plan of Condominium application and lot creation through a future Part Lot Control application.

In review, the Medium Density Residential 2c designations permits predominantly apartment dwellings and innovative attached housing forms (i.e. the proposed maisonette units). Notwithstanding, the Secondary Plan policies, the parent Medium Density designation policies of Volume 1 would permit the proposed townhouse units. Accordingly, an amendment to the Meadowlands Neighbourhood IV Secondary Plan has been included to permit the townhouses.

The modification to permit these uses would comply with the intent and purpose of the UHOP and Meadowlands Neighbourhood IV Secondary Plan, and is supportable by providing for a variety in the types of units and tenures for the area.

Definition – Street:

The applicant / owner has requested an amendment to the definition of a “Street” to facilitate future tenure options. In particular, the request is that the private condominium roadways be deemed streets for the purpose of this By-law, and that visitor parking be permitted on these roadways.

The requested amendment is technical in nature to facilitate the future creation of individual lots, which would only be permitted on a street as defined in the By-law.

Moreover, once the street is established as a common element (i.e. a separate parcel) visitor parking areas, amenity areas and landscaped areas would be

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required to be established as permitted uses, resulting in an additional technical amendment.

Accordingly, to facilitate a future Part Lot Control application to establish the tenure and lots and a future Draft Plan of Condominium (Common Elements), which will include, but not be limited to the roadways, visitor parking areas, amenity areas and landscaped areas, staff support the requested amendment.

Definition – Lot:

The applicant / owner has requested an amendment to the definition of a “Lot”, to ensure the zoning provisions are applied to the lot lines existing at the date of passing of the proposed amending By-law.

Similar to the above request, the amendment is technical in nature to facilitate the future creation of individual lots, as the remaining zoning provisions would apply to each individual lot created through the future Part Lot Control application, resulting in zoning non-conformities.

Therefore, to ensure the zone provisions are applied to the development as a whole, and not the future individual lots, an amendment to the definition of “Lot” and applicable zoning interpretation sections are required and supported by staff.

Definition – Lot Line (Front, Side and Rear):

Due to the irregular configuration of the lot, the applicant / owner has requested an amendment to the definitions of the “Front, Side and Rear Lot Lines”, also ensuring that the zoning regulations are appropriately applied. In particular, notwithstanding the definitions, the front lot line shall be deemed to be Garner Road East, the northerly lot lines shall be deemed to be the rear lot line(s), and all other lot lines shall be deemed side lot lines.

Similar to the above request, the amendment is technical in nature due to definitions and the irregular lot shape. As the proposed amendments will simplify the identification of lot lines and corresponding setback requirements, staff support the requested amendments.

Reduction of Parking Requirements, Location and Access:

The current parking standards require two parking spaces plus 0.66 visitors parking spaces per dwelling unit (2.66 spaces per unit), being a total of 176 parking spaces with 59 visitors spaces, totalling 235 parking spaces.

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The applicant proposes a reduction to two parking spaces plus 0.5 visitors parking spaces per dwelling unit (for a total of 2.5 spaces per unit), which would result in a total of 220 spaces as opposed to the currently required 235 parking spaces. Of note, the conceptual plan attached as Appendix “D” shows 223 conceptual parking spaces.

Furthermore, the proposal also requests permission for tandem parking, allowing one space to be provided within the garage and another on the driveway for each unit. Tandem parking is not currently permitted and would not impact adjacent development or the existing streetscape.

Moreover, as mentioned above, a future Draft Plan of Condominium will establish common elements, being the private roadways, visitors parking areas and landscaped areas. To facilitate this future application, a modification has been included to permit parking on a separate parcel, being the private condominium roadway(s). This amendment is technical in nature and therefore is also supported by staff.

In review, the subject lands are currently serviced by Hamilton Street Railway Routes #34 Upper Paradise and #44 Rymal. Furthermore, Hamilton Municipal Parking System staff have reviewed the application and advise that the reduction in parking requirements would not be considered significant; however, as there is no opportunity for overflow parking, residents should be made aware as per the following warning clause:

“It is the responsibility of the property owner/tenant to ensure that the parking provided on site is sufficient for his/her needs. On-street, over flow parking may not be available and cannot be guaranteed in perpetuity”.

As the subject lands are located on two bus routes, and given the proposed reduction in visitors parking and permitting tandem parking are not deemed to be significant, staff support the proposed modifications subject to the above warning clause being incorporated within the Standard Condominium Approval Agreement and the future Site Plan Control application.

Increase of Maximum Lot Area:

The owner / applicant has requested an increase to the maximum lot area from 0.8 ha to 1.7 ha to reflect the existing size of the subject lands. Staff note that the existing site-specific provision permitted a maximum lot area of 1.67 ha under By-law No. 11-014.

However, upon review of the revised concept plan attached as Appendix “D”, the minimum lot area is identified as 1.68 ha. Accordingly, to maintain flexibility, the

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proposed modification will establish a minimum lot area of 1.7 ha. The proposed built forms require additional lot area. Accordingly, the amendment to reflect the existing size of the subject lands, 1.7 ha, is therefore appropriate and supportable.

Increase of Maximum Lot Coverage:

The applicant has requested an increase from the maximum 25% lot coverage to 30%.

Development Engineering Approvals staff have not identified any servicing concerns with the proposed increase in lot coverage. In addition, the increased lot coverage will maintain sufficient setbacks and yards for landscaping purposes.

As the subject lands are located in an area ideal for the proposed built forms (apartments and innovative attached housing forms), as permitted by the UHOP, with a layout and design that is an efficient use of land and infrastructure, providing for a complete community, staff support the requested increase in lot coverage.

Reduce the Minimum Front Yard:

The owner / applicant has requested a reduction from the required front yard setback of 7.5 m to 5.0 m for the dwelling units closest to Garner Road East (i.e. the proposed back-to-back dwelling units shown as Block “A” on the concept plan attached as Appendix “D” to this Report).

In review, staff note that this portion of Garner Road East (north side), does not have an established streetscape given the municipal utility facility to the west and general open space to the east.

In review of the Draft Approved Plan of Subdivision to the west, off of Raymond Road, Ancaster Meadows – Phase 2, shows the proposed street townhouse units along this portion of Garner Road East having a 4.5 m setback, or 6.0 m to an attached garage under the Residential Multiple “RM2-616” Zone, Modified.

The request will help to better address the street with buildings brought forward to provide for a pedestrian scale, and as the proposed front yard setback would be consistent with those afforded through approvals for the residential development to the west, Ancaster Meadows – Phase 2, staff support the requested modification.

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Reduce the Minimum Side Yard:

To accommodate the access location and appropriate site design, the owner / applicant has requested a reduction from the minimum required 9.0 m side yard to 4.0 m, while maintaining the existing 9.0 m rear yard requirement, respectively.

The side yard reduction to 4.0 m only applies to Blocks “B” and “G” of the concept plan, attached as Appendix “D”. The remaining side yards for all remaining blocks (Blocks “A; C to F; H; and J to L, inclusive” – note that there is no Block “I”) are shown as 6.3 m or greater on Appendix “D” to this Report, and will maintain sufficient setback to adjacent land uses, with adequate space for any planting and / or screening to be incorporated through the future Site Plan Control application. Of note, Block “G” abuts the existing Hydro Corridor and would therefore have minimal impact on the adjacent land.

With respect to Block “B”, the lands abut the rear yard of the existing single detached dwelling to the south and these lands are designated “Utility”. Staff note that the existing dwelling is located approximately 56 m from the side lot line of the subject development. The rear yard of this dwelling is being utilized for storage of vehicles and boats, with two accessory structures. Accordingly, the reduction in the side yard setback would have minimal impact on the adjacent dwelling and maintains an appropriate setback for amenity, maintenance and servicing purposes.

Based on the foregoing, staff support the proposed reduction to the minimum side yard setback and maintaining the existing rear yard setback provision.

Removal of the Children’s Outside Play Area Requirement:

Staff note that the existing site-specific provision previously removed this requirement, as approved by Hamilton Council under By-law No. 11-014.

Accordingly, the owner / applicant seeks to also remove this requirement within the proposed amending By-law. In addition, the subject lands are located in proximity to the Ancaster Meadows Park to the east, Falkirk West Park to the west, the Stone Church Road Open Space to the North and also abut existing general open space areas.

Based on the foregoing, staff support maintaining the modification to remove the requirement for a children’s outside play area.

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Increase to Maximum Building Height:

The owner / applicant has requested an increase to the maximum building height from 10.5 m to 12.6 m and / or three storeys.

In review, staff note that the proposed increase is to allow for a viable design of the multi-plex dwelling units. The proposed increase would not significantly impact the existing single detached dwellings to the south, the City of Hamilton facility to the west, the general open space to the east and the proposed single detached dwellings to the north, as ample setbacks are being provided to all of these abutting uses to minimize impacts as a result of the increase in height.

Accordingly, the modification is deemed to be minor in nature and supportable.

Reduce the Minimum Landscaping:

The owner / applicant has requested a reduction in minimum landscaping from 40% to 35% comprised primarily of front and rear yards for the proposed townhouse units and communal general open space along the visitor parking areas and along the Garner Road East streetscape.

Staff note that ample amenity area is being provided for each individual unit within the front and rear yards for Blocks “B” to “G”, inclusive, the front and side yards for Blocks “A”; “H”; and “J” to “L”, inclusive; with communal landscaped areas along the visitor parking areas and along Garner Road East. Furthermore, the subject lands are located in proximity to the Ancaster Meadows Park to the east, Falkirk West Park to the west, the Stone Church Road Open Space to the North, and also abuts existing general open space areas.

Additionally, Development Engineering Approvals staff have not identified any servicing concerns with the proposed decrease in landscaping.

Based on the foregoing, staff support the requested modification.

Minimum planting strip for parking areas required for more than four vehicles abutting a lot containing a dwelling comprising one or two dwelling units:

In review of the application against the Parking and Loading regulations of Section 7.14 of the Zoning By-law No. 87-57, a modification has been identified by staff regarding a reduction from the minimum 3.0 m planting strip to a 2.8 m planting strip for any parking areas of four or more vehicles abutting a lot containing a dwelling comprised of one or two dwelling units.

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Staff note that this reduction only applies to the parking area adjacent to 1157 Garner Road East (a single detached dwelling). The required 3.0 m is provided in all other areas where required. A 2.7 m wide planting strip at this location would maintain an adequate width to facilitate plantings to provide screening of the parking area from the adjacent land use. Furthermore, enhanced landscaping will be reviewed through the future Site Plan Control application. Therefore staff support the requested modification.

Building Separation:

Staff note that under the Residential Multiple “RM6” Zone, the building separation applies to apartment buildings. However, the proposed form of development (block townhouses), would typically be subject to a Residential Multiple “RM4” or “RM5” Zone, which includes a separation distance between end wall of townhouse units of a minimum 3.0 m.

A reduction between the proposed townhouse blocks from 3.0 m to 2.4 m is proposed for Blocks “J” and “H”, whereas all other Blocks will maintain the required 3.0 m. Staff note that this reduction is of adequate width for maintenance, access and servicing purposes and is supportable.

Accessory Structures:

Due to the proposed built form of a block townhouse development, the proposed waste disposal system (moloks) are located in what is deemed to be a yard and would therefore be subject to provision (o) of the regulations for the Residential Multiple “RM6” Zone.

This regulation requires that, in addition to the provisions of Section 7.18(a) of Ancaster Zoning By-law No. 87-57, that no accessory building shall be permitted in any yard adjacent to a living room window. Of note, as mentioned above, the removal of this requirement is technical in nature due to the proposed built form and corresponding yards. Staff note that the accessory structures are located on a separate island between Blocks “B”, “J” and “K” and would not have impact on the actual yards of units contained within these blocks.

Furthermore, the proposed structures are located approximately 6 m from any lot line of the future individual units, minimizing impacts on any living room windows. In addition, the moloks (waste disposal system), have been sited in this location to allow for centralized functional waste disposal. Based on the foregoing, staff support the requested modification.

5. Engineering Details:

INFORMATION

- The owner / applicant is advised that subject to detailed review of the required servicing, grading and stormwater management in accordance with municipal design standards and provincial regulations, modifications to the concept plan attached as Appendix “D” to this Report, may be required.
- The subject site is identified as Block 65 within Ancaster Woodlands Subdivision (25T-200518) draft plan. The M-plan for this development has not yet been registered and Block 65 has not yet been created.
- The 250mmØ sanitary sewer and 300mmØ watermain proposed for Ancaster Woodlands Subdivision will connect to services between the Garner and Robertson Road right-of-ways through a proposed 12 m wide easement connecting to Robertson Road.
- The estimated persons per unit for the proposed 88 unit townhouse or multiplex (back-to-back) units is approximately 150 to 175 persons per hectare at 3.0 to 3.5 persons per unit. The sanitary drainage area plans for Ancaster Woodlands show this site to have a density of 110 persons per hectare and should be revised. The sanitary sewer design calculations do use a population density of 175 persons per hectare, but the incremental area of Areas No. 6 and 7 is not consistent with that shown on the sanitary drainage area plan.
- As per drawings from Ancaster Meadows Phases 1 and 2, a capacity provision for 250 persons per hectare has been made in the Robertson Road system currently terminating approximately 300 m north and west of the subject property.
- At the Site Plan Control stage, the applicant will be required to provide a wastewater generation assessment using Part 8 of the latest edition of the Code and Guide for sewage systems to establish an equivalent population density.
- The overall engineering design drawings for Ancaster Woodlands show a differing road pattern than the submitted plan. The new layout provided with this application will affect the proposed placement of municipal infrastructure shown on the overall subdivision engineering design drawings. (i.e. municipal manholes within the easement). The applicant will be required to update the Ancaster Woodlands engineering design drawings and cost estimate schedules to reflect this revised design.

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- Stormwater management ponds will be constructed as part of the Ancaster Woodlands Subdivision. Approvals for the ponds are not yet in place. A runoff C = 0.75 (standard for 'Institutional, Industrial and Central Business District') has been assigned to the proposed townhouse development. At site development stage, pre-grading activities will not be permitted to commence until the Stormwater Management Facility #1 South is built and operational. At the Site Plan Control stage, an updated storm drainage area plan will be required to supplement the engineering submission to the City.
- The storm sewer and water systems within Block 65 of the draft plan will be privately owned.
- At the Site Plan Control stage, the applicant will be required to provide documentation confirming that the anticipated domestic water demands and the required fire water flow are equal to or less than what was assumed as part of the Ancaster Woodlands Subdivision.
- Right-of-way widening requirements on Garner Road East are being addressed through the registration of the M-plan for Ancaster Woodlands.

With respect to bullet three above, Development Engineering staff have agreed to accept the current submission of the sewer calculations. The calculations show 175 persons per hectare which is greater than the 110 persons per hectare shown on the sanitary drainage area plan for Ancaster Woodlands. Staff agree that this will not create any issues and no longer require the sewer calculations to be revised.

Lastly, Public Works staff have identified that the following conditions will be required as part of the future Site Plan Control Application:

1. That the owner / applicant provide documentation confirming that the anticipated domestic demands and the required fire flow are equal to or less than what was assumed as part of the Ancaster Woodlands Subdivision, to the satisfaction of the City of Hamilton Public Works Department.
2. That the owner / applicant provide a wastewater generation assessment using Part 8 of the latest edition of the Code and Guide for Sewage Systems to establish an equivalent persons per unit value for our records, to the satisfaction of the City of Hamilton Public Works Department.
3. That the owner / applicant provide an updated storm drainage area plan to supplement the site servicing and grading plans, to the satisfaction of the City of Hamilton Public Works Department.

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4. That the owner / applicant shall provide a Form 1 Application and a Hydraulic Analysis Report documenting the expected domestic usage and the needed fire flow as per FUS Guidelines (1999), to the satisfaction of the City of Hamilton Public Works Department.

6. To date, two public submissions have been received identifying concerns with respect to comprehensive development with adjacent lands; access to the lands to the north; emergency services and access; and, stormwater management (see Appendix “E”).

Comprehensive Development with Adjacent Lands:

The public submission from 1157 and 1175 Garner Road East identify concerns with respect to the future redevelopment of their lands.

Staff have reviewed the proposed concept plan attached as Appendix “D”. Of note, the adjacent lands back onto the stubs of two proposed internal roadways which could be extended in the future, allowing for the development of the adjacent lands.

Lastly, it should be noted that 1157 Garner Road East is designated “Utility” and 1175 Garner Road East is designated similar to the subject lands as “Medium Density Residential 2c”. The redevelopment of these two sites would be subject to future development applications which will ensure a comprehensive and complete development with the subject lands.

Accordingly, staff are of the opinion that the proposed plan would not prejudice the redevelopment of adjacent lands.

Access to Lands to the North:

The public submission from the adjacent landowner has identified concerns with access restrictions to the north and the need for a road connection.

Of note, the lands subject to this application do not abut the lands of the public submission, as opined in the letter attached under Appendix “E”.

In review of the existing draft approved plan, 25T-200518(R), for the subject lands, staff note that connections for the development of the lands to the north are provided by either existing roadways (Woodhouse Street and / or Curran Road), or will be provided by connections through the adjacent draft approved plan of subdivision, 25T-200601, being Ancaster Meadows Phase 2.

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Additionally, the approved draft plan does not include a road connection to the north. The units approved north of the subject lands would be contingent on the development of the adjacent plan of subdivision, in the normal manner. There are no proposed changes to the approved road connections as a result of the subject applications.

Based on the foregoing, staff are of the opinion that the approval of the subject applications will not impact the lands to the north and are not subject to a road connection.

Emergency Services and Access:

The public submission identifies concerns with the number of units and the single proposed access with respect to emergency services.

The City of Hamilton Engineering Guidelines Section 2.4.5.20 “Temporary Roads and Emergency Access Requirements” states that “the maximum number of dwelling units that will be allowed to be serviced with one road access is 100.” In review of the proposed development, as per Appendix “D”, 88 total units are proposed and would therefore conform to the City’s guidelines.

Furthermore, through the review by all relevant department and / or agencies, no concerns have been raised with respect to the single access and the 90 proposed units.

Stormwater Management:

The public submission identifies concerns with stormwater management and the need for a co-ordinated design. Staff have reviewed the supporting studies and are of the opinion that adequate services will be available and are already addressed through the existing conditions of approval for the Ancaster Woodlands Draft Plan of Subdivision, 25T-200518.

Furthermore, staff note that this block would be subject to a future Site Plan Control application, which would include conditions for detailed stormwater management design, ensuring that the developments are co-ordinated and comprehensive.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the applicant would be able to develop the lands for an apartment building in accordance with the existing provisions of the Residential Multiple “RM6-611” Zone, Modified.

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.
- 1.4 Improve the City's transportation system to support multi-modal mobility and encourage inter-regional connections.
- 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.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Urban Hamilton Official Plan Amendment
- Appendix "C": Zoning By-law No. 87-57 Amendment
- Appendix "D": Concept Plan
- Appendix "E": Public Submissions

:AC/YR