



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 5, 2016
<b>SUBJECT/REPORT NO:</b>	Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Daniel Barnett Planner 2 (905) 546-2424 Ext. 4445  Steve Robichaud Director of Planning and Chief Planner
<b>SUBMITTED BY:</b>	Jason Thorne General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That approval be given to **Zoning Application ZAR-11-040, by Ralfana Homes Corporation, Owner**, for a change in zoning from the “A” (Agricultural) Zone to the “R4-666” (Residential) Zone, Modified for lands located at 1261 Mohawk Road, as shown on Appendix “A” to Report PED16080, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED16080, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement, conforms with the Places to Grow – Growth Plan and complies with the Town of Ancaster Official Plan and Urban Hamilton Official Plan.

- (b) That approval be given to **Draft Plan of Subdivision Application 25T-201106, by Ralfana Homes Corporation, Owner**, to establish a Draft Plan of Subdivision known as Hazelwood Subdivision, on lands located at 1261 Mohawk Road, as shown on Appendix “A” to Report PED16080, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision, 25T201106, prepared by Ralfana Homes Corporation, and certified by E.J. Grenkie, O.L.S., dated June 5, 2015 (see Appendix “C” to Report PED16080), showing six lots for single detached residential dwellings (Lots 1- 6) on a private condominium road and visitor parking (Block B), and one block for a road widening (Block A), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “D” to Report PED16080;
  - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, and will be calculated in accordance with the City’s Parkland Dedication By-law, and shall be based on the value of the lands on the day prior to the issuance of each building permit; and,
- all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.
- (c) That approval be given to **Draft Plan of Condominium (Common Element) Application 25CDM-201603 by Ralfana Homes Corporation, Owner**, to establish a Draft Plan of Condominium (Common Element) consisting of a condominium road and visitor parking, on lands located at 1261 Mohawk Road, as shown on Appendix “A” to Report PED16080, subject to the following:
- (i) That this approval apply to the Draft Plan of Condominium (Common Element), 25CDM-201603, prepared by Ralfana Homes Corporation, and certified by E.J. Grenkie, O.L.S., dated January 11, 2016 (see Appendix “E” to Report PED16080), showing a private condominium road and visitor parking, subject to the owner entering into a Standard Form Condominium Agreement, as approved by City Council, and with the special conditions attached as Appendix “E” to Report PED16080.

## **EXECUTIVE SUMMARY**

The applicant has applied for approval of Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium (Common Element) for lands located at 1261 Mohawk Road, Ancaster. The applications for Zoning By-law Amendment and Draft Plan of Subdivision were originally applied for to establish a total of four lots for single detached dwellings that would front on a new municipal road. The applications

have since been modified and an application for Draft Plan of Condominium has been applied for to permit the development of six lots for single detached dwellings that will front on a new condominium road, which will be accessed off of Mohawk Road (see Appendix “C” and “F” to Report PED16080). The applicant requires modifications to the “R4” Residential Zone for reduced lot area, reduced lot frontage, reduced exterior side yard setback, reduced front yard setbacks, and increased lot coverage.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (PPS), conform to the Growth Plan for the Greater Golden Horseshoe and comply with the policies of the Town of Ancaster Official Plan and the Urban Hamilton Official Plan. The proposal is considered to be compatible with the existing development pattern in the area and represents good planning by establishing compatible infill development.

***Alternatives for Consideration – See Page 34***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS (for recommendation(s) only)**

**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 a Zoning By-law Amendment, approval of a Draft Plan of Subdivision and approval of a Draft Plan of Condominium.

**HISTORICAL BACKGROUND (Chronology of events)**

**Proposal**

The subject lands are located on the north side of Mohawk Road, west of Scenic Drive, and at the start of the bend south towards the Lincoln Alexander Parkway. The subject lands are currently developed with an existing single detached dwelling.

The proposal was originally submitted for the creation of four lots for single detached dwellings with the four lots fronting onto a new public road. Due to the constraints of the land, it was not possible to establish a new public road in accordance with the standards of the City of Hamilton. As a new public road could not be established the proposal was changed by the applicant to establish a Common Element condominium road. In addition, the proposal was further amended to include additional lands to the north and the lands from an unopened road allowance to the east, as well as to increase the scale of the development from four to six single detached lots.

**SUBJECT: Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12) - Page 4 of 35**

---

Based on the amended proposal, the requested applications consist of a Zoning By-law Amendment in order to provide for appropriate zoning to facilitate the proposed development, a Draft Plan of Subdivision to create six lots for single detached dwellings on a private road, and a Draft Plan of Condominium in order to establish a Common Element condominium road which will provide access and servicing for the six lots.

### **Chronology**

- August 4, 2011: Zoning Application ZAR-11-040 received by the City of Hamilton.
- August 5, 2011: Subdivision Application 25T-201106 received by the City of Hamilton.
- August 29, 2011: Zoning Application ZAR-11-040 and Subdivision Application 25T-201106 deemed complete.
- September 2, 2011: Notice of Complete Application and Preliminary Circulation for Zoning Application ZAR-11-040 and Subdivision Application 25T-201106 sent to 47 property owners within 120 m of the subject lands.
- September 14, 2011: The public notice sign was posted on the subject property.
- August 13, 2013: Urban Hamilton Official Plan is brought into full force and effect.
- June 5, 2015: Zoning Application ZAR-11-040 and Subdivision Application 25-201106 amended to establish six single detached dwelling units instead of four single detached dwelling units.
- January 14, 2016: Condominium Application 25CDM-201603 received by the City of Hamilton.
- March 9, 2016: The public notice sign was updated to reflect the date and time of the meeting, to note the Draft Plan of Condominium Application, and the changes to the proposal.
- March 18, 2016: Notice of Public Meeting and Notice of Complete Application for Condominium Application 25CDM-201603 was mailed to 47 property owners within 120 m of the subject property.

**Existing Land Use and Zoning:**

**DETAILS OF SUBMITTED APPLICATIONS**

**Location:** 1261 Mohawk Road, Ancaster

**Owner:** Ralfana Homes Corporation

**Agent:** Ralfana Homes Corporation

**Property Size:** Lot Area: 2,965 sq m

Frontage: 50 m

Depth: 64 m (irregular)

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<b>Subject Land:</b>	Single Detached Dwelling	Agricultural "A" Zone
<b>Surrounding Land:</b>		
North:	Single Detached Dwellings	Agricultural "A" Zone
East:	Single Detached Dwelling	Agricultural "A" Zone
South:	Single Detached Dwellings and Retirement Home	Agricultural "A" Zone and Major Institutional "I3" Zone
West:	Conservation Authority Lands	Agricultural "A" Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (2014)**

The Provincial Policy Statement (PPS) sets the policy foundation for regulating the development and use of land. The proposed development was reviewed with respect to the policies of the PPS.

The subject property is located within a Settlement Area and is consistent with the policies found in Subsection 1.1.3 of the PPS respecting growth in Settlement Areas. Specifically, Policies 1.1.3.2 and 1.1.3.4 call for land use patterns that allow for a range

of uses and densities with opportunities for intensification, while protecting public health and safety. Furthermore, Policy 1.4.3 states that planning authorities shall provide an appropriate range of housing types and densities.

The proposed development is consistent with the policies of the PPS by establishing residential zoning for the lands and establishing a residential subdivision on a condominium road which is compatible with the housing types and densities of the surrounding development.

The subject property meets two of the ten criteria for Archaeological potential and the policies found in Subsection 2.6.2 does not permit development on land in which there is archaeological potential unless the archaeological resources have been conserved. The applicant has undertaken an archaeological assessment as part of the applications for Rezoning, Draft Plan of Subdivision and Condominium Approval, however the archaeological assessment was based on the extent of the lands for the original four single detached dwelling lot proposal and will therefore need to be updated to reflect the additional lands for the revised proposal for the creation of six single detached dwelling lots. This has been addressed as Condition No. 6 of Appendix "D" of Report PED16080.

The subject property is located adjacent to Mohawk Road and within approximately 350 m of the Lincoln Alexander Parkway, both potential noise sources. Policy 1.2.6.1 requires sensitive land uses be planned to ensure that they are appropriately designed, buffered and / or separated from each other to prevent or mitigate adverse effects of noise. The applicant has undertaken an environmental noise impact assessment as part of the applications for Rezoning and Draft Plan Approval. The environmental noise impact assessment supported the proposed residential use of the lands subject to noise mitigation requirements the extent of which is outline in the Analysis and Rationale for Recommendation section of the report. The noise impact assessment was based on the original development proposal for the creation of four lots. As a condition of Draft Plan of Subdivision (through Condition No. 16 of Appendix "D" of Report PED16080), the applicant will be required to update the environmental noise assessment and to implement the required noise mitigation measures.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe (GGH) sets out a vision to 2031 for how growth should occur in the GGH. This plan is based on a series of guiding principles which are aimed at building compact, complete and vibrant communities; managing growth to support a strong competitive economy; make more efficient and effective use of infrastructure; and, protecting and enhancing natural resources.

The subject lands are within the built-up area. Policy 2.2.2.1 a. “directs significant portions of new growth to the built-up areas of the community through intensification.”

Policy 2.2.3.1 states “that by the year 2015 and for each year thereafter a minimum of 40 per cent of all residential development occurring annually within a municipality will be within the built-up area.”

The proposal is to establish zoning and subdivision approval for six single detached residential dwellings on a common element condominium road within the built-up area. The proposed development focuses residential development within the built-up area, and conforms to the policies that direct growth into the built-up area and the policies that facilitate and promote intensification of an appropriate type and scale in intensification areas. Based on these criteria, the proposed development conforms to the policies of the Growth Plan for the Greater Golden Horseshoe.

### **Hamilton Wentworth Official Plan**

The subject applications for change in Zoning and Draft Plan of Subdivision were originally submitted prior to the Urban Hamilton Official Plan (UHOP) being brought into force and effect. Therefore, in accordance with the Clergy Principle, the following policies of the Hamilton-Wentworth Official Plan, among others, were reviewed with respect to the subject applications. The application for Draft Plan of Condominium was submitted in January 2016 and therefore the Draft Plan of Condominium is not subject to the policies of the Hamilton-Wentworth Official Plan.

The subject property is designated Urban in the Hamilton Wentworth Official Plan.

“C-3.1 A wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Area. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the Year 2020. Accordingly, the Plan establishes a land use strategy for the Urban Area that consists of:

a. Compact urban form, including mixed use areas.

C-3.1.1 A compact higher density urban form, with mixed use development in identified Regional and Municipal centres and along corridors, best meets the environmental, social and economic principles of sustainable development.”

The proposal is to establish zoning approval and subdivision approval for six single detached residential dwellings on a common element condominium road within the

Urban Area. As the proposal establishes new residential housing units within the Urban Area, the proposal contributes toward the goal of accommodating 96% of new residential housing units within the Urban Area by 2020, therefore complying with the policies that encourage new residential development to be accommodated within the Urban Area. Based on these criteria, the proposal complies with the policies of the Hamilton-Wentworth Official Plan.

### **Town of Ancaster Official Plan**

The subject applications for change in Zoning and Draft Plan of Subdivision were originally submitted prior to the Urban Hamilton Official Plan (UHOP) being brought into force and effect, and therefore in accordance with the Clergy Principle, the following policies of the Town of Ancaster Official Plan, among others, apply with respect to the subject applications. The application for Draft Plan of Condominium was submitted in January 2016 and therefore the Draft Plan of Condominium is not subject to the policies of the Town of Ancaster Official Plan.

The subject property is designated “Residential” in the Town of Ancaster Official Plan.

- “4.4.1 The predominate use of lands designated Residential on Schedule B shall be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains).
- 4.4.2 Types of residential development permitted in the Residential designation shall be single detached dwellings, semi-detached dwellings, town houses, low-rise apartments and innovative forms of attached housing. Residential buildings shall have no more than three occupied storeys entirely above grade except that Council may consider exceptions in Specific Policy Area 3 and Special Policy Area 22 where mid-rise apartments shall be permitted without an amendment to this Plan.
- 4.4.10 Council recognizes that Residential Intensification is an important component in reducing housing costs. Residential intensification is defined as the creation of new residential units or accommodations in existing buildings or previously developed and/or serviced land. Accordingly, Residential Intensification shall be encouraged where appropriate on the basis of the following criteria:
- i) In the case of infilling, redevelopment or conversion of non-residential structures in whole or in part, Residential Intensification shall be subject to the following considerations:



(a) Complementing the established development pattern by taking into consideration natural vegetation, lot frontages and areas, building heights, coverage, mass, setbacks, privacy and overview; and,

(b) Compliance with the other objectives of this Plan.

4.4.12 No new Residential development shall be permitted until a road system is established to the satisfaction of Council.”

The proposed single detached dwellings complement the established development pattern of the area with a compatible lot size, building height, massing, coverage, setback and overview. As the proposed applications are for the development of six new single detached residential dwellings on a private condominium road with connections to full municipal services, the proposal complies with the policies of the Town of Ancaster Official Plan.

“4.4.14 The subdivision of land, in the area designated Residential by this Plan, shall be predominately by means of a Registered Plan of Subdivision in accordance with the *Planning Act*.

7.5.1 It shall be the policy of the Council to recommend to the Regional Municipality of Hamilton-Wentworth for approval only those draft Plans of Subdivision intended for Residential purposes which comply with the policies of this Plan and which, to the satisfaction of the Council, can be supplied with adequate services such as schools, fire protection, water supply, sewer disposal facilities, storm water retention and controlled discharge facilities and which by reason of such approval would not adversely affect the economy of the Town.”

The proposal for six lots for detached dwellings is being established through a Draft Plan of Subdivision and will have adequate services. Therefore, the proposed Subdivision complies with the policies of the Town of Ancaster Official Plan.

### **Urban Hamilton Official Plan (UHOP)**

The proposed applications for Zoning By-law Amendment and Draft Plan of Subdivision were applied for while the Urban Hamilton Official Plan (UHOP) was still under appeal and therefore not in force and effect. The UHOP is now in force and effect and was adopted by Council and Approved by the Ministry of Municipal Affairs and Housing at the time the applications for Zoning By-law Amendment and Draft Plan of Subdivision were applied for and is now in force and effect. The Draft Plan of Condominium application was applied for in January 2016 and therefore is subject to the policies of

the UHOP. Therefore the applications have been reviewed with respect to the policies of the UHOP.

The subject property is identified as a “Secondary Corridor” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the UHOP. The following policies, among others were reviewed with respect to the subject applications.

- “E.2.4.10 The built form along the Urban Corridors shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors, with medium density housing located between the clusters.
- E.2.4.12 Secondary Corridors are currently characterised, in large measure, by single use buildings. The intent of this Plan is to evolve the Secondary Corridors to an increasing proportion of multiple storey, mixed use buildings in small cluster locations with at grade retail and service commercial uses.
- E.2.4.13 Corridor studies or secondary planning shall be undertaken for the Urban Corridors to provide greater direction on mix of uses, heights, densities, built form, and design. Pending the completion of such studies, the land use designations and policies, set out in Chapter E – Urban Systems and Designations, shall provide direction for development proposals.
- E.2.4.15 New development shall respect the existing built form of adjacent neighbourhoods, where appropriate by providing a gradation in building height. New development shall locate and be designed to minimize the effects of shadowing and overview on properties in adjacent neighbourhoods.”

The proposed Zoning By-law Amendment, Draft Plan of Subdivision application, and Draft Plan of Condominium application are for the establishment of six single detached residential dwelling units and a private condominium road with an associated parking area. The policies of the UHOP call for the development of low to mid rise forms or mixed use forms of development along Secondary Corridors. The policies of the Urban Hamilton Official Plan state that as the subject lands are not within a corridor study or secondary plan, the policies of the Neighbourhoods Designation shall provide direction for development proposals. Additionally the policies require that new development respect existing built form of adjacent neighbourhoods. The adjacent residential

development to the north, east, and south are comprised of large lot single detached dwellings and to the west is a conservation area. The proposed small lot single detached residential dwelling units represent an appropriate standards transition from the adjacent development.

“E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:

a) Residential dwellings, including second dwelling units and housing with supports.

E.3.2.4 The existing character of established Neighbourhood designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential intensification and other applicable policies of this Plan.

E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.

E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.”

The proposal is to establish six single detached residential units and therefore the proposed use is permitted in the Neighbourhood Designation. While the proposed low density development is located on the exterior of the neighbourhood, the proposal is appropriate given the site constraints, the character of the area, and design of the proposed development.

“E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

a) Direct access from lots to adjacent major or minor arterial roads shall be discouraged.”

The proposed lots will be accessed by a Condominium road and will therefore not directly access onto the adjacent arterial road (Mohawk Road) to ensure that no direct individual access is established a Zoning By-law provision is proposed to prevent direct access off of Mohawk Road.

“B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – implementation.

- B.2.4.1.4 Residential Intensification developments shall be evaluated based on the following criteria:
- a) A balanced evaluation of the criteria in b) through g) as follows:
  - b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built forms;
  - c) The development's contribution to maintaining and achieving a range of dwelling types and tenures;
  - d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
  - e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
  - f) Infrastructure and transportation capacity; and,
  - g) The ability of the development to comply with all applicable policies.
- B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated;
- a) The matters listed in Policy B.2.4.1.4;
  - b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
  - c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
  - d) The consideration of transitions in height and density to adjacent residential buildings;
  - e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
  - f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;

- g) The ability to respect and maintain or enhance the streetscape patterns including block length, setbacks and building separations;
- h) The ability to complement the existing function of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

The proposal to establish six single detached dwellings on the subject property represents an appropriate form of intensification which maintains a compatible scale, height, and density to that of the development in the surrounding neighbourhood. The proposed development will be serviced with adequate municipal services and maintain adequate access to transportation infrastructure.

The proposed lots will be of a similar size and scale to adjacent development. The proposal will establish a compatible side yard setback between the dwelling on Lot 6 and the dwelling on the lands to the east. The proposed 1.2 m side yard setback abutting the lands to the north (1263 Mohawk Road) will not negatively impact the abutting lands due to the fact that the rear yard of 1263 Mohawk Road functions as a front yard due to the design and implementation of the existing dwelling and the fact that 1263 Mohawk Road is not accessed from Honeysuckle Crescent due to the change in topography. Instead, the property accessed from Mohawk Road by way of an easement over the proposed condominium road.

The proposed development and the lots that will be created will maintain adequate amenity space and maintain the relationship to existing patterns of private and public amenity space; and are compatible with adjacent land uses with respect to shadowing, overlook, noise, lighting, traffic and other nuisance effects.

The proposed development therefore complies with the Residential Intensification policies of the Urban Hamilton Official Plan.

#### Built Heritage and Archaeology

“B.3.4.4 The City shall require the protection, conservation, or mitigation of sites of archaeological value and areas of archaeological potential as provided for under the *Planning Act*, the *Environmental Assessment Act*, the *Ontario Heritage Act*, the *Municipal Act*, the *Cemeteries Act*, or any other applicable legislation.

B.3.4.4.2 In areas of archaeological potential identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required

and submitted prior to or at the time of the application submission for the following planning matters under the *Planning Act*;

- b) Zoning By-law Amendment unless the development proposed in the application in question or other applications on the same property does not involve any site alterations or soil disturbance; and,
- c) Plans of Subdivision.”

An archaeological assessment was undertaken as part of the applications for a Zoning By-law Amendment and Plan of Subdivision. The findings of the archaeological assessment was that no archaeological resources were encountered at the study area and that no further archaeological assessment of the property is required. It is, however, noted that the archaeological assessment submitted was based on the scope of the lands required to implement the original development pattern for four single detached residential lots and did not include the additional lands that are now included in the amended application for six single detached residential dwellings. Therefore, the applicant will be required as a condition of subdivision approval to provide an updated archaeological assessment that includes the additional lands. This has been addressed as Condition No. 6 of Appendix “D” of Report PED16080.

#### Noise, Vibration, and Other Emissions

The following policies among others, are applicable to this proposal:

- “B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.
- B.3.6.3.3 Where feasible and in compliance with other policies, the City shall ensure that land use arrangements which minimize the impact of noise and vibration be considered in the formulation of plans of Subdivision and Condominium, Official Plan Amendments, Severances, and Zoning By-law Amendments.
- B.3.6.3.4 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following:
  - a) Sound-proofing measures, construction techniques, and materials;
  - b) Layout and design of the structure or outdoor living areas;

- c) Spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers;
- d) Building setbacks;
- e) Acoustical barriers such as berms, living walls, walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies; and,
- f) The use of suitably designed higher density residential structures.”

An Environmental Noise Impact Study was undertaken as part of the application for a Zoning By-law Amendment and Plan of Subdivision. The Environmental Noise Impact Study was based on the lands being developed for a total of four lots. One of the additional dwellings is located to the rear of the development and the second additional dwelling is located on the east side of the proposed Condominium road, with the front of the dwelling facing Mohawk Road and the amenity space for the dwelling unit located to the rear of the lot with the dwelling unit between the amenity space and Mohawk Road. The Environmental Noise Impact Study will need to be updated to reflect the scope of the development and any mitigation measures identified will need to be implemented. This has been addressed as Condition No. 16 of Appendix “D” of Report PED16080.

### Natural Heritage

The following policies amongst others, are applicable to this proposal:

- “C.2.5.5 New development and site alterations shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.
- C.2.5.8 New development and site alterations subject to policies C.2.5.3 to C.2.5.7 requires prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant conservation Authority that:
  - a) There shall be no negative impacts on the Core area’s natural features or their ecological functions.
  - b) Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.

- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible.”

An Environmental Impact Statement (EIS) was submitted and reviewed as part of the original application for Zoning By-law Amendment and Plan of Subdivision to establish a total of four lots. The EIS was also reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG). ESAIEG as well as City of Hamilton staff and Hamilton Conservation Authority staff were satisfied with the findings of the EIS but required the inclusion of a number of conditions including: the clean up debris along the edge of the ESA; to plant compensation trees in the ESA; to establish rear fencing to prevent rear yard access to the ESA; to only remove trees outside of bird breeding season; to prepare a landscape plan for the replanting of trees; and, to revegetate upon the completion of construction. These conditions will be included as Condition Nos. 15 (f), 19, 21, and 22 of Appendix “D” to Report PED16080 and Condition No. 3 (f) of Appendix “E” to Report PED16080.

#### Draft Plan of Subdivision

“F.1.14.1.1 The division of land shall occur by registered Plan of Subdivision where:

- a) A new road or an extension to an existing road is required; and,
- b) It is deemed in the public interest for the proper and orderly development of lands.

F.1.14.1.2 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*.”

The proposed Plan of Subdivision will have adequate municipal services, will not adversely impact upon the transportation system or the natural environment. In addition, the proposed Plan of Subdivision complies with the policies of Urban Hamilton Official Plan.

#### 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 cost and 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;
  - c) Outline the City’s intention toward the scheduling and processing of plans of subdivision for residential, employment and commercial development, and infrastructure;
  - d) Identify subdivisions which require owners to be responsible for paying for the installation of growth related, City capital works in exchange for or as a credit towards, the payment of required development subdivided. In accordance with the *Development Charges Act* and the Development Charges By-law;
  - e) Identify subdivisions which include engineering services to be arranged through front-ending Agreements under the *Development Charges Act*;

- i) The Staging of Development Plan shall be established with consideration of criteria for determining the appropriate staging and priority for development. The criteria include:
  - i. Status of plans of subdivision;
  - ii. Provincial legislation regarding land supply, density targets, and intensification;
  - iii. Status of adjacent lands;
  - iv. Financing;
  - v. Serviceability; and,
  - vi. Market forces.

In review, this plan has been identified in the City of Hamilton's Staging of Development Plan. The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides for additional assessment and development charges revenue, housing opportunities and complies with the Official Plan.

Based on the foregoing, the proposal complies with the intent and purpose of the Urban Hamilton Official Plan Volume 1, and can be supported.

### **Town of Ancaster Zoning By-law**

The subject property is currently zoned Agricultural "A" Zone in the Town of Ancaster Zoning By-law, which permits agricultural uses and farm dwellings on large lots.

The proposed change in zoning will establish the Residential "R4-666" zoning on the subject lands, which will permit single detached dwellings on a private condominium road.

### **RELEVANT CONSULTATION**

The following internal Departments and external Agencies had no concerns or objections with respect to the proposed applications:

- Taxation;
- Recreation Division, Community Services;
- Hydro One;
- Ministry of Transportation; and,
- Source Protection Planning.

**SUBJECT: Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12) - Page 19 of 35**

---

The remaining internal departments and external agencies have provided the following comments:

**Urban Forestry and Horticulture, Public Works Department,** forestry staff identified one municipal tree located on the road allowance of Mohawk Road. There are private trees located on the property that will be impacted by the development. A Tree Management Plan is required to survey, identify and accurately plot the trees on the plan as well as any tree protection measures.

Any trees that are to be maintained shall be protected during the construction phase of the development.

All municipal trees that are to be removed are subject to a replacement fee.

A Tree Protection Plan has been prepared with respect to on-site trees and trees adjacent to the subject property. Final approval of the Tree Protection Plan has not yet been given. This has been addressed as Condition No. 23 of Appendix "D" of Report PED16080.

A landscape Plan will be required to show tree planting on the City Road Allowance (Condition No. 19 (c) of Appendix "D" of Report PED16080).

**Corporate Assets and Strategic Planning Division, Public Works Department,** staff advise that the Subdivision will be eligible for weekly collection of garbage, green cart organics, recyclable material, and lead and yard waste through the City of Hamilton. Operation Support staff advise that as the Subdivision does not allow for continuous forward movement within the Subdivision therefore individual pickup will not occur and that all waste will be collected at the entrance of the Subdivision on Mohawk Road. The developer will be required to ensure that prospective purchasers are made aware that waste collection will not be picked up from individual properties. To ensure that prospective purchasers as well as tenants are made aware, a warning clause will be included in the Subdivision Agreement and all Purchase and Sale and / or any Rental or Lease Agreements, (Condition No. 15 (g) on Appendix "D" of Report PED16080 and as a condition of approval of the Draft Plan of Condominium through Condition No. 3 (g) on Appendix "E" of Report PED16080).

**Corridor Management, Public Works,** staff advised that the configuration of Hazelwood Avenue is not to municipal standard and does not allow for continuous forward manoeuvring of maintenance, waste or emergency vehicles.

Planning staff advise that the application was originally submitted with the intention of establishing a municipal road to service the residential development, but given the site constraints and that the configuration of the road could not meet the standards of the

City of Hamilton, the proposal has since been amended to establish a condominium road as opposed to a municipal road.

**Hamilton Municipal Parking System (HMPS)**, staff advise that the applicant must ensure that all driveways and garages are suitably dimensioned without encumbrances, to allow the continued use of these facilities for parking purposes. All parking requirements must be met on-site as there is no opportunity for public parking in this area.

HMPS staff recommend that driveways maintain a 6.5 m separation from each other in order to maximize the availability of on-street parking.

HMPS staff require the inclusion of a warning clause be placed in all purchase or sale and lease or rental agreements to advise prospective purchasers about parking limitations in the area and that garage spaces are intended for the purpose of parking.

These conditions will be included as conditions of approval of the Draft Plan of Subdivision through Condition No. 15 (a) and (b) of Appendix "D" of Report PED16080 and as conditions of Approval of Draft Plan of Condominium through Conditions No. 3 (a) and (b) of Appendix "E" of Report PED16080.

**Development Planning, Real Estate**, staff noted that the owner / applicant has purchased the Hazelwood Avenue Road Allowance.

**Hamilton Conservation Authority (HCA)**, staff reviewed the development applications and conducted a site visit with the applicant. The Hamilton Conservation Authority does not object to the proposed development but require the inclusion of a number of conditions of Draft Plan approval in order to appropriately manage storm water run-off and to protect the Environmentally Significant Area which abuts the subject property to the west (Condition No. 21 of Appendix "D" of Report PED16080).

HCA staff also reviewed recommendations of the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) and expressed concerns with recommendation for compensation planting within the Hamilton Conservation Authorities property (Iroquoia Heights Conservation Area) due to extensive deer browsing. Discussions should therefore be undertaken with HCA staff (Condition No. 22 of Appendix "D" of Report PED16080).

**Niagara Escarpment Commission (NEC)**, staff noted that intensification is permitted in the Urban Area and therefore the NEC has no objection, in principle to the proposal.

The NEC staff noted that a permit was applied for and was approved by the NEC in February 2007. The permit was appealed by adjacent residents and a hearing was held

in May 2007. The concerns raised at the hearing were that the location of the proposed road, Hazelwood Avenue, would be located immediately adjacent to the west wall of the appellant's residence. On July 19, 2007 the lands were removed from Development Control by the Minister of Natural Resources. As there was no jurisdiction to review the application because of the removal of Development Control, the hearing was dismissed.

**Bell Canada**, advised that the Developer must confirm that sufficient wire-line communications / telecommunication infrastructure is currently available within the development to provide communication / telecommunication services to the proposed development. If it is not available the Developer will be required to pay for the connection to and / or extension of the existing communication / telecommunication infrastructure or the developer will 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.

Bell Canada has required a condition be included as part of the Draft Plan of Subdivision Approval:

- "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."

This condition has been included as Condition No. 17 of Appendix "D" of Report PED16080 and as Condition No. 5 of Appendix "E" of Report PED16080.

### **Canada Post**

Canada Post staff has advised that mail delivery services will be provided through a Community Mailbox. Canada Post staff included a number of conditions of approval outlined as followed:

- "a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - i) That the home / business mail delivery will be from a designated Centralized Mail Box.

- ii) That the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
- i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
  - ii) Install a concrete pad in accordance with requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes.
  - iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation within each phase of the plan of subdivision.
  - iv) Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- c) Canada Post's multi-unit policy, which requires that the owner / developer provide the centralized mail facility at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or shelter space."

The conditions have been included as Condition Nos. 15 (h), (i), and No. 18 of Appendix "D" of Report PED16080 and as Condition No. 3 (h), (i) and No. 4 of Appendix "E" of Report PED16080.

### **Union Gas**

While no comments from Union Gas were received with respect to these applications, a requirement of any necessary easements or agreements to provide gas services is typically required. This has been included as Condition No. 6 of Appendix "E" of Report PED16080.

**Public Consultation:**

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 47 property owners within 120 m of the subject lands on September 2, 2011. At the time of the writing of this report a total of one letter of correspondence was received.

The letter of correspondence included signatures from additional neighbouring property owners who agreed with the concerns outlined in the letter, which included issues of noise, traffic congestion, loss of visibility of the natural features in the area, loss of trees, and increased potential for trespass. The issues identified in the submission is discussed in the Analysis and Rationale for Recommendations section of the Report.

Notice of Complete Application of the Draft Plan of Condominium along with notification of the changes in the Draft Plan of Subdivision to include both the additional lands in the proposed development and to modify the development from four lots to six lots was circulated along with the Notice of Public meeting to all property owners within 120 m of the subject lands.

Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* through the circulation to property owners within 120 m of the subject lands and through the posting of a sign on the property, and this notification will include the modification to the number of proposed units.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium applications have merit and can be supported for the following reasons:
  - (i) They are consistent with the PPS and conform to the Growth Plan for the Greater Golden Horseshoe, as they represent an opportunity for growth in the settlement area;
  - (ii) They comply with the Hamilton Wentworth Official Plan, Town of Ancaster Official Plan and Urban Hamilton Official Plan; and,
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area.

2. The proposed development consists of a residential subdivision of six lots for single detached dwellings, a rezoning application and a condominium application to establish a common element condominium road with visitor parking. All of the six lots will have access onto a new common element condominium road and share visitor parking spaces within the common element. As the proposed road access for the six proposed lots will not be assumed by the City of Hamilton as a municipal road, the proposed road access will have to be a condominium road and will represent a common element for the six lots that will access onto the condominium road. The six proposed lots will be private freehold lots that share access to the common element condominium road and will share a total of four visitor parking spaces. The lot sizes vary from 12.1 m in width (the narrowest lot) up to 15 m in width. The five dwellings on the west side of the new private condominium road will be oriented towards the condominium road and will range in lot depth from 30.4 m to 33.2 m in depth, while the one dwelling on the east side of the new private condominium road will be oriented towards Mohawk Road and will have a lot depth of 39.6 m, but will have a setback of 14.14 m from the front lot line.

The subject lands abut the registered “Scenic Woods Phase 2” subdivision to the north. The proposed development is separated from the abutting “Scenic Wood Phase 2” subdivision in that no part of the proposed development will have access from, front onto, or abut any road in the “Scenic Woods Phase 2” subdivision. The size and scale of development represents an appropriate transition from the character of the “Scenic Wood Phase 2” Subdivision which is characterized by large lot single detached dwellings.

3. The proposed application for rezoning is for a change in zoning in the Town of Ancaster Zoning By-law from the “A” Agricultural Zone to the “R4” Residential Zone. The applicant is also requesting that the requirements of the “R4” Residential Zone be modified specifically in respect to the minimum lot area and lot frontage requirements, reduction of the minimum front yard setback and minimum exterior side yard setback requirements, and increase in the maximum lot coverage requirement to implement the proposed development.

#### Lot Area

The proposed modification is to reduce the minimum lot area requirement of the “R4” Residential Zone for the subject property from 400 sq m for an interior lot to 370 sq m for an interior lot and from 500 sq m for a corner lot to 370 sq m for a corner lot.

The subject lands are identified as a Secondary Corridor in the Urban Hamilton Official Plan and Mohawk Road is classified as a major arterial road along which



more intense forms of development are encouraged. While intensification and higher density is encouraged along Secondary Corridors and on major arterial roads the policies of the Urban Hamilton Official Plan also require that intensification be compatible with the established development of the area. The existing residential development in the area is comprised of large lot single detached residential dwellings both to the rear as well as to the east and south of the subject lands. The proposal to establish six smaller lot single detached residential dwellings having lot areas of a minimum of 370 sq m on a Condominium road represents an appropriate level of intensification while maintaining compatibility with the existing residential character of the area. Therefore, the proposed modification for reduction in the minimum lot area requirement for both interior lots and corner lots has merit and can be supported.

#### Lot Frontage

The proposed modification is to reduce the minimum lot frontage requirement of the “R4” Residential Zone for the subject property from 16 m for a corner lot to 12 m for a corner lot.

As discussed with respect to the modification for lot area, the proposal to establish smaller lot single detached residential dwellings represents an appropriate level of intensification while maintaining compatibility with the existing residential character of the area. In addition, there is limited development that fronts onto the north side of this section of Mohawk Road and therefore the reduced frontage for the two corner lots will not detract from the streetscape character of the neighbourhood. Based on the above, the proposed modification for reduction in minimum lot frontage for a corner lot has merit and can be supported.

#### Exterior Side Yard Setback

The proposed modification is to reduce the minimum exterior side yard setback requirement of the “R4” Residential Zone from a 5.2 m (plus 15 m from the Centreline of Mohawk Road) to 1.2 m. This modification effects only Lots 5 and 6 on the Draft Plan of Subdivision (see Appendix “C” of Report PED16080).

The purpose of requiring a 5.2 m exterior side yard setback is to maintain a compatible streetscape character with respect to the massing and location of buildings along a street. There are a total of three buildings that front onto the north side of Mohawk Road between Scenic Drive and the Lincoln Alexander Parkway, including the existing dwelling on the subject property. This limited number of buildings does not provide a substantive basis to establish a streetscape pattern. In addition, the existing building on the property immediately to the east maintains a large retaining wall in proximity to the street due to the

changes in topography. The existing retaining wall establishes massing close to the street and the massing proposed for the corner lot on the west side of the proposed private condominium road is reflective of that massing.

Based on the above, the proposed modification for a reduction in the minimum exterior side yard setback has merit and can be supported.

#### Front Yard Setback

The proposed modification is to reduce the minimum front yard setback requirement of the “R4” Residential Zone from 7.5 m to 6 m.

The purpose of requiring a minimum front yard setback of 7.5 m is to maintain a compatible streetscape character with respect to massing and location of buildings along a street. The front lot line of five of the six proposed lots is along the proposed private condominium road, while the sixth lot, on the east side of the condominium road, will maintain a front yard setback of 14 m from the front lot line due to the topography of the site. As the lots with the proposed reduced front yard setback are all located fronting onto the proposed condominium road, the proposed 6m minimum front yard setback requirement will inform the character on the private condominium road and will not affect the character along Mohawk Road. In addition, the reduction in front yard will be able to accommodate an appropriately sized driveway to accommodate parking on-site. The proposed reduction in the minimum front yard setback has merit and can be supported.

#### Lot Coverage

The proposed modification is to increase the maximum lot coverage requirement of the “R4” Residential Zone from 35% to 42%.

The purpose of requiring a maximum lot coverage of 35% is to maintain a compatible streetscape and to maintain adequate pervious surface to appropriately manage storm water runoff.

In review of the applications for rezoning and Draft Plan of Subdivision, the applicant submitted a Storm Water Management Report which was reviewed by Development Engineering staff as well as the Hamilton Conservation Authority, who have no objections to the proposed development subject to the inclusion of conditions of Draft Plan Approval to ensure that storm water runoff is appropriately managed. As storm water runoff will be adequately managed, the proposed 7% increase in lot coverage is not expected to negatively impact the drainage of the properties.

**SUBJECT: Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12) - Page 27 of 35**

---

With respect to streetscape character, the lots in question will front onto a new condominium road which will have its own unique character. In addition, the proposed 7% increase in lot coverage does not represent a significant increase in lot coverage and represents an appropriate level of intensification on an arterial road relative to the large lot single detached dwellings that existing in the neighbourhood.

Based on the above, the proposed modification for an increase in the maximum lot coverage requirement has merit and can be supported.

Multiple Dwelling Units on One Lot

The provisions of the “R4” Residential Zone restrict the use of the land to one detached dwelling. Until the Subdivision is registered, the lands will still remain one lot which would restrict the establishment of the proposed dwellings to only one of the proposed six lots. In order to facilitate the development of the lands a modification to the By-law is required to permit the establishment of a maximum of six detached dwellings on one lot prior to registration of the Plan of Subdivision. Upon registration this modification to the by-law would no longer apply and the provisions that restrict the use of the land to one detached dwelling would apply.

Based on the above, the proposed modification to temporarily allow a maximum of six single detached dwellings on one lot prior to registration of the Plan of Subdivision has merit and can be supported.

Front Lot Line

The proposed lot on the east side of the proposed private condominium road (Lot 6) is defined as a through lot due to the fact that the lot has frontage on Mohawk Road along the southerly lot line and frontage on the condominium road along the westerly and northerly lot line. Based on how lot lines are defined and determined in the Town of Ancaster Zoning By-law, the northerly lot line at the rear of Lot 6 would be defined as the front lot line. However, based on the orientation of Lot 6, this does not function as a front lot line but as a rear lot line. Therefore in order to ensure that the southerly lot line along Mohawk Road is defined as the front lot line, a modification to the By-law is required to classify the southerly lot line along Mohawk Road as the front lot line. This modification is technical in nature and therefore has merit and can be supported.

Rear Lot Line and Side Lot line

The Town of Ancaster Zoning By-law defines a rear lot line as all lot lines that are not front or side lot lines, and side lot lines are defined as lot lines touching the

front lot line. In the case of irregular shaped lots the definitions for rear and side lot lines can create multiple rear lot lines, as is the case with respect to Lot 5 which is slightly irregular in shape. To ensure that the respective lot lines are appropriately identified a modification is required to define the rear lot line as the lot line opposite farthest and opposite to the front lot line and a side lot line as any lot line other than a front or rear lot line. This modification is technical in nature and therefore has merit and can be supported.

#### Access

The proposed six lots will have access from the private condominium road and will not directly access from Mohawk Road. In order to ensure that current or future owners do not try to establish individual access from Mohawk Road, staff propose that a by-law modification be established which prohibits direct access to Mohawk Road. This modification implements the applicable Official Plan policies and therefore has merit and can be supported.

4. The following Engineering Issues were reviewed with respect to the proposed development for the creation of six single detached dwelling lots:

#### Water and Sanitary Services

There is an existing 200 mm watermain and a 250 mm sanitary sewer line running along Mohawk Road which are available to facilitate the servicing of the proposed development. The proposed lots will not connect directly to the services on Mohawk Road but will connect to new servicing lines that will be installed along the private condominium road. As the water and sanitary sewer connections are private, a sewer and water permit would be required, which would evaluate whether the proposed service connections are adequate.

#### Storm Sewers

There is currently no existing storm sewer immediately in front of the subject property. In order to facilitate the drainage of storm water a 300 mm storm sewer will need to be installed within the private condominium road and extended along Mohawk Road from the private condominium road to a 1200 mm culvert 60 m west of the subject property. This has been addressed as Condition No. 3 of Appendix "D" of Report PED16080.

#### Stormwater

In order to assess and appropriately manage stormwater runoff the applicant will be required to prepare a Stormwater Management (SWM) Report to demonstrate

how quality and quantity control will be handled. This has been addressed as Condition No. 5 of Appendix "D" of Report PED16080.

#### Sump Pumps

In order to properly evaluate drainage for the proposed development the applicant will be required to submit a detail design for the sump pumps which includes secondary relief and overflow as well as backup power. This has been addressed as Condition No. 9 of Appendix "D" of Report PED16080.

#### Road Widening

The maximum road width requirement along Mohawk Road is 30.48 m. The current width of Mohawk Road along the frontage of the subject property is 24.3 m. An irregular shaped road widening with a maximum width of 3.063 m will be required. This has been addressed as Condition No. 2 of Appendix "D" of Report PED16080.

#### Urbanization

The applicant is required as part of the development of the lands to pay for the applicants share of the total cost of urbanization of Mohawk Road. This has been addressed as Condition No. 1 of Appendix "D" of Report PED16080.

#### Road Access

The proposed lots will front onto a private condominium road (common element). The common element condominium road will have access off of Mohawk Road. In order to ensure that the access for common element condominium road is appropriately located the applicant will be required to provide plans showing the location of the condominium road as well as the location of any transit pad, community mailbox pads, fire hydrants, or lighting poles. The owner will also require a qualified Engineering Specialist to ensure that the access for the condominium road is appropriately design. These have been addressed through Conditions No. 4 and No. 7 of Appendix "D" of Report PED16080.

#### Sidewalks

The applicant will be required to provide sidewalks along Mohawk Road and to post securities for the installation of the sidewalk in accordance with City of Hamilton Policy. This has been addressed as Condition No. 8 of Appendix "D" of Report PED16080.

### Condominium Road

The proposed lots will not front onto Mohawk Road or have driveway access directly onto Mohawk Road, therefore a private condominium road will need to be established. As this proposal has already been evaluated through a Plan of Subdivision, where the six lots for single detached dwellings are being established, and the Draft Plan of Condominium establishes the design and layout of the proposed private condominium road, this proposal will not require site plan approval for the single family dwellings. Instead, any additional detailed design of the private condominium road will be evaluated through a condition of the Plan of Subdivision (Condition No. 12 of Appendix "D" of Report PED16080).

The applicant will be required as part of the Condominium approval process to choose a street name for the proposed condominium road and to establish street signage for the private condominium road. These have been addressed as Conditions No. 7 and No. 8 of Appendix "E" of Report PED16080.

### Site Plan

Typically, single detached dwellings are not required to go through the Site Plan Control approval process unless proposed as part of a draft Plan of Condominium where the proposed lot fabric and private road design and alignment have not been established. As this proposal establishes six lots for six single detached dwellings through a Draft Plan of Subdivision and the private road alignment is established through a Draft Plan of Condominium (Common Element), the site plan approval process would be redundant. In order to ensure that the private services and the private condominium road are designed appropriately, the applicant will be required to submit an Engineering design for the private services and the Condominium road. This has been addressed as Condition No. 12 of Appendix "D" of Report PED16080.

5. The proposed development will be required to pay Cash-in-lieu of Parkland prior to the issuance of a building permit. This has been addressed as Condition No. 14 of Appendix "D" of Report PED16080.
6. The subject property meets two of the ten criteria for Archaeological potential. As part of the applications the applicant prepared and submitted an Archaeological assessment. The findings of the Archaeological assessment identified that no archaeological resources were encountered and that no further archaeological assessment of the property is required. It is however noted that the Archaeological assessment that was submitted was based on the originally applied for lands and development pattern for the creation of four single detached residential dwelling lots and therefore the potential impact on Archaeological resources with respect to

**SUBJECT: Application for an Amendment to the Town of Ancaster Zoning By-law No. 87 - 57, Draft Plan of Subdivision, and Draft Plan of Condominium for Lands Located at 1261 Mohawk Road (PED16080) (Ward 12) - Page 31 of 35**

---

the additional lands and additional dwelling units were not evaluated. The applicant will be required to provide an updated Archaeological assessment to evaluate the additional lands and the revised development pattern. This has been addressed as Condition No. 6 of Appendix "D" of Report PED16080 along with the standard Subdivision Agreement Clause 3.4 a) ii) respecting archaeological assessment and grading authorization which ensures that any archaeological issues are addressed prior to preliminary grading.

7. The subject property abuts a portion of the Iroquoia Heights Environmentally Significant Area (ESA). As part of the applications, the applicant has prepared and submitted an Environmental Impact Study (EIS) which was reviewed by City staff and Hamilton Conservation Authority staff as well as the Environmentally Significant Areas Impact Evaluation Group (ESAIEG). ESAIEG was satisfied with the findings of the EIS but recommended the inclusion of two conditions. Specifically that the applicant clean up all debris and litter along the wooded edge of the ESA which abuts his property, and that the applicant provide compensation planting within the Iroquoia Heights ESA in-lieu of providing a buffer to the ESA.

These concerns have been addressed as Condition No. 22 of Appendix "D" of Report PED16080.

A Tree Protection Plan has been prepared with respect to on-site trees and trees adjacent to the subject property, identifying trees that are to be removed and maintained and protective measures to be implemented to protect the trees that are to be maintained during the development of the lands. Approval of the Tree Protection Plan has not yet been given and will be required prior to preliminary grading of the subject property. This has been addressed as Condition No. 23 of Appendix "D" of Report PED16080.

In addition to the conditions outlined by ESAIEG, staff require additional requirements to be addressed. These requirements include establishing fencing between the ESA and the rear lot lines of the proposed dwellings and establish a warning clause on title advising applicants against removing the fence or installing gates in the fence. Additional requirements are that the applicant agrees to remove vegetation only outside of the breeding season of birds or that a qualified biologist conduct a search for nests prior to tree removal. Finally, that the owner be required to prepare a Landscape Plan showing the placement of compensation trees for any tree removals completed in accordance with the approved Tree Protection Plan. These have been addressed as Condition Nos. 15. f) and No. 19 of Appendix "D" of Report PED16080 and has been addressed as Condition No. 3. f) of Appendix "E" of Report PED16080.

8. The subject property abuts Mohawk Road and is in proximity to the Lincoln Alexander Parkway, both being potential noise sources. As part of the applications, the applicant prepared and submitted an Environmental Noise Impact Study. The recommendations of the Environmental Noise Impact Study included the requirement of a noise barrier on site, the requirement that forced air heating with a provision for central air condition be provided for each dwelling, and that a warning clause be included in all purchase and sale agreements or rental and lease agreements.

These recommendations and requirements have been addressed as Condition Nos. 10, 11, 13 and 15 c), d), and e) of Appendix "D" of Report PED16080 and Condition Nos. 3 (c), (d), and (e) of Appendix "E" of Report PED16080.

9. As part of the application for Draft Plan of Condominium the applicant will be required to enter into a Development Agreement to ensure that the tenure of each of the proposed freehold dwelling units have frontage on the condominium road and that each freehold dwelling unit will have legal interest in common to the Common Element Condominium. This has been addressed as Condition No. 9 of Appendix "E" of Report PED16080.
10. In addition to the six proposed lots that will access the condominium road, the lot to the north (1263 Mohawk Road) has historically accessed their property across the lands that are intended for the common element condominium road, due to the significant change in grade between the dwelling and Honeysuckle Crescent. In order to preserve the access for the property at 1263 Mohawk Road an easement over the common element condominium lands will need to be established. This easement needs to be established both through the Plan of Subdivision and the Plan of Condominium and has been addressed as Condition No. 20 of Appendix "D" of Report PED16080 and as Condition No. 10 of Appendix "E" of Report PED16080.
11. Following the Notice of Complete Application, staff received one letter of objection signed by multiple property owners (see Appendix "G" of Report PED16080).

The concerns raised by the interested parties included the increase in the amount of noise and traffic congestion that the proposed dwellings will have; the reduction in the visibility of nature from the rear yards of the interested parties; reduction in the amount of trees and negative impact on the neighbouring conservation area; increase in foot traffic through the eco-sensitive area and trespassing by people trying to cut through their rear yards.

The interested parties represent the following properties 22, 24, 28, 30, and 34 Honeysuckle Crescent, the letter includes signatures from 24, 28, 30, and 34



Honeysuckle Crescent but no signature from 22 Honeysuckle Crescent. With the exception of 22 Honeysuckle Crescent, none of the other properties about the subject property.

#### Noise

The proposed development was reviewed with respect to noise impacts. As the proposal is for single detached residential dwellings it is not anticipated that significant noise will be generated from this proposed development. In addition, the properties of the interested parties will be buffered from the limited noise generated by vehicles and other activities on the Condominium Road due to the presence of the proposed dwellings on the west side of the condominium road.

#### Traffic

The proposed development was reviewed with respect to the potential impact of traffic. The six proposed lots will all gain access from a private condominium road connected to Mohawk Road, and will have no access to Honeysuckle Crescent. The addition of six additional dwelling units accessing from Mohawk Road is not expected to significantly increase traffic volumes, or affect traffic on Honeysuckle Crescent.

#### Visibility of Nature

As part of the review of the proposed development, the applicant has undertaken an Environmental Impact Study (EIS) and prepared Tree Management Plans. Based on the review of these studies and the Tree Management Plan, it has been determined that the proposed development will not negatively impact the Environmentally Significant Area. The subject lands, while possessing a number of existing trees, is still predominately grass and open areas, while the predominate natural area is located to the west, on Conservation Authority lands.

#### Trees and Conservation Area

An EIS and Tree Management Plan were reviewed as part of the development application. The EIS, in addition to being reviewed by both City of Hamilton Natural Heritage staff and Hamilton Conservation Authority (HCA) staff, was reviewed by the Environmentally Significant Areas Impact Evaluation Group (ESAIEG). ESAIEG was satisfied with the EIS, subject to recommendations to clean up debris and litter along the wooded edge of the Environmentally Significant Area (ESA) abutting the property and providing compensation plantings within the Iroquoia Heights ESA in lieu of providing a buffer to the ESA. These concerns will be addressed in the conditions of approval of the Draft Plan of Subdivision.

The HCA has also reviewed the EIS and the Tree Management Plans as well as Engineering Plans and conducted a site visit of the area in April 2015. Based on this review, the HCA is satisfied that the proposed development will not negatively impact the ESA subject to appropriate conditions of the Draft Plan of Subdivision.

Through the review of the application it was noted that some of the privately owned trees would need to be removed to facilitate the proposed development. These trees do not abut the properties of the majority of the interested parties and are not located with the ESA, which is not located on this site.

#### Foot Traffic and Trespass

The proposed development will include the establishment of a condominium road with access only from Mohawk Road. The condominium road will not provide a connection between Mohawk Road and Honeysuckle Crescent and will be separated from Honeysuckle Crescent by the properties fronting on to Honeysuckle Crescent. In order to protect the ESA from encroachment by the residents of the proposed dwellings, the applicant will be required to place a fence between the ESA and the rear lots and a warning clause will be placed on title advising prospective purchasers and tenants that the fence must be maintained and that no gates may be installed in the fence. The required fence along with existing fencing along the rear portion of the property will prevent trespass and foot traffic through the proposed development and trespass into the ESA. The requirement to establish a fence between the ESA and the rear lot line will be included in the conditions of approval of the Draft Plan of Subdivision.

## **ALTERNATIVES FOR CONSIDERATION**

If the application is denied, the lands could be developed in accordance with the current "A" Agricultural Zone provisions, which permits a single detached dwelling.

## **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**

1.6 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 Objective**

2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

**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.*

**Strategic Objective**

3.4 Enhance opportunities for administrative and operational efficiencies.

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Proposed Draft Plan of Subdivision
- Appendix "D": Draft Plan of Subdivision Conditions
- Appendix "E": Draft Plan of Condominium Conditions
- Appendix "F": Proposed Draft Plan of Condominium
- Appendix "G": Letter from Interested Parties
- Appendix "H": Original Draft Plan of Subdivision