



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 14, 2016
SUBJECT/REPORT NO:	Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Greg Macdonald Senior Planner (905) 546-2424 Ext. 4283 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 **Urban Hamilton Official Plan Amendment Application UHOPA-16-005, by Empire Communities (Binbrook) Ltd.,** to amend the Urban Hamilton Official Plan (UHOP) in order to establish a site specific policy within the Binbrook Village Secondary Plan to permit single detached dwellings within the "Low Density Residential 2h" designation, at the rear of 3385 Binbrook Road (Glanbrook), as shown on Appendix "A" to Report PED16134, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED16134, be adopted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
- (b) That approval be given to **Zoning By-law Amendment Application ZAR-15-057, by Empire Communities (Binbrook) Ltd.,** for a change in Zoning from the

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11) - Page 2 of 15

Restricted Agricultural "A2" Zone to the Residential "R4-294" Zone, Modified, with a Special Exception, in order to permit four lots for single detached dwellings, for lands located at the rear of 3385 Binbrook Road, Glanbrook (as shown on Appendix "A" to Report PED16134) on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED16134, which has 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 (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and is in conformity with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. [REDACTED]

EXECUTIVE SUMMARY

The applicant has applied for approval of an Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-law Amendment for lands located at the rear of 3385 Binbrook Road, Glanbrook (see location map attached as Appendix "A" to Report PED16134). The proposed application is to facilitate the development of four future lots for single detached dwellings to have frontage onto Gowland Drive (see severance sketch attached as Appendix "D" to Report PED16134). Single detached dwellings are not permitted in the "Low Density Residential 2h" designation in the Binbrook Village Secondary Plan. However, the applicant has applied for an Urban Hamilton Official Plan Amendment to establish a Site Specific Policy within the Binbrook Village Secondary Plan to permit single detached dwellings within this designation. The applicant has requested two site-specific modifications to the proposed Residential "R4" Zone to permit a lot frontage of 11 m instead of 12 m and a lot area of 310 sq m instead of 400 sq m. This zoning is similar to the surrounding Residential "R4-218" Zone.

The application is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe. The applications can be supported as they would permit a form of housing consistent with the range of housing forms and densities both permitted and existing in the immediate surrounding area. The proposed lot configuration would continue the existing streetscape character and lot pattern of the existing single detached dwellings located immediately to the east along Gowland Drive.

Alternatives for Consideration – See Page 15

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal

The subject lands are located on the north side of Gowland Drive just south of Binbrook Road and are within the Binbrook Village Secondary Plan. Municipally, the subject lands are still identified as being 3385 Binbrook Road, however, should the future four lots for single detached dwelling be created, they would be known as 84, 88, 92 and 96 Gowland Drive. The subject lands are vacant and are surrounded to the north, east and south by single detached dwellings and street townhouses to the west.

The applications consist of a UHOP Amendment in order to establish a Site Specific Policy Area to permit single detached dwellings within the "Low Density Residential 2h" designation of the Binbrook Village Secondary Plan. A Zoning By-law Amendment for a change in zoning from the Restricted Agricultural "A2" Zone to the Residential "R4-294" Zone is also required, in order to provide for similar zoning as exists on lands immediately to the east and south to facilitate the creation of four lots for single detached dwellings with frontage on Gowland Drive.

Consent Application GL/B-10:158

Consent Application GL/B-10:158 was submitted in 2010 and approved on January 13, 2011 to sever the subject lands from the larger property at 3385 Binbrook Road. There is now a parcel of land with frontage on Binbrook Road that contains an existing single detached dwelling and another parcel of land with frontage on Gowland Drive which is vacant (the subject lands).

Consent Applications GL/B-12:95 and GL/B-12:96

Consent Applications GL/B-12:95 and GL/B-12:96 were submitted in 2012 in order to create four lots for single detached dwellings with frontage on Gowland Drive generally consistent with the sketch attached as Appendix "D" to Report PED16134, except that these applications did not include Part 1 shown on the Reference Plan on Appendix "D"

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11) - Page 4 of 15

to Report PED16134, to be added to the property to the north that fronts onto Binbrook Road.

Through the review of the Consent Applications in 2012, it was determined that both a Zoning By-law Amendment and a UHOP Amendment would be required in order to allow the lots to be created. This is because the "Medium Density Residential" designation of the Binbrook Village Secondary Plan (the land use designation in place at the time of the applications as the UHOP was not yet in force and effect) did not permit single detached dwellings. As the use was not permitted by the Official Plan and Zoning By-law, the applications were tabled by the Committee of Adjustment at its meeting of December 13, 2012 until such time that these applications were submitted and approved. Should the current applications for a UHOP Amendment and Zoning By-law Amendment be successful, these Consent Applications could then be recirculated and brought back to the Committee of Adjustment.

However, the consent applications would need to be revised and an additional severance application made as the proposal now includes the creation of a 3.2 m strip of land (Part 1 on Appendix "D" to Report PED16134) to be merged back with the original parcel that fronts Binbrook Road for future development.

Chronology

- August 26, 2015: Development Review Team Meeting for Formal Consultation Application FC-15-060 to discuss a proposal to create four lots for single detached dwellings with frontage on Gowland Drive. At the Development Review Team Meeting (and reiterated within the Formal Consultation Document) the applicant was advised that in addition to a Zoning By-law Amendment Application, an Official Plan Amendment Application would be needed in order to permit the proposed development.
- November 2, 2015: Zoning By-law Amendment Application ZAR-15-057 received by the City of Hamilton.
- November 10, 2015: Zoning By-law Amendment Application ZAR-15-057 deemed complete.
- November 20, 2015: Notice of Complete Application and Preliminary Circulation for Zoning By-law Amendment Application ZAR-15-057 sent to 143 property owners within 120 m of the subject lands.
- November 23, 2015: Public Notice sign erected on the subject lands for Zoning By-law Amendment Application ZAR-15-057.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11) - Page 5 of 15

- November 26, 2015: Applicant reminded in writing that an Official Plan Amendment Application is required in addition to the already submitted Zoning By-law Amendment Application in order to allow the proper planning instruments to be considered and reviewed.
- January 27, 2016: UHOP Amendment Application UHOPA-16-005 received by the City of Hamilton.
- February 19, 2016: UHOP Amendment Application UHOPA-16-005 deemed complete.
- March 18, 2016: Notice of Complete Application and Preliminary Circulation for UHOP Amendment Application UHOPA-16-005 sent to 143 property owners within 120 m of the subject lands.
- April 1, 2016: Public Notice sign updated with the pertinent information for UHOP Amendment Application UHOPA-16-005.
- May 27, 2016: Circulation of Public Meeting Notice for UHOPA-16-005 and ZAR-15-057 to 143 property owners within 120 m of the subject lands.

DETAILS OF SUBMITTED APPLICATIONS

Location: Rear of 3385 Binbrook Road, Glanbrook

Owners: Dane and Ursula Djukic

Applicant: Empire Communities (Binbrook) Ltd.

Agent: Armstrong Planning and Project Management

Property Size: Lot Area: 0.144 ha (of which, 0.129 ha is subject to the proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications. Part 1 on Appendix “D” to Report PED16134 is not included.)

Frontage: 45.72 m

Depth: 31.60 m

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Land:	Vacant	Restricted Agricultural "A2" Zone
Surrounding Land:		
North:	Single Detached Dwelling	Restricted Agricultural "A2" Zone
East:	Single Detached Dwellings	Residential "R4-218" Zone
South:	Single Detached Dwellings	Residential "R4-218" Zone
West:	Street Townhouses	Residential Multiple "RM2-194" 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. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment while ensuring appropriate opportunities are provided for employment and residential development.

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 for an appropriate range of housing types and densities.

The proposed development is consistent with the above policy. While the proposed development is for single detached dwellings, the subject lands consist of one of the last blocks of undeveloped land parcels in this area of the Binbrook Village Secondary Plan with existing townhouses located immediately to the west. Within this overall neighbourhood, a range of lot sizes and residential densities as well as opportunities for multiple residential uses and commercial and mixed use development have been provided for. The surrounding lands to the east and south are single detached dwellings and lands immediately to the west are street townhouses. In general,

residential development is in keeping with the PPS and a range of housing types and densities has been provided for in this area of Binbrook.

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. An archaeological assessment has already been completed and signed off by the Ministry of Tourism, Culture and Sport and staff are satisfied that the municipal interest in archaeology for the site has been satisfied.

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

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. The 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; making more efficient and effective use of infrastructure; and protecting and enhancing natural resources.

The Plan's main objective is to provide direction in developing communities in order to achieve a better mix of housing, jobs, shops and services in close proximity to each other. The subject lands are within the "Designated Greenfield Area" in the Plan. Policy 2.2.7 indicates that new development in greenfield areas shall be planned as complete communities, with street configurations, densities and an urban form that is supportive of walking, cycling and transit.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow) as it completes the development of a planned neighbourhood that contains a mix of planned residential densities and land uses.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure, designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations and identified on Appendix "G", Boundaries Map as being located outside of the Built Boundary. The lands are also designated "Low Density Residential 2h" in the Binbrook Village Secondary Plan of Volume 2 of the UHOP and also identified as being within Area Specific Policy C. The following policy from Volume 1 of the UHOP pertaining to the "Neighbourhoods" designation should be noted:

"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*;

The proposal is to permit single detached dwellings which are permitted within the “Neighbourhoods” designation. The proposal would implement the above noted policy as well as policies pertaining to Low Density Residential uses (Policy section E.3.4 of the UHOP). With regard to the Greenfield Development policies of Section E.3.7 the following policies would apply:

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character.
- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.
- E.3.7.5 New residential *development* in *greenfield areas* shall generally be designed and planned to:
 - a) minimize changes to existing topography;
 - b) preserve existing trees and natural features;”

The proposed development will continue the planned lotting fabric along Gowland Drive, which consists of direct frontage lots, predominantly for single detached dwellings and therefore the proposed development is consistent with the established character of the neighbourhood. No gateway features or other such focal points are identified within the Binbrook Village Secondary Plan on the subject lands (parks, other open space and linkage connections are located elsewhere in the neighbourhood). Finally, the proposed development does not substantially change the existing topography (the lands are generally flat) and no trees exist on the subject lands. Therefore, the intent of the Greenfield Development policies are being maintained.

Built Heritage and Archaeology

Policy B.3.4.4 of Volume 1 states: “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.” As previously noted, an Archaeological Assessment has been completed for the subject lands, and the municipal interest has been satisfied.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11) - Page 9 of 15

Based on the above, the proposal complies with the policies of the UHOP contained in Volume 1. A further review of the Binbrook Village Secondary Plan policies is contained below.

Binbrook Village Secondary Plan

The subject lands are designated "Low Density Residential 2h" within the Binbrook Village Secondary Plan of Volume 2 of the UHOP and are also identified as being within Area Specific Policy C. The following residential policies of the Secondary Plan would apply:

- "B.5.1.4.3 In addition to Section E.3.0 – Neighbourhoods Designation of Volume 1, the following general policies apply to all residential land use designations identified in Map B.5.1-1 – Binbrook Village – Land Use Plan:
- a) Residential development in Binbrook Village shall have a compact urban form to enhance the livability of the community, provide for cost efficiencies, and support environmental sustainability.
 - b) Each neighbourhood shall contain the following elements:
 - i) compact and well defined urban form;
 - ii) a variety and balance of dwelling types;
 - iii) accessible elementary schools and parks;
 - iv) community design that encourages walking and socializing; and,
 - v) a clearly defined public realm (streets, open spaces, etc).
 - c) A range and mix of housing types shall be permitted, including single detached, semi-detached, duplexes, townhouses, quattroplexes, and apartment (multiple) dwellings, as well as housing with supports.
 - d) Innovative and varied housing types and designs shall be encouraged.
 - e) The location and design of new residential areas shall be sensitive to the density and form of existing residential uses. To encourage

compatibility, new residential areas shall also be sensitive to the location and nature of existing and future non-residential uses.

- f) Residential development shall comply with Policy B.5.1.10.1 – Residential Design Guidelines.

B.5.1.4.5 The residential areas are designated Low Density Residential 2d, Low Density Residential 2e, Low Density Residential 2h, and Low Density Residential 3e as identified on Map B.5.1-1 – Binbrook Village – Land Use Plan. The following policies shall apply to each respective residential land use designation.

- c) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2h on Map B.5.1-1 – Binbrook Village – Land Use Plan:
 - i) The permitted uses shall consist primarily of multiple dwelling unit types including street, block and stacked townhouse dwellings. Duplexes and triplexes may also be permitted.”

The subject lands are designated "Low Density Residential 2h" in the Binbrook Village Secondary Plan. This designation permits a range of multiple dwelling forms of residential development including street, block and stacked townhouses. It is intended that these forms of land uses make up the predominant (i.e. primary) built form of areas designated "Low Density Residential 2h". However, it is intended that some additional flexibility in uses is also included within the designation in that duplexes and triplexes are also permitted.

The proposal is for the subject lands to be developed for single detached dwellings (on four lots). This use is not permitted within the "Low Density Residential 2h" designation (Policy 5.1.4.5(c)). A UHOP Amendment Application to establish a Site Specific Policy to also permit single detached dwellings within this designation has been submitted in order to permit the proposed use. The proposed UHOP Amendment can be supported as a range of housing types and densities would still be permitted both on the subject lands and within the immediate surrounding neighbourhood. Street townhouses exist to the west of the subject lands, and single detached dwellings exist to the east and south. The proposal would continue the established street pattern along Gowland Drive in that the four lots for single detached dwellings would be contiguous with existing lots containing single detached dwellings of similar sizes immediately to the east. The property immediately abutting to the north would be redeveloped in the future for a use permitted under the existing “Low Density Residential 2h” designation.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11) - Page 11 of 15

The following Urban Design policies of the Binbrook Village Secondary Plan would also apply:

“B.5.1.10.1 In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply to all Residential designations identified on Map B.5.1-1 – Binbrook Village – Land Use Plan:

- a) The overall composition of the neighbourhood and the attractiveness of its streets shall be considered in the design of residential buildings.
- b) Direct access to individual dwelling units from major or minor arterial or collector roads should be limited by utilizing alternative development designs such as common driveways and rear laneways.
- c) Buildings should have a strong, pedestrian-friendly street presence.
- d) Mitigation of the intrusion of garages and car parking shall be encouraged to foster streets as interactive outdoor space for pedestrians.
- e) To ensure ease of access for pedestrians and the enjoyment of public streets and other outdoor spaces, quality streetscape design, including paving, planting, fencing, lighting and signage, shall be encouraged.
- j) Flat rooflines shall not be permitted, except to enable energy efficient and environmental design in accordance with Section B.3.7 – Energy and Environmental Design.
- k) Pairing of driveways shall be encouraged where appropriate.”

The proposal would also implement the Residential Design Guideline Policies (Policy B.5.1.10.1, referenced in Policy B.5.1.4.3(f)) in that direct access from arterial roads to the subject lands is not proposed, garages and car parking spaces would not be predominant as the proposed zoning would require a 7.5 m setback from the front lot line, the same as existing dwellings to the east. Note that other than street tree plantings (addressed through the future Consent Agreement), the Gowland Drive streetscape was previously completed through earlier subdivision approvals.

SUBJECT: Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at the Rear of 3385 Binbrook Road, Glanbrook (PED16134) (Ward 11) - Page 12 of 15

The subject lands are also identified as Area Specific Policy C. The following policies would apply:

"Area Specific Policy - Area C

5.1.13.3 Notwithstanding the density ranges of Policy B.5.1.4.5 - Low Density Residential, for the lands known municipally as 3385 Binbrook Road, part of Lot 3, Concession 4, with an area of 33.26 hectares and identified as Area Specific Policy – Area C on Map B.5.1-1 – Binbrook Village – Land Use Plan, the following policies shall apply:

- b) The density range of development in the Low Density Residential 2h designation shall be 31 to 71 units per net residential hectare."

The proposal is for four lots for single detached dwellings. This number of lots would achieve the minimum 31 units per hectare density requirement of the Binbrook Village Secondary Plan.

RELEVANT CONSULTATION

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

- Niagara Peninsula Conservation Authority;
- Hamilton Municipal Parking System (Planning and Economic Development Department);
- Corporate Assets and Strategic Planning Division (Public Works Department); and,
- Corridor Management (Public Works Department).

Urban Forestry and Horticulture, Public Works Department has advised that a landscape planting plan for required street tree plantings for each of the future four lots for single detached dwellings (and applicable payment for these street trees) is required. This comment will be addressed as part of the future Consent Agreement should applications for Consent to establish the four lots be approved by the Committee of Adjustment.

Budgets and Finance Section, Corporate Services Department has advised of requirements to pay fees for commutation and servicing connections for the existing property that fronts Binbrook Road. That property is not subject to the proposed Urban Hamilton Official Plan Amendment and Zoning By-law Amendment Applications and will be addressed at such time that development application(s) are submitted to redevelop the front portion of 3385 Binbrook Road for its ultimate intended multiple residential land use.

Public Consultation:

In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to approximately 143 property owners within 120 m of the subject lands on both November 20, 2015 and again on March 18, 2016 when a new circulation was mailed advising of the proposed Urban Hamilton Official Plan Amendment Application. At the time of preparation of the staff Report, no letters or other written correspondence has been received.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
 - (ii) It complies with and implements the "Neighbourhoods" designation of the Urban Hamilton Official Plan;
 - (iii) Subject to establishing a Site Specific Policy to permit single detached dwellings within the "Low Density Residential 2h" designation of the Binbrook Village Secondary Plan, the proposal implements the general intent of the residential land use and design policies of the Binbrook Village Secondary Plan in that the proposal will allow for a range and mix of housing types and densities at a compatible scale as the existing neighbourhood; and,
 - (iv) It complies with the intent of the Area Specific Policy C of the Binbrook Village Secondary Plan in that the proposed four lots for single detached dwellings meets the minimum 31 units per hectare density requirement.

2. As noted in the Chronology section of this Report, the applicant had originally submitted only a Zoning By-law Amendment Application to rezone the subject lands to a modified Residential "R4" Zone. Staff had advised the applicant that without an accompanying Official Plan Amendment to permit single detached dwellings within the "Low Density Residential 2h" designation (or to otherwise redesignate the lands to "Low Density Residential 2e") that the application could not be supported as it would not comply with the UHOP. On January 27, 2016, the applicants agreed to provide the necessary UHOP Amendment Application.

The proposed UHOP Amendment and Zoning By-law Amendment can be supported. Under the existing Official Plan provisions, street townhouses would have been permitted, and based on the size of the subject lands, it is likely that a maximum of five street townhouses could have been constructed on the

subject lands. The proposal is for four single detached dwellings. The minor difference in density and built form is minimal as both uses serve to provide generally low density housing forms on the interior of the neighbourhood and both are compatible with surrounding uses (existing street townhouses are located immediately to the west while existing single detached dwellings are located immediately to the east and south on the opposite side of Gowland Drive). The proposal also complies with the minimum and maximum density provisions of the Binbrook Village Secondary Plan (31 to 71 units per hectare).

3. There are two active Consent Applications to create the proposed four lots. These applications were tabled by the Committee of Adjustment in December, 2012 to allow the applicant to apply for and receive approval of the required UHOP Amendment and Zoning By-law Amendment Applications. Once a UHOP Amendment and Zoning By-law Amendment Application have been approved these applications could be reactivated and return to the Committee of Adjustment. However, the current proposal (see Appendix "D" to Report PED16134) is slightly different than the 2012 Consent Applications in that it includes a 3.2 m wide parcel of land (Part 1) to be created at the rear of the proposed four lots that would be merged with the existing lot that fronts Binbrook Road. This would increase the size of that lot to provide more land for a future multiple residential development on the lot that fronts Binbrook Road. As such, a third Consent Application will be required to create this piece of land and this application, along with the revisions to the other 2012 applications would need to be circulated to all property owners within 60 m of the subject lands. In addition, the future Consent Application process may need to address lot area provisions in the Zoning By-law for the existing lot that fronts onto Binbrook Road. That parcel received Minor Variance approval in 2010 as part of the 2010 severance to permit a reduced lot area in the "A2" Zone. Once the remnant strip is added to that parcel, the combined lot would still not meet the base "A2" zoning for lot area and the existing lot may require another Minor Variance to address this as the lot would then have dual zoning.

Through the Consent Application process, if the applications are approved, a condition of approval for Consent Agreements for each of the four lots would be included. This agreement would cover the review of the lot grading and servicing, street tree planting, water and wastewater generation assessments and payment of any outstanding cost recoveries or commutation charges in accordance with comments received by the Growth Management Division. The existing property that fronts Binbrook Road must also still connect to municipal services after disconnecting from its existing septic system which would be enforced through any future development applications on that property.

4. The Applicant is proposing to rezone the majority of the subject lands to a modified Residential "R4" Zone. The two modifications would be to permit a lot

frontage of 11 m instead of 12 m required by the Glanbrook Zoning By-law, and to permit a minimum lot area of 310 sq m instead of 400 sq m required by the Glanbrook Zoning By-law. These modifications can be supported as they implement zoning provisions consistent in terms of lot frontage and area with existing lots for single detached dwellings immediately to the east and south zoned "R4-218" Zone in the Glanbrook Zoning By-law. No modifications are proposed for setbacks, lot coverage, parking or yard encroachments. Based on the above, staff are supportive of the modifications and find that the proposed lots are consistent with the existing character of the surrounding neighbourhood.

ALTERNATIVES FOR CONSIDERATION

If the Applications were denied, the subject lands could be developed in accordance with the existing Restricted Agricultural "A2" Zoning which would allow one single detached dwelling. However, Minor Variances or a Zoning By-law Amendment would be required as the existing lot does not meet minimum lot area requirements for the "A2" Zone.

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).

APPENDICES AND SCHEDULES ATTACHED

Appendix "A": Location Map
Appendix "B": Draft Official Plan Amendment
Appendix "C": Draft Zoning By-law Amendment
Appendix "D": Preliminary Severance Sketch

:GM/mo