



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	July 5, 2016
<b>SUBJECT/REPORT NO:</b>	Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision "Ancaster Glen Phase 2" for Lands Located at 435 Garner Road East (Ancaster) (PED16147) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Greg Macdonald Senior Planner (905) 546 - 2424 Ext. 4283  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 **Urban Hamilton Official Plan Amendment Application UHOPA-15-008, by Losani Homes (1998) Limited (Owner)**, for a change in designation in the Garner Neighbourhood Secondary Plan Land Use Plan from "Low Density Residential 1" to "Low Density Residential 2c" for a portion of the subject lands in order to permit block townhouses, and to establish a Site Specific Policy Area on another portion of the subject lands, in order to permit block townhouses and maisonettes, for lands located at 435 Garner Road East (Ancaster), as shown on Appendix "A" to Report PED16147, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED16147, 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).

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- (b) That approval be given to **Revised Zoning By-law Amendment Application ZAC-12-068(R), by Losani Homes (1998) Limited (Owner)**, for a change in zoning from the Agricultural "A-216" Zone, Modified, to the Multiple Residential "RM5-677" Zone (Block 1) and from the Holding – Multiple Residential "H-RM6-603" Zone, Modified to the Multiple Residential "RM5-678" Zone, Modified (Block 2), in order to permit block townhouses, maisonettes, stacked townhouses and multiplexes, for lands located at 435 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED16147, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED16147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law be added to Schedule “B”, Map No. 1 of By-law No. 87-57; and,
  - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. ..
- (c) That approval be given to the application to **Revise the Draft Plan of Subdivision “Ancaster Glen Phase 2”, 25T-200725(R), by Losani Homes (1998) Limited, Owner**, subject to the following conditions:
- (i) That this approval apply to the draft plan of Subdivision, located at 435 Garner Road East, and known as “Ancaster Glen Phase 2”, 25T-200725(R), prepared by Losani Homes and certified by S.D. McLaren, O.L.S., dated October 2012 and revised May 15, 2015, showing the addition of a block for townhouses and maisonettes (Block 180) and two blocks for road widenings (Blocks 181 and 182), attached as Appendix “D” to Report PED16147, subject to the owner entering into an amendment agreement to revise the Registered Subdivision Agreement to reflect the revised Draft Plan of Subdivision (attached as Appendix “D” to Report PED16147) and with the revised Special Conditions of Draft Approval, attached as Appendix “E” to Report PED16147,
  - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the registration of the plan of subdivision.

With regard to Block 166 and 180 (Medium Density Residential Uses), a parkland dedication at a ratio of 0.6 ha of the net land area for each 300 dwelling units proposed will be required.

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All in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

**EXECUTIVE SUMMARY**

The purpose of the applications is to amend the Urban Hamilton Official Plan (UHOP) and Ancaster Zoning By-law No. 87-57, and for revisions to a previously approved Draft Plan of Subdivision “Ancaster Glen Phase 2” for lands located at a portion of 435 Garner Road East, Ancaster. More specifically, the effect of the planning instruments is to permit block townhouses on Block 166, to add Block 180 to the Draft Approved Plan of Subdivision, and to permit a range of attached housing forms (block townhouses, maisonettes, stacked townhouses, and multi-plexes) on Block 180 (see Appendix "D" to Report PED16147). No other changes to the Draft Plan of Subdivision are proposed.

The proposal can be supported as the changes proposed for both Block 166 and 180 (see Appendix "D" to Report PED16147) would permit medium density forms of housing that would be developed with abutting existing blocks that are approved for similar housing forms (i.e. Block 180 would be developed together with Block 169). In addition, Block 166 is to be developed together with Block 165 (which is approved for semi-detached dwellings on a private road). The proposed development is also consistent with the surrounding character of existing and planned development in the Garner Neighbourhood, specifically Block 180 being adjacent to street townhouses that are under construction while Block 166 is adjacent to land designated in the Garner Neighbourhood Secondary Plan for medium density residential uses to the east. The development is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe.

***Alternatives for Consideration – See Page 19***

**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 Official Plan Amendment, Zoning By-law Amendment, and revisions to a Draft Plan of Subdivision.

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## **HISTORICAL BACKGROUND**

### **Proposal:**

There are two facets to the applications. Firstly, the applicant has applied for an Urban Hamilton Official Plan Amendment to redesignate the south-easterly block within the Draft Approved Plan of Subdivision “Ancaster Glen Phase 2” (Block 166) from "Low Density Residential 1" to "Low Density Residential 2c" within the Garner Neighbourhood Secondary Plan. The applicant has also applied to change the zoning from the Holding – Multiple Residential "H-RM6-603" Zone, Modified to the Multiple Residential "RM5-677" Zone to permit 18 block townhouses (see Appendix “F” to Report PED16147 for a preliminary site plan).

Secondly, with regards to Block 180 (see Appendix "D" to Report PED16147) the applicant is proposing to amend the existing Draft Plan of Subdivision "Ancaster Glen Phase 2" to add these lands within the subdivision so that it can be developed comprehensively with the adjacent block of land to the east (Block 169). Block 180 is currently designated "Medium Density Residential 2b". A Site Specific Policy Area is proposed to permit block townhouses and maisonettes on Block 180 and these lands are proposed to be rezoned from the Agricultural "A-216" Zone, Modified, to the Multiple Residential "RM5-678" Zone, Modified to permit a mix of attached housing forms (block townhouses and maisonettes and the already permitted stacked townhouses). Approximately 146 units are proposed to be developed on Block 180. Appendix “F” to Report PED16147 contains a preliminary site plan for this block.

In order to implement the proposal, a number of zoning modifications have been requested. For both Blocks 180 and 166, the proposed zoning would build upon the same zoning as on the adjacent lands (i.e. Block 169) with additional variations to reflect the range of permitted forms of attached housing and differing maximum densities consistent with the land use designations of the Garner Neighbourhood Secondary Plan. These multi-residential zoning blocks would contain modifications to allow for tenure flexibility, address specific setbacks and landscaped open space provisions related to tenure and the irregular shape of the property, all reflecting the innovative street-oriented townhouse design.

### **Chronology:**

September 2010: The Economic Development and Planning Committee approved Report PED10168 for an Official Plan Amendment, Change in Zoning and Draft Plan of Subdivision by the Ontario Realty Corporation for the entirety of the subject lands (435 Garner Road East). This approval established the land use permissions for a subdivision containing a mix

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of residential, institutional, mixed-use and open space uses on the subject lands.

April 2012:

A further modification in zoning and revisions to the subdivision for Phase 1 (lands north of the creek) was approved by the Planning Committee and City Council. The revisions were to revise the lotting and location of previously approved street townhouses, and single detached dwellings. Subsequently, Phase 1 (now named “Ancaster Glen Phase 1”) was registered as 62M-1186 in February 2013.

June/July, 2014:

Council approves an Urban Hamilton Official Plan Amendment (UHOPA-12-023), Zoning By-law Amendment (ZAC-12-068) and Request to Modify the Previously Approved Plan of Subdivision 25T-200725(R), all applicable to the subject lands. The applications primarily revised portions of Phase 2 of "Ancaster Glen" (lands south of the creek) and included revisions to permit street townhouses instead of single detached dwellings and permit various forms of attached housing on Block 169 of the Draft Approved Plan of Subdivision.

December 23, 2014:

Urban Hamilton Official Plan Amendment Application UHOPA-15-008, Revised Zoning By-law Amendment Application ZAC-12-068(R) and Subdivision Revision 25T-200725(R) received by the City of Hamilton.

March 2, 2015:

Above noted applications were deemed complete by the City of Hamilton.

March 12, 2015:

Notice of Complete Applications and Preliminary Circulation sent to 59 property owners within 120 m of the subject lands.

March 20, 2015:

Public Notice sign erected on the subject lands.

January 27, 2016:

Draft Plan of Subdivision “Ancaster Glen Phase 2” (25T-200725(R)) is Registered as Plan 62M-1226. The registration of the plan includes Block 166 as Block 14 on Plan 62M-1226. However, it did not include Block 180 which is being added to the subdivision as part of the current applications.

June 8, 2016:

Public Notice sign updated with Public Meeting date.

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June 17, 2016: Circulation of Public Meeting Notice sent to 65 property owners within 120 m of the subject lands (number of notices has increased due to new blocks and lots being recently registered within the circulation limits).

**Details of Submitted Applications:**

**Location:** 435 Garner Road East (Ancaster)

**Owner/Applicant:** Losani Homes (1998) Limited

**Agent:** WEBB Planning, c/o James Webb

**Property Description:** Area (Blocks 166 and 180 of Phase 2): 2.93 ha

Frontage: 121.89 m (along Garner Road East of Block 180)

Depth: 165.15 m (along westerly property line of Block 180)

**Servicing:** Full Municipal Services final completion of the extension of John Frederick Drive and completion of servicing upgrades and extensions through 25T-200725(R).

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant Land (Block 166) and unoccupied Single Detached Dwelling and accessory buildings (Block 180)	Holding – Multiple Residential "H-RM6-603" Zone (Block 166) and Agricultural "A-216" Zone (Block 180)
<b><u>Surrounding Lands:</u></b>		
<b>North</b>	Street Townhouses (north of Block 180) and future Semi-Detached Dwellings (north of Block 166)	Residential "RM2-661" Zone (north of Block 180) and Neighbourhood Institutional (I1) Zone (north of Block 166)
<b>South</b>	Agricultural (within Airport Employment Growth District)	Airport Prestige Business Park (M11, H37) Zone

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<b>East</b>	Open Space and single detached dwelling (future development lands – lands east of 435 Garner Road East)	Agricultural “A-216” Zone and Public Open Space “O2” Zone
<b>West</b>	Highway No. 6	Agricultural “A-216” Zone

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Planning Policy Framework**

The Provincial planning policy framework is established through the *Planning Act* (Section 3), the Provincial Policy Statement (PPS 2014), the Growth Plan for the Greater Golden Horseshoe (the Growth Plan) and the Greenbelt Plan. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The *Places to Grow Act* and the *Greenbelt Act* require that all municipal land use decisions made under the *Planning Act* conform to the Growth Plan and the Greenbelt Plan.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

While an Urban Hamilton Official Plan Amendment is required, it is only to address minor modifications in form of planned medium density residential uses within an existing Secondary Plan. As explained in the Analysis and Rationale for Recommendation section of this report, it is staff’s opinion that the applications are:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the Provincial Policy Statement (2014); and,
- Conforms to the Growth Plan for the Greater Golden Horseshoe.

It should however be noted that Policy 2.6.2 of the Provincial Policy Statement (2014) 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 therefore staff are satisfied that the Provincial and municipal interest in archaeology for the site has been satisfied.

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**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 1” (Block 166) and “Medium Density Residential 2b” (Block 180) in the Garner Neighbourhood Secondary Plan of Volume 2 of the UHOP.

The following policies from Volume 1, amongst others, apply to the applications.

**Greenfield Development**

- “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 unique and cohesive pattern of approved housing on the adjacent blocks (Block 180 is planned for the same housing forms as approved on the adjacent block to the east while Block 166, proposed for block townhouses, would be integrated with approved semi-detached dwellings on a private road on the block to the north). Therefore the proposed development is consistent with the established and planned character of the neighbourhood. The proposed development does not substantially change the existing topography (the lands are generally flat). Tree Preservation has already been approved and implemented through the clearing of conditions and registration of Plan 62M-1226. An updated Tree Protection Plan is required to address protection of some additional trees along Garner Road East that were not included as part of previous compensation payments, to address tree preservation for Block 180 and for the updated potential design of Block 166. Therefore, the intent of the Greenfield Development policies are being maintained.



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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.” An Archaeological Assessment has been completed for the subject lands, and the municipal interest has been satisfied.

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

**Garner Neighbourhood Secondary Plan**

The subject lands are designated “Low Density Residential 1” (Block 166) and “Medium Density Residential 2b” (Block 180) within the Garner Neighbourhood Secondary Plan of Volume 2 of the UHOP. The following general residential policies, amongst others, of the Secondary Plan would apply:

“B.2.3.1 Residential Designations

The residential policies shall define the location and scale of each type of residential use, and shall help ensure that a variety of residential types are provided to meet the needs of all area residents.

B.2.3.1.1 The residential areas are designated Low Density Residential 1, Low Density Residential 1a, Low Density Residential 2a, Low Density Residential 2c, Low Density Residential 3a, and Medium Density Residential 2b as identified on Map 2.3-1 – Garner Neighbourhood – Land Use Plan.

B.2.3.1.2 General Residential Policies

- a) Residential buildings in the Low Density Residential and Medium Density Residential designations shall have no more than three occupied storeys entirely above grade.
- b) To minimize the impact of new residential *development* on existing single detached residential uses to the immediate east and west of the neighbourhood, a transition in dwelling type and density shall be applied. Adjacent to those existing single detached residential

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areas, single detached dwellings shall be located on minimum 15 metre frontage lots and larger.

- c) Where a higher density residential area (Low Density Residential 2a or higher) is adjacent or in proximity to a lower density residential area (Low Density Residential (Existing), 1 or 1a), potential conflicts related to physical compatibility of adjacent uses shall be reduced through the use of open space buffers, setbacks, screening, dwelling type and density, building / site design, and / or separator roads.
- d) Development in the Low Density Residential 2c, Low Density Residential 3a and Medium Density Residential 2b designations shall be subject to site plan control.”

The proposed development would implement the intent of the General Residential Policies for the Garner Neighbourhood Secondary Plan. This Secondary Plan, and the entirety of the overall Ancaster Glen Subdivision, contains a mix of housing types including single detached dwellings, street townhouses, semi-detached dwellings, block townhouses and maisonettes (with further land use permission for stacked townhouses and low-rise apartments). The proposal would not permit residential development taller than three occupied storeys above grade. As the subject lands do not directly abut lands planned for single detached residential uses, a gradation in density and built form is not required. Both Blocks 166 and 180 are also subject to site plan control.

With respect to the existing and proposed land use designations it should be noted that Block 166 is proposed to be developed for block townhouses. This block is currently designated “Low Density Residential 1”, which only permits single detached dwellings. The current proposal would redesignate Block 166 to “Low Density Residential 2c”, which is a land use designation that permits block townhouses (see policy analysis below). Block 180 is designated “Medium Density Residential 2b”. A review of the specific land use designation policies for both Block 166 (“Low Density Residential 2c”) and Block 180 (“Medium Density Residential 2b”) follows below. The following residential land use designation policies would apply:

**“B.2.3.1.3 Low Density Residential Designations**

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan.

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- e) In the Low Density Residential 2c designation:
  - i) the permitted uses shall be street townhouses, block townhouses, courtyard townhouse and other innovative ground-oriented attached housing forms; and,
  - ii) the density shall not exceed 37 dwelling units per gross/net residential hectare.

**B.2.3.1.4 Medium Density Residential Designations**

Notwithstanding Policies E.3.5.2 and E.3.5.7 of Volume 1, the following policies shall apply to the Medium Density Residential designations identified on Map B.2.3-1 – Garner Neighbourhood – Land Use Plan.

- a) In the Medium Density Residential 2b designation:
  - i) the permitted uses shall be stacked townhouses and low rise apartments; and,
  - ii) the density shall not exceed 70 dwelling units per gross / net residential hectare.”

Block 166 is proposed to be redesignated from “Low Density Residential 1” (which permits only single detached dwellings) to “Low Density Residential 2c” in order to allow for the proposed block townhouse development. While the proposed townhouses generate an increase in density to the existing land use designation, the proposed density is a less dense form of development than permitted by the current Zoning By-law. In addition, block townhouses on the land are a better transitional form of ground oriented development with the approved semi-detached dwellings to the north (rather than apartments, which are currently permitted in the Zoning By-law). Based on the compatibility with surrounding development (including lands designated for medium density residential uses to the east), the proposed redesignation can be supported.

Block 180 is proposed to be developed for a mix of maisonettes and block townhouses, consistent with approved development to the east, on Block 169. Block 180 is currently designated “Medium Density Residential 2b”, which permits stacked townhouses and low rise apartments. The Applicant has requested that stacked townhouses be permitted in the Zoning By-law for flexibility should the final plan include such built form. The proposed density is approximately 67 units per hectare, which is in compliance with the maximum permitted 70 units per hectare in the designation. However, the proposed block townhouses and maisonettes are not permitted in the designation and therefore, a Site Specific Policy is proposed to include these uses. This permission within the

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existing “Medium Density Residential 2b” designation can be supported as the proposal would still provide a mix of housing forms at a density contemplated for within the designation. It would also allow a consistent built form with the block to the east (Block 169) to allow a more integrated development.

Therefore, based on the above, the proposed Urban Hamilton Official Plan Amendment can be supported.

**RELEVANT CONSULTATION**

The following Departments and Agencies submitted the following comments:

**Forestry and Horticulture Division (Public Works Department)** have advised that there are trees in the Garner Road East road allowance that will need to be protected through a tree management plan. Tree management is included in the Standard Form Subdivision Agreement through Section 5.10. However, a Tree Protection Plan was previously approved for the Ancaster Glen Phase 2 Subdivision for the registration of Plan 62M-1226. An updated Tree Protection Plan is required (Condition 51 of Appendix “E” to Report PED16147) to ensure that all tree removals are fully compensated for. This would also address any changes due to the updated townhouse design for Block 166.

**Corridor Management Section (Public Works Department)** have approved the updated Traffic Impact Assessment (TIS) which notes that the expected trip generation can be absorbed within the adjacent street network subject to minor infrastructure improvements. The conditions to secure these works are already contained in the existing conditions of approval for the Ancaster Glen Phase 2 Subdivision and would continue to apply to the revised plan with the addition of Block 180.

**Canada Post** has advised that for the multiple residential blocks that central mailboxes will be required and has provided standard specifications for the procedure to provide such mailboxes. The mechanism for evaluating locations and working with Canada Post on addressing these comments is already contained within the Standard Form Subdivision Agreement in Section 1.22 – although additional sections of the agreement detail further restrictions on the locations of mailboxes to protect municipal services.

**The Ministry of Transportation (MTO)** have advised of the need for a Highway 6 road widening with associated daylight triangle dedication at the corner of Hwy 6 and Garner Road East. Other MTO conditions for final approval of the TIS, review and approval of a Storm Water Management Report are also included (Conditions 48, 49 and 50 on Appendix “E” to Report PED16147).

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**Operations Division (Public Works Department)** have advised that the design of Block 180 with dead end driveways to certain units would not permit municipal waste collection and that private waste collection may be required. In this regard, at the Site Plan Control stage of development further review will occur based on the final approved design and a determination of the possibilities for municipal waste collection will be determined.

**Hamilton Conservation Authority (HCA)** have reviewed the detailed initial engineering plans and subdivision and have advised that the plan can be recommended for Draft Plan Approval subject to conditions to require an HCA Permit, erosion and sediment control, storm water management and lot grading. These conditions are already included in the existing Draft Plan of Subdivision for Ancaster Glen Phase 2 and would continue to apply to the revised subdivision.

## **PUBLIC CONSULTATION**

In accordance with Council’s Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to approximately 59 property owners within 120 m of the subject lands on March 12, 2015. At the time of preparation of the staff Report, no letters or other written correspondence has been received. The Notice of Public Meeting was circulated to 65 property owners as due to recently registered lots and blocks within the limits of the circulation the number of nearby property owners has increased.

## **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 and provides for a mix of housing types envisioned within the Garner Neighbourhood Secondary Plan;
  - (iii) The change in designation and zoning for Blocks 180 and 166 maintains an appropriate residential density and provides a mix of residential built form that is compatible and would be developed in conjunction with similar developments on adjacent properties; and,
  - (iv) The development proposes for minor refinements to the existing approved subdivision and brings Block 180 into the existing Ancaster Glen Phase 2

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Subdivision to provide for orderly development and consistent conditions of approval for the subject lands.

2. The purpose of the applications is twofold:
  - i) To bring Block 180 into the Ancaster Glen Phase 2 Draft Plan of Subdivision and implement the necessary Official Plan and Zoning By-law provisions to allow this block to be developed concurrently with Block 169 (immediately to the east), to provide for a mix of maisonettes and block townhouses; and,
  - ii) To redesignate and rezone Block 166 to permit a block townhouse development that would be developed together with Block 165 (which is approved to be developed for semi-detached dwellings on private roads).

With respect to the Official Plan instruments, for Block 180, a Site Specific Policy Area must be established to permit maisonettes and block townhouses within the “Medium Density Residential 2b” designation, in addition to existing permissions for stacked townhouses and low-rise apartments. For Block 166, a redesignation from “Low Density Residential 1” to “Low Density Residential 2c” is required in order to implement the appropriate land use designation in the Garner Neighbourhood Secondary Plan that permits block townhouses. However, the block is zoned to permit apartments.

The discrepancy between existing zoning for Block 166 (which permits apartments) and the existing Official Plan designation (which permits single detached dwellings) arose due to the timing of the approval of the original applications in 2010 and the status of the UHOP. When the original applications were approved in 2010, the UHOP had not received approval by the Ministry of Municipal Affairs and Housing. The 2010 applications and related Official Plan amendments were instead incorporated only into the Ancaster Official Plan. While the Economic Development and Planning Committee did approve a future UHOP amendment, it has not been incorporated into the UHOP due to statutory provisions of the *Planning Act*.

As noted above and in the Policy Implications and Legislated Requirements section of this Report, the proposed Official Plan Amendments can be supported as they would permit development of the two blocks (i.e. Blocks 166 and 180) of land to be undertaken concurrently and consistently with already approved adjacent blocks of land for residential development. The proposal would still provide for an appropriate mix of housing types and densities within the Garner Neighbourhood and continue to ensure density provisions for the neighbourhood are still being met.

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The revision to the Ancaster Glen Phase 2 Draft Plan of Subdivision is required to add Block 180 into the subdivision to ensure orderly development. By doing so, further lot creation on the block could occur post plan registration by the Part Lot Control process. It also enables the range of existing conditions of approval for the Ancaster Glen Phase 2 subdivision to also apply to this block of land.

Block 166 is proposed to be developed for 18 block townhouses with frontage onto a private road that would link through to an approved development on Block 165 immediately to the north. That block is approved to be developed for semi-detached dwellings. The applicant has proposed to redesignate this block to “Low Density Residential 2c” from “Low Density Residential 1” (which only permits single detached dwellings). The proposed “Low Density Residential 2c” designation permits block townhouses (as well as street townhouses and courtyard townhouses).

3. Block 166 already has existing zoning that permits multiple dwellings (i.e. an apartment building) and is zoned Residential Multiple – Holding “H-RM6-603” Zone. The applicant has proposed to apply the “RM5-660” Zone that is in effect on Block 169. This zone permits multi-plex dwellings (which is not a defined use in the Ancaster Zoning By-law). Through previous zoning interpretations, it was determined that a “multi-plex” could include such ground oriented attached housing forms as block townhouses or maisonettes (i.e. back-to-back townhouses). However, to provide for certainty of use, the applicant has proposed to modify the range of permitted uses in the “RM5” Zone for Block 166 to only permit block townhouses. All other zoning modifications would be the same as already permitted for Block 169 except that maximum density would be limited to 37 units per hectare (to be consistent with the Official Plan) and reference to which yards would be deemed to be front, side and rear would be updated to reflect the geographic orientation of the block.

The proposed zoning for Block 166, subject to the reduction in density and alterations to deem certain lot lines as front, rear or sides, is the same as previously recommended and approved for Block 169 with respect to setbacks, parking, height, landscaping and building separation. The zoning would also be flexible such that the exterior boundaries of the zone would be established as lot lines (not interior lot lines created through future Part Lot Control or Condominium applications). The proposed zoning for Block 166 can be supported as it would enable street oriented development to occur with appropriate and consistent setbacks, building height, lot coverage and landscaping, as that already approved in the immediate surrounding area.

4. Block 180 is proposed to be developed for a mix of maisonettes (back-to-back townhouses) and block townhouses for an approximate total of 146 units.

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However, the final number of units may be less (down to approximately 118 units) as the proposal must incorporate a future widening of Highway 6 to be dedicated to the MTO (Block 182) and the inclusion of the standard additional 14 m buffer from the highway (to protect against even greater future widenings). The amount of land to be dedicated to MTO has not been finalized at the time of preparation of the report. However, if MTO determines the widening is not needed and the block or a portion thereof is returned to the applicant, the original proposal of up to 146 units may be possible. The design of the residential development is flexible to incorporate a portion of the road widening and, further, is consistent with Block 169 to the immediate east which is final approved and currently under construction for 70 residential units.

As noted earlier in this report, Block 180 is currently designated “Medium Density Residential 2” in the Garner Neighbourhood Secondary Plan. This designation permits stacked townhouses and low-rise apartments up to a density of 70 units per ha. The proposed density is approximately 68 units per ha. However, the proposed block townhouses and maisonettes are not permitted within the designation, therefore requiring an Official Plan Amendment to establish a Site Specific Policy to allow for these uses (in addition to the existing permitted uses).

In addition to the above noted Official Plan Amendment, the only revision to the existing Ancaster Glen Phase 2 Draft Plan of Subdivision is the incorporation of Block 180 into the subdivision. The inclusion of this block allows for future lotting of the block by way of an Application to Remove Part Lot Control to create individual freehold lots for individual dwelling units and a condominium road. An application to establish a Common Element Condominium would also be required to provide for condominium tenure.

Block 180 currently retains remnant agricultural zoning, reflecting its former agricultural use. Similarly to Block 166, the proposal is to rezone the block to the same zoning as Block 169 to the east (the Residential Multiple “RM5-660” Zone), with modifications to also permit stacked townhouses, in keeping with the existing “Medium Density Residential 2b” designation in the Garner Neighbourhood Secondary Plan. Further, the amending zoning would permit a maximum density of 70 units per hectare instead of 50 units per hectare (which is consistent with the maximum permitted density of the land use designation). The proposed zoning for Block 180 can be supported as it enables street oriented development to occur with appropriate and consistent setbacks, building height, lot coverage, landscaping, as already established in the immediate surrounding area.

5. As noted above, the nature of the revision to the existing subdivision are minor and only deal with the incorporation of Block 180 into the Ancaster Glen Phase 2



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subdivision. Block 166 is already included in the subdivision (and is already a block within the recent registration of the most recent phase of the subdivision for Plan 62M-1226 as Block 14). The inclusion of Block 180 into the subdivision means that all of the existing applicable conditions of draft plan approval for the Ancaster Glen Phase 2 subdivision would apply. Some of these existing conditions may not apply specifically to Block 180 and would be able to be satisfied immediately upon the revised Draft Plan of Subdivision being approved (i.e. conditions that have already been satisfied that deal with other areas of the subdivision). However, many existing conditions would continue to apply including:

- Servicing and other engineering requirements (including those of the Hamilton Conservation Authority);
  - requirements for warning clauses for parking (to advise purchasers that garages are provided for the purpose of parking a vehicle);
  - The provision for traffic improvements along Garner Road East to provide for turn lanes on John Fredrick Drive and for a pavement marking plan;
  - requirements for an updated noise study (this will also be reviewed and approved through future Site Plan Control applications for Blocks 180 and 166) including the provision for noise warning clauses due to the proximity of Highway 6;
  - submission of a Tree Preservation Study and Plan (note that an additional site specific condition would apply to address more specific requirements as Condition 51 on Appendix “E” to Report PED16147);
  - submission of Architectural and Urban Design Guidelines; and,
  - submission of a Record of Site Condition.
6. As noted above, the existing conditions of draft plan approval (which are in addition to standard conditions of approval contained in the City of Hamilton Standard Form Subdivision Agreement) cover the range of needed conditions to ensure appropriate and orderly development of Block 180. However, certain additional (i.e. new) conditions of approval would be required. These include:
- Ministry of Transportation (MTO) conditions to secure the widening of Highway 6 as well as special conditions for MTO to give final approval of the Traffic Impact Study as well as the detailed engineering plans (including Storm Water Management and lot grading plans). These conditions are included as Conditions 48, 49 and 50 on Appendix “E” to Report PED16147; and,
  - a special condition for replacement trees relating to an earlier approved Tree Protection Plan (Forestry and Horticulture Section of the Public Works Department had not previously accounted for the required compensation for six trees being removed) as well as for a revised TPP for

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Block 166 due to its proposed new configuration and for a TPP for Block 180 (Condition 51 on Appendix “E” to Report PED16147);

7. As part of the complete application submission for the proposal, a number of technical studies (updated Functional Servicing Report, Storm Water Management Brief, etc.) were submitted and reviewed by staff. In this regard, it was determined that the approved engineering design for the larger Ancaster Glen Phase 2 subdivision has already anticipated the proposals with regards to the servicing design of the subdivision. However, four additional new conditions of approval are required due to the incorporation of Block 180 into the subdivision. These include a requirement for the owner to pay their proportionate share for the urbanization of Garner Road East adjacent to Block 180; to provide an appropriate final road widening block along Garner Road East; to amend the existing subdivision agreement to incorporate existing noise warning clauses for Block 180; and, to revise and resubmit the Functional Servicing Report (Conditions 52, 53, 54 and 55 on Appendix “E” to Report PED16147).
8. Block 166, proposed for block townhouse development, currently contains zoning that is subject to an ‘H’ Holding Provision which cannot be lifted until such time that certain engineering matters are finalized pertaining to upgrades to a pumping station, upgrades to the downstream gravity system and the design and construction of a sanitary sewer outlet. Not all of these upgrades have yet been completed; however they have been secured and their completion is imminent. Therefore, as part of the rezoning of Block 166, the ‘H’ Holding Provision is not required to be carried forward. At such time that a Site Plan Control Application is submitted for that block, it will be determined whether the servicing upgrades have been completed and whether any special conditions of approval are needed for that Site Plan Control Application. A Holding Provision for Block 180 is not required as existing conditions of approval for the subdivision and new conditions are sufficient in order to secure adequate services (lands on the west side of John Frederick Drive do not have the same servicing constraints as lands on the east side of the street).
9. Block townhouses and maisonettes are subject to Site Plan Control, in accordance with Site Plan Control By-law No. 15-176. Therefore, both Blocks 166 and 180 will be subject to future applications for Site Plan Control. Matters such as grading, drainage, servicing, landscaping, tree preservation, driveway locations, fencing, final noise study review, and architectural design, will be addressed at the Site Plan Control stage of development.

## **ALTERNATIVES FOR CONSIDERATION**

If the application is denied, the lands at Block 166 could be developed in accordance with the existing Holding – Multiple Residential “H-RM6-603” Zone provisions, which permit multiple dwellings (subject to a separate application to remove the ‘H’ Holding Provision). Block 180 could only be developed in accordance with the existing Agricultural “A-216” Zone, which permits agricultural uses and an accessory 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).

## **APPENDICES AND SCHEDULES ATTACHED**

- Appendix “A”: Location Map
- Appendix “B”: Draft Official Plan Amendment
- Appendix “C”: Draft Zoning By-law Amendment
- Appendix “D”: Draft Plan of Subdivision
- Appendix “E”: Draft Plan Conditions of Approval
- Appendix “F”: Preliminary Site Plans for Block 166 and 180

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