



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	November 15, 2016
SUBJECT/REPORT NO:	Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 555 Highvalley Road, Ancaster (PED16223) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Delia McPhail Planner (905) 546-2424 Ext. 6663 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to **Zoning By-law Amendment Application ZAC-16-042 by Baldin and Beltrame Construction (Owner)**, for a change in zoning from the Deferred Development "D" Zone to the Holding – Residential "H-R3-679" Zone, Modified, to permit the development of four single detached dwellings on lands located at 555 Highvalley Road, Ancaster, as shown on Appendix "A" to Report PED16223, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED16223, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the Amending By-law, attached as Appendix "B" to Report PED16223, be added to Map No. 1 to Schedule B of Zoning By-law No. 87-57; and,
- (c) That the proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The purpose of the application is to change the zoning of the subject lands, in order to permit the development of four single detached dwellings, as shown on Appendix “C” to Report PED16223. The lots are proposed to be created through the Removal of Part Lot Control. Each lot, as proposed, will have a lot frontage of 18.3 m and a lot area of 729 sq m. An “H” Holding Provision has been applied to the subject lands to require the owner to enter into a Development Agreement and to receive approval of a Tree Protection Plan.

The proposed change in zoning can be supported as it complies with the Urban Hamilton Official Plan, is compatible with the existing character of development in the neighbourhood, and represents good planning.

Alternatives for Consideration – See Page 16

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 amendments to the Zoning By-law.

HISTORICAL BACKGROUND

Proposal:

The subject lands are located on the east side of Highvalley Road, which is within the neighbourhood northeast of the intersection of Lime Kiln Road and Rousseau Street in Ancaster. The lands are currently vacant with a manicured lawn and tree cluster that has become established on the land.

The subject application is for a change in zoning from the Deferred Development “D” Zone to allow the development to proceed in accordance with the Residential “R3-626” Zone, Modified. However, the lands will be subject to an “H” Holding Provision for the securing of a Development Agreement and a Tree Protection Plan and, therefore, will be zoned Holding – Residential “H-R3-679” Zone, Modified. The “H-R3-679” Zone will allow for development to proceed as per the site specific requirements of the “R3-626” Zone. The effect of the application is to allow for the creation of four lots for the development of four single detached dwellings on the subject lands.

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The applicant has also submitted a Part Lot Control Application, No. PLC-16-028, for the creation of four lots, as the subject lands comprise a Block in a Registered Plan of Subdivision (62M-417), commonly referred to as the Wildwood Estates / Carriage Gate Homes Subdivision.

Chronology:

July 15, 2016: Zoning By-law Amendment Application ZAC-16-042 received.

July 22, 2016: Application deemed complete.

July 28, 2016: Applications circulated to staff and commenting agencies.

August 4, 2016: Notice of Complete Application and Preliminary Circulation is mailed to 58 property owners within 120 m of the subject lands.

August 10, 2016: Public Notice Sign posted on the property.

October 12, 2016: Public Notice sign updated to reflect the Public Meeting date.

October 28, 2016: Notice of Public Meeting given in accordance with the *Planning Act* to 58 property owners within 120 m of the subject lands.

Details of Submitted Application

Owner/Applicant: Baldin and Beltrame Construction

Agent: Wellings Planning Consultants (c/o Glenn J. Wellings)

Location: 555 Highvalley Road (Ancaster)

Description:

<u>Frontage:</u>	+/-	73.3 m
<u>Depth:</u>	+/-	39.7 m
<u>Lot Area:</u>	+/-	2,910 ha

Services: Full Municipal Services

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EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Deferred Development “D” Zone.
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings (Common Element Condominium)	Residential “R3-628” Zone, Modified.
South	Single Detached Dwellings	Residential “R3” Zone.
West	Single Detached Dwellings	Residential “R3-626” Zone, Modified.
East	Single Detached Dwellings	Residential “R3” 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.

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As the application for a modification in zoning complies with the Official Plan, it is staff's opinion that the application is:

- 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.

Urban Hamilton Official Plan

The subject lands are identified and designated "Neighbourhoods" on Schedules "E" and "E-1", respectively, and Policy E.3.2.3 identifies single detached dwellings as one of the permitted uses within that designation.

"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."

Intensification

Within Chapter "B", residential intensification is identified as a key component of the City's strategy to meet its growth targets, and one that requires careful consideration to design and compatibility with existing uses, in order to promote good planning and avoid unacceptable impacts. Within the Neighbourhoods Designation, the following residential intensification policies apply:

"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 form;
- 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

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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.2.4.2.1 *Residential intensification* within lands designated Neighbourhoods identified on Schedule E-1 - Urban Land Use Designations shall comply with Section E.3.0 – Neighbourhoods Designation.

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 lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.”

The above policies recognize that, while residential intensification is encouraged throughout the built-up area, there are specific criteria that must be considered when determining compatibility with the surrounding neighbourhood. Staff have considered the relationship of the proposed development to the surrounding neighbourhood and, as the draft By-law attached as Appendix “B” to PED16223 applies the same zoning regulations that are applicable to the lands to the west on the opposite side of Highvalley Road, staff are satisfied that the future dwellings and accessory buildings will result in residential intensification that is compatible with the scale, form and character of the neighbourhood, as per the criteria contained in Policy B.2.4.1.4. Furthermore, the

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proposed development will not result in nuisance effects, such as shadowing, overlook and noise, as per Policy B.2.4.2.2.

In terms of residential intensification within the Neighbourhoods designation, staff note that the subject lands are located within a residential neighbourhood that is characterized by lots with frontages ranging between 15 m and 23 m and areas ranging between 674 sq m and 850 sq m. The Concept Plan attached as Appendix “C” to PED16223, depicting the proposal for lots having a minimum lot frontage of 18 m and minimum lot area of 729 sq m, will provide a similar streetscape along this portion of Highvalley Road, in keeping with the matters listed in Policy B.2.4.2.2.

Policies B.2.4.1.4 f) and B.2.4.2.2 j), above, raise transportation impacts and infrastructure capacity when considering proposals for intensification. Staff recognize that the subject proposal is for the development of four single detached dwellings with associated accessory buildings and structures, and transportation impacts are not expected. Staff are satisfied that there is sufficient capacity within the public watermain, municipal storm, and sanitary sewers available along Highvalley Road to service the proposed development. A Development Agreement will be required to address cost recoveries for these services, in addition to other matters, as discussed in the Analysis and Rationale for Recommendation Section, below.

Built Form and Neighbourhood Character

Ensuring that new development is compatible with, and enhances, the character of the existing environment and locale is one of the urban design goals identified within Section B.3.3 of the UHOP. Another goal identified is the promotion of intensification that is appropriate and is compatible in form and function to the character of the existing neighbourhood. As Section B.3.3.3 points out, built form shapes the visual qualities of streets and each building contributes to its neighbourhood character. Therefore, it is important to consider the subject proposal in such terms.

“B.3.3.3 Built form shapes the visual qualities of streets and open spaces but also affects how the public spaces around buildings are used, experienced, and perceived. Our city is built one building at a time and each building contributes to the overall design of the City, therefore attention to each building is an important step in the city building process. Built form plays a large role in defining the character of an area. New *development* shall serve to maintain and support existing character, or create and promote the evolution of the character in areas where transformations are appropriate and planned.

B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.

B.3.3.3.4 New *development* shall define the street through consistent setbacks and building elevations. Design directions for setbacks and heights are found in Chapter E – Urban Systems and Designations and in the Zoning By-law.”

Given the provisions contained within the draft By-law, attached as Appendix “B” to Report PED16223, are consistent with the regulations currently applied to the adjacent lands to the west, staff are satisfied that the proposed development will respect the built form of the existing neighbourhood, in terms of massing and setbacks, as per Policies B.3.3.3.2 to B.3.3.3.4.

The following urban design policies also refer to the concept of built form and neighbourhood character, when considering proposals for new development and redevelopment:

“B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment; and,
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm.

B.3.3.2.6 Where it has been determined through the policies of this Plan that *compatibility* with the surrounding areas is desirable, new *development* and *redevelopment* should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities; and,
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context.”

As identified on the proposed Concept Plan, attached as Appendix “C” to Report PED16223, showing the proposed building envelopes, the future development will respect the existing building placement, massing, rhythm and character of the

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Highvalley Road neighbourhood through the application of consistent zoning standards with the surrounding neighbourhood, in keeping with the policies referenced above.

Natural Heritage

Policies concerning the protection and enhancement of natural areas and features within the Urban Area are found within Section C.2.0 of the UHOP.

In reference to Schedule B: Natural Heritage System, staff note that the subject lands do not contain any Core Areas (i.e. Environmentally Significant Areas, Areas of Natural and Scientific Interest, Significant Woodlands, wetlands and watercourses) or Linkages (natural areas that ecologically connect Core Areas) and there are no such areas adjacent to (within 120 m of) the subject property. Notwithstanding, Policy C.2.11.1 provides:

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

As the subject lands contain a cluster of trees that will be impacted by the proposed development, staff is satisfied that the Draft Implementing By-law, attached as Appendix “B” to Report PED16223, which requires the approval of a Tree Protection Plan prior to the lifting of the “H” Holding Provision, will provide the necessary assurances that the above policy is being met.

Holding Provision

Section F.1.8 of the UHOP refers to Holding By-laws. Staff has determined that the proposed development of four single detached dwellings is appropriate for the use of the lands, but that the development should not take place until certain conditions have been met. In such a case, Council may pass a “Holding” By-law that places an “H” symbol over the zoning of land, which specifies the conditions that shall be met before the “H” symbol is removed and the lands can be developed. Therefore, the following policies apply:

- “F.1.8.2 A Holding symbol may be applied under any or all of the following circumstances and specified in the Holding by-law:
- a) where development is contingent upon other related matters occurring first, such as but not limited to:

- iv) securement of funding agreements on necessary infrastructure or services; and,
 - d) where environmental constraints currently preclude development or redevelopment without planned mitigative or remediated measures.
- F.1.8.3 Until such time as the Holding “H” symbol is removed, the By-law may permit interim land uses which may include an existing use or other use(s) that is permitted by the Zoning By-law and does not jeopardize the land for the intended land uses.
- F.1.8.4 Council shall pass a By-law to remove the Holding “H” symbol for all or part of the property only when the City is satisfied all the conditions of:
 - a) the “H” zone have been fulfilled; and,
 - b) the provisions of this Plan are met.”

As a discussed in the Analysis and Rationale for Recommendation Section below, it is appropriate to apply the “H” Holding Provision to ensure that the required Development Agreement and Tree Protection Plan are completed to the satisfaction of staff, as provided in Policy F.1.8.2 above.

Based on the foregoing, the proposal complies with the UHOP.

Ancaster Zoning By-law No. 87-57

The subject lands are currently zoned Deferred Development “D” Zone in the Town of Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” to Report PED16223.

The Deferred Development “D” Zone allows for existing agricultural buildings and dwellings at the date of passing of the Ancaster Zoning By-law, as well as an urban farm and a community garden.

The effect of this Zoning By-law Amendment will be to allow for the development of four single detached dwellings on the subject lands, in accordance with the Residential “R3-679” Zone, Modified, which will allow for development to proceed in accordance with the Residential “R3-626” Zone provisions, save and except for the “H” Holding Zone. The proposed zoning and the site specific modifications are discussed in greater detail in the Analysis and Rationale Section of this Report.

RELEVANT CONSULTATION

The following Departments and Agencies have no comments or objection to the application:

- Trails, Parks, and Open Space (Public Works Department);
- Operations Division (Public Works Department);
- Capital Budget Project Coordination (Public Works Department);
- Capital Budget Projects (Public Works Department);
- Recreation Division (Community and Emergency Services Department); and,
- Corridor Management Section (Public Works Department).

The following Departments and Agencies had comments on the application:

Niagara Escarpment Commission (NEC)

Staff advise that the proposed development is deemed to be compliant with the relevant Urban Area policies of the Niagara Escarpment Plan.

Corporate Assets and Strategic Planning – Operations Support (Public Works Department)

Staff require the installation of a sidewalk (min. 1.5 m width) and street trees along the right-of-way adjacent to the subject lands and the recommendations of the Ancaster Transportation Master Plan be incorporated into the street design. These requirements will be addressed through the Development Agreement discussed in the Analysis and Rationale for Recommendation Section, below.

Urban Forestry and Horticulture Section (Public Works Department)

Staff note that there are no municipal assets located within the right-of-way adjacent to the subject lands. Therefore, the applicant will be required to submit a detailed Landscape Planting Plan, prepared by a Registered Landscape Architect, showing the placement of trees either within the private property limits or the public right-of-way. Furthermore, the applicant will be required to provide payment of \$590.00 plus HST per tree for road allowance trees to be planted by the City of Hamilton, as approved through the review of a proposed street tree planting scheme. These requirements will be addressed through the Development Agreement, referenced in the Analysis and Rationale for Recommendation Section, below.

Public Consultation

In accordance with *The Smart Growth for Our Communities Act, 2015* (Bill 73), the applicant proposed a consultation strategy that relied upon the notice requirements of the *Planning Act*. The applicant cited that the statutory requirements would be sufficient, as the proposed Zoning By-law Amendment Application implements the policies of the Urban Hamilton Official Plan and the level of intensification is minor. In the event of any written submissions, the applicant would provide any additional information required.

In accordance with the provisions of the *Planning Act*, and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the Zoning By-law Amendment Application was sent to 58 property owners within 120 m. of the subject lands on August 4, 2016, and a Public Notice sign was placed on the property on August 10, 2016 and was updated with the Public Meeting date on October 19, 2016. At the time of preparation of the staff report, no submissions from the public on the proposed Zoning By-law Amendment had been received. Staff received one phone call from an adjacent neighbour, concerning the future of the existing cedar hedge along the south portion of the subject lands and discussions ensued between the resident and the applicant to ensure protection of the cedar hedge, which has been identified for retention in the submitted Tree Inventory and Preservation Plan.

Notice of the Public Meeting was given on October 28, 2016, in accordance with the requirements of the *Planning Act*.

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, conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan; and,
 - ii) It is compatible with the type and form of development in the surrounding neighbourhood.
2. The neighbourhood in which the subject lands are situated has developed in phases over the past 30 years. In 1985, the Wildwood Estates / Carriage Gate Homes Subdivision (25T-83021) was registered as Registered Plan No. 62M-417, and the subject lands were included as Block "6" of that Plan and were placed under the Deferred Development "D" Zone. It was not until the Legacy Subdivision (25T-200403) was registered in late 2014 (Registered Plan No. 62M-1212), which

extended Highvalley Road to Lime Kiln Road, that the development of property could be contemplated.

3. The applicant requested an amendment to the Ancaster Zoning By-law No. 87-57 to rezone the subject lands from the Deferred Development “D” Zone, Modified to the Residential “R3-626” Zone, Modified, which would provide the same zoning regulations as those that are applied to the lands to the west of the subject lands. The “R3-626” Zone cannot be applied to the subject lands because of the proposed “H” Holding Zone. However, the development standards in the “R3-626” Zone and the proposed “H-R3-679” Zone are the same. Replicating the provisions of the existing Residential “R3-626” Zone, Modified, would establish consistent zoning regulations within the neighbourhood, as follows:

Residential “R3-626” Zone, Modified:

Minimum Lot Area:	580 sq m, except on a corner lot the minimum lot area shall be 700 sq m;
Minimum Lot Frontage:	14.5 m per dwelling unit, except on a corner lot the minimum lot frontage shall be 17.5 m;
Maximum Lot Coverage	45% for a one storey dwelling unit and 42.5% for a two storey dwelling unit;
Minimum Front Yard	4.5 m to a dwelling, except 6.0 m to an attached garage (Notwithstanding Section 15.2(e), Schedule "C" requirements shall not apply);
Minimum Side Yard	1.2 m, except 2.4 m for an exterior side yard; and,
Maximum Yard Encroachments	1.5 m for an enclosed porch or open stairways that project into any minimum front or rear yard, and into any minimum side yard not more than 45 cm.

The Draft Implementing By-law, attached as Appendix “B” to Report PED16223, identifies that development shall be in accordance with the Residential “R3-626” Zone, Modified. However, a new site specific number has been assigned to the Zoning to provide clarification that the owner must enter into a Development Agreement and to receive approval of a Tree Protection Plan for the removal of the “H” Holding Provision.

The above noted zoning for the subject lands can be supported as the zone is the same as the zoning on lands on the west side of Highvalley Road, resulting in lots that are in keeping with the lot fabric of the abutting lands, and will establish consistency within the neighbourhood.

4. Section 50 of the *Planning Act* permits Council to pass a by-law to exempt a lot or a block of land within a Registered Plan of Subdivision from Part Lot Control for the purpose of subdividing the land. Therefore, the applicant submitted Part Lot Control Application No. PLC-16-028 for the creation of four lots for single detached dwellings, as the subject lands comprise Block 6 in a Registered Plan No. 62M-17. Staff notes that the processing of Part Lot Control Application No. PLC-16-028 is contingent upon the proposed amending Zoning By-law being passed by Council, which would permit the development of single detached dwellings following the removal of the “H” Holding Provision. Once the Zoning permits the proposed development, the By-law to remove Part Lot Control could be passed by Council and the owner would have two years to register the By-laws on title to create the lots.
5. Staff have reviewed the submitted Tree Inventory and Preservation Plan, which confirms that the majority of the trees found on the subject lands will be impacted by the proposed development. In fact, of the 38 trees inventoried on the property, 30 trees are proposed for removal, based on the building envelope identified on the Concept Plan, attached as Appendix “C” to PED16223, and grading requirements. Staff note that the cedar hedge along the southern portion of the subject lands, which was of interest to an adjacent property owner, has been identified for retention. Staff also note that, through the completion of a Butternut Health Assessment and hybridity test, a Butternut tree was confirmed to be a hybrid and is not considered a Species at Risk that falls under the jurisdiction of the Ministry of Natural Resources and Forestry (MNRF).

In order to meet the City’s Tree Protection Guidelines, further information is required to ensure that a full assessment of all trees has been conducted to determine which trees are to be protected and which may be removed. Of particular interest to staff are those trees greater than 35 cm in diameter at breast height that are in good health, such as Red and Manitoba Maples, and Black Walnuts. In addition, there were two invasive trees (Green Ash and Norway Maple) that have been identified for removal, which are located on a mutual property line of the neighbouring properties to the north and east of the proposed northerly lot. If there is no possibility of retention of these trees, permission from the adjacent property owner will be required prior to the approval of the Tree Protection Plan and the removal of said trees. Staff note that cash-in-lieu will apply if the trees are to be removed. Finally, since the proposal includes custom built homes to be constructed on the subject lands, there may be an opportunity to

protect some trees from the proposed development, if the design and siting of the houses will allow for the retention of additional trees.

To maintain the existing tree cover, the City requires one for one compensation for any tree that is 10 cm DBH or greater that is proposed to be removed, which is required to be identified on a Landscape Plan. If there is not enough space to plant the trees required for compensation, whether on private property or within the public right-of-way, a cash-in-lieu payment for the removal of trees will be required. Finally, a private tree protection by-law (By-law No. 2000-118) is in place for the Town of Ancaster, which regulates the removal of individual trees that are 45 cm diameter-at-breast-height (DBH) or greater.

Based on the foregoing analysis, revisions to the Tree Protection Plan are required and cash-in-lieu will be secured through the “H Holding Provision of the Draft Implementing By-law, attached as Appendix “B” to PED16223.

6. Staff has reviewed the submitted Functional Servicing Report and Hydrogeological Report and confirm that the proposed development may be serviced by the existing 150 mm water and 250 mm sanitary sewer fronting the subject lands on Highvalley Road, and that no private wells will be impacted by the proposed development of the subject lands. Staff note that there is a 0.3 m reserve along the frontage of the subject lands along Highvalley Road, which prevents the proposed development from connecting the services within the public right-of-way. Staff advise that the By-law to lift the 0.3 m reserve would be passed at the same time as the By-law to Remove Part Lot Control. With respect to stormwater management, the 525 mm storm sewer within the municipal right-of-way was designed to accommodate the subject lands at a run-off coefficient of 0.45, as per the Legacy Subdivision Engineering Design. As the proposed run-off coefficient for the proposed development is 0.66, staff recommend the installation of permeable pavers on the driveways for the proposed dwellings to achieve the required run-off coefficient.

In the absence of a Draft Plan of Subdivision or a Consent Application, a Development Agreement will be required to allow the proposed development to proceed and will include such matters as grading, drainage, inspections of grading and services, cash payment for trees removed, cost recoveries, driveway approaches, 1.5 m sidewalks and any damage to the City’s infrastructure during construction. Furthermore, the applicant will be required to pay their fair share of the proportional servicing costs for the proposed development, as the infrastructure to service the proposed development was installed by the developer of the adjacent Legacy Subdivision. This requirement will also be secured through the Draft Implementing By-law, attached as Appendix “B” to PED16223.

7. An “H” Holding Provision has been added to the Draft Implementing By-law, attached as Appendix “B” to PED16223, in order to secure the required Development Agreement and to approve a Tree Protection Plan for development to proceed on the subject lands. This would preclude any development from taking place on the site until the above matters have been addressed to the satisfaction of staff.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the use of the lands would need to conform to the requirements of the Deferred Development “D” Zone, which would only permit the development of an urban farm or community garden, as there is no existing dwelling or agricultural buildings on the subject lands.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Implementing Zoning By-law Amendment
- Appendix “C”: Concept Plan

:DM/mo