



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 4, 2017
<b>SUBJECT/REPORT NO:</b>	Applications to Amend Glanbrook Zoning By-law No. 464 and for Approval of a Draft Plan of Subdivision known as "9890 & 9906 Twenty Road West" (Glanbrook) (PED17052) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Melanie Schneider (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Amended Zoning By-law Amendment Application ZAC-16-011 by 2171433 Ontario Inc., (Tony Barletta, Owner)**, for a change in zoning from the Existing Residential "ER" Zone to the Residential "R4-302" Zone, Modified for lands located at 9890 & 9906 Twenty Road West (Glanbrook), as shown on Appendix "A" to Report PED17052, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix "B" to Report PED17052, 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 "F" of the Township of Glanbrook Zoning By-law No. 464.
  - (iii) 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 complies with the Urban Hamilton Official Plan.
- (b) That **Redline Revised Draft Plan of Subdivision Application 25T-201603 by 2171433 Ontario Inc., (Tony Barletta, Owner)**, to establish a Draft Plan of Subdivision known as "9890 & 9906 Twenty Road West" to establish eight lots for

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single detached dwellings, on lands known as 9890 & 9906 Twenty Road West (Glanbrook), as shown on Appendix “A” to Report PED17052, be **APPROVED** subject to the following conditions:

- (i) That this approval apply to the Draft Plan of Subdivision “9890 & 9906 Twenty Road West” 25T-201603, prepared by Urbex Engineering, and certified by S. D. McLaren, O.L.S., dated October 22, 2015, showing eight lots for single detached dwellings (Lots 1-8) subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “D” to Report PED17052.
- (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit;

With regards to lots 1 to 8 (Single Detached Residential) will require a parkland dedication at a rate of 5%.

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

- (iii) The City of Hamilton will not cost share with the owner with respect to this development.

## **EXECUTIVE SUMMARY**

The purpose of the subject applications are to amend the Glanbrook Zoning By-law No. 464 and for approval of a Draft Plan of Subdivision known as “9890 & 9906 Twenty Road West”. By way of these applications, the applicant is seeking to permit the development of eight lots for single detached dwellings, all having direct access from Twenty Road West. In addition, a modification to the maximum lot coverage from 45% to 40% is proposed and has been incorporated in to the Zoning By-law (see Appendix “B” to Report PED17052).

The proposal has merit and can be supported since the applications are consistent with the Provincial Policy Statement (PPS), conform to the Growth Plan for the Greater Golden Horseshoe, and comply with the Urban Hamilton Official Plan (UHOP). The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the immediate area.

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*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 an Amendment to the Zoning By-law and for approval of a Draft Plan of Subdivision.

## **HISTORICAL BACKGROUND**

**Proposal:**

The subject lands are located on the north side of Twenty Road West, east of Glancaster Road. The lands are municipally known as 9890 & 9906 Twenty Road West (see location map attached as Appendix “A” to Report PED17052).

The proposal includes the creation of eight lots for eight single detached dwellings, all fronting onto Twenty Road West. The lands will be serviced from Twenty Road West.

**Zoning By-law Amendment**

The proposed Zoning By-law Amendment is for a change from zoning from the Existing Residential “ER” Zone to the Residential “R4-302” Zone, Modified, in the Glanbrook Zoning By-law No. 464. A modification to the R4 Zone has been requested for an increase in the maximum lot coverage from 35% to 40%.

**Draft Plan of Subdivision**

The subject lands are currently identified as Blocks 21 and 22 in the Kopper Meadow – Phase 1 Subdivision which was registered in 2007. The subject lands were identified as blocks for future development as Twenty Road West but did not have access to services at the time of registration of the subdivision. Since a development pattern has been proposed and there are now services available in Twenty Road West, the applicants have submitted the current Draft Plan of Subdivision Application, (known as “9890 & 9906 Twenty Road West”, 25T-201603) for the creation of eight lots for eight single detached dwellings fronting onto Twenty Road West.

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**Chronology:**

January 6, 2016: Applications deemed to be complete.

January 15, 2016: Notice of Complete Application and Preliminary Circulation mailed to 80 property owners within 120 m of the subject lands.

January 20, 2016: Public Notice Sign posted on site.

March 8, 2017: Public Notice Sign updated to include date of Public Meeting.

March 17, 2017: Circulation of Notice of Public Meeting to 80 property owners within 120 m of the subject lands.

**DETAILS OF SUBMITTED APPLICATIONS:**

**Location:** 9809 & 9906 Twenty Road West, Glanbrook

**Owners:** 2171433 Ontario Inc.

**Agent:** Liam Doherty Planning & Design

**Property Size:** Lot Area: 0.53 hectares  
Frontage: 101.5 metres  
Depth: 49.2 metres

**Servicing:** Water main  
No sanitary services

**Existing Land Use and Zoning:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b>Subject Land:</b>	Two Single Detached Dwellings	Existing Residential “ER” Zone
<b>Surrounding Land:</b>		
North:	Existing Single Detached Dwellings and Temporary Turning Circle	Residential “R4-188” Zone, Modified

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South:	Glancaster Golf Club & Hydro Corridor	Open Space “P4” Zone
East:	Existing Single Detached Dwelling	Existing Residential “ER” Zone
West:	Townhouse Dwellings under construction	Residential Multiple “RM3-283” Zone, Modified

### **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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

Staff also note Cultural Heritage policies have not been updated within the UHOP in accordance with the PPS (2014). The following policy of the PPS (2014) also applies:

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The subject property meets three of the ten criteria for Archaeological potential and the policies found in Subsection 2.6.2 do not permit development on land in which there is archaeological potential unless the archaeological resources have been conserved. A Stage 2 archaeological report (P001-288) for the lands including 9890 and 9906 Twenty Road West was submitted to the Ministry of Tourism, Culture and Sport. The Ministry signed off on compliance with licensing requirements in a letter dated August 11, 2005.

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Based on the previous assessment, staff are satisfied that there is no concern from an archaeological perspective.

As the applications for a change in zoning and the Draft Plan of Subdivision comply with the Official Plan and the relevant PPS policies pertaining to Cultural Heritage, 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,
- conform to the Growth Plan for the Greater Golden Horseshoe.

**Urban Hamilton Official Plan (UHOP)**

The subject lands are designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the UHOP. The lands are also designated “Low Density Residential 2” in the North-West Glanbrook Secondary Plan and shown within the Built Boundary on Appendix “G” – Boundaries Map. The following policies, amongst others, are applicable to the subject applications.

**Noise**

B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.2 Any required noise or vibration study shall be prepared by a qualified professional, preferably a professional engineer with experience in environmental acoustics, in accordance with recognized noise and vibration measurement and prediction techniques, to the satisfaction of the City, and in accordance with all applicable guidelines and standards.”

The subject lands front onto Twenty Road West, which is identified as a Minor Arterial Road on Schedule “C” – Functional Road Classification in the UHOP. Accordingly, a Noise Study prepared by dBA Environmental Services Inc., dated October 2014 was submitted in support of the applications. The findings of the report indicate that no noise mitigation measures or warning clauses are required. Staff concur with these recommendations and are satisfied that no additional conditions or requirements are required in support of the proposal.

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North-West Glanbrook Secondary Plan

The subject lands are designated “Low Density Residential 2” in the North-West Glanbrook Secondary Plan, in Volume 2 of the UHOP. The following policies, amongst others, apply.

- “B.5.3.2.3 Low Density Residential Designations in addition to Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2 and 2c on Map B.5.3-1 – North-West Glanbrook – Land Use Plan:
- a) Notwithstanding Policy E.3.4.4 of Volume 1, the maximum net residential density on lands designated Low Density Residential 2 shall be 25 units per hectare.
  - b) Notwithstanding Policy E.3.4.3 of Volume 1, the permitted uses on lands designated Low Density Residential 2 shall primarily consist of single detached dwellings, duplex, semi-detached and triplex dwellings.
  - g) To minimize conflicts, new residential development proposed to be developed contiguous to the existing large lot residential development shall be restricted to low density residential development.”

The proposed development will be comprised of single detached dwellings, having a residential density of 15 units per hectare, in order to meet the requirements of Policies B.5.3.2.3 a) and b). The proposal is a low density residential development to ensure policy B.5.3.2.3 g) is implemented to minimize conflicts with existing residential lots along Twenty Road West. Accordingly, staff are satisfied that the proposal meets the intent of the these policies.

City of Hamilton Staging of Development

Finally, Policy F.1.14.1.2 of Volume 1 identifies the following:

- “F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:
- a) the plan of subdivision conforms to the policies and land use designations of this Plan.

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- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the Planning Act.”

At the time of writing of this report, the Staging of Development Report for 2017 was still under development. However, staff can confirm that the proposed Draft Plan of Subdivision implements the intent of the Staging of Development Program in that services are available for orderly extension. Road improvements have been accommodated through road widenings along Twenty Road West. Natural Features have been reviewed under the associated Tree Protection Plan, which must be finalized as a standard Condition of Draft Approval. Since there are no new proposed roadways as part of this development and the lot pattern is consistent with the surrounding neighbourhood, staff are satisfied that the proposal can successfully be integrated with adjacent lands and roadways. Staff also note that the City shall not enter into any cost sharing with the applicant, ensuring the Plan of Subdivision will not adversely impact municipal finances.

**Glanbrook Zoning By-law No. 464**

The applicant is seeking a change of zoning from Existing Residential “ER” Zone to the Residential “R4-302” Zone, Modified to facilitate the creation of eight lots for single detached dwellings. The “ER” Zone permits single detached dwellings with restrictive requirements regarding lot area, lot width, and coverage. The proposed “R4” Zone would provide a lot area and lot width that is consistent with the lands to the north and to the east (9862 Twenty Road West), providing a compatible built form with the recent developments in the area. The proposed “R4” Zone also provides a lotting pattern that implements the North-West Glanbrook Secondary Plan in terms of built form and density. An additional modification is recommended regarding decreasing the maximum lot coverage from 35% to 40%, which is further discussed below.



## **RELEVANT CONSULTATION**

The following Departments / Agencies had no comments or objections:

- NAV Canada;
- Canada Post Corporation; and,
- Hydro One.

**Corridor Management, Public Works Department** staff have identified no comments or concerns with the proposed Zoning By-law Amendment. However, staff have requested the following Condition to be included in the Draft Approval for the proposed Subdivision:

“Provisions shall be in place to construct all driveways to include a hammerhead design so that vehicles can exit in a forward manner. The driveways shall be located to the satisfaction of the Director of Engineering Services, Public Works.”

For improved egress, Corridor Management staff have recommended that all driveways be constructed to include a hammerhead so that vehicles can exit in a forward manner. Staff have included Condition 15 of Appendix “D” to Report PED17052 which allows for the review and clearance of the driveway design to the satisfaction of the Director of Engineering Services.

**Forestry and Horticulture, Public Works Department** have reviewed the Tree Protection Plan and Tree Management Plan, prepared by Adesso Design Inc., dated November 28, 2014 in support of the application and offer the following comments:

“Tree Management Plan submitted is approved with no amendments required. Municipal tree assets identified on plan as tree #2, 20, 21, and 22 require replacement value due to species and condition. Tree removal shall be completed at the applicant's expense.

A Landscape Plan prepared and signed by a Registered Landscape Architect will be required. This plan must be submitted for review and comments by the Forestry & Horticulture Section.

Replacement value required for the four (4) Red maples on municipal property is \$21,150.00 plus HST, for a total of \$23,899.50 and is payable to the City of Hamilton, Account #45519, Dept. I.D. 445990, re: replacement value of 4 trees at 9890 and 9906 Twenty Road West, Glanbrook.

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The City of Hamilton's Public Tree Preservation and Sustainability Policy per the Tree By-Law 15-125 requires new developments to provide payment of \$590 per tree for road allowance street trees, as approved through the review of a proposed street tree planting scheme.”

Staff note that Standard Condition 17 ensures the Tree Protection Plan shall be completed as part of the proposed development. The Condition of Draft Approval will ensure all street trees are identified and appropriate compensation has been provided.

**Growth Planning, Planning and Economic Development Department** have offered the following comments regarding the Draft Plan of Subdivision:

- “Requirements of the *Planning Act*, RSO 1990 Section 51 (2)’ should be changed to ‘Requirements of the *Planning Act*, RSO 1990 Section 51 (17);
- As per Section 51 (17) (g) of the *Planning Act*, natural and artificial features (including trees and driveway locations) within and adjacent to the land proposed to be subdivided should be shown on the Draft Plan;
- As per section 51 (17) (k) of the *Planning Act*, all municipal services (both existing and proposed) should be identified;
- The Owner’s Certificate should be dated; and,
- City File ‘FC-14-006’ should be changed to ‘25T201603’.”

These comments have been provided to the applicant and will be finalized as part of the Draft Approval process. The Draft Plan of Subdivision has been redline revised to confirm the current file number, confirm the appropriate sub-section of the *Planning Act*, and that water service is existing, but sanitary services are proposed (see Appendix “C” to Report PED17052). Staff note that natural and artificial features, while not shown on the Draft Plan, have been reviewed by appropriate staff through supporting reports and studies of these applications. Growth Planning has confirmed that their comments have been appropriately addressed.

**Niagara Peninsula Conservation Authority (NPCA)** offer the following comments:

- “1. NPCA will not require stormwater management controls be implemented for this development since the St. Elizabeth Village stormwater management facilities provide appropriate quality and quantity controls;

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2. NPCA require confirmation that uncontrolled stormwater runoff from this development can be safely conveyed to the St. Elizabeth Village stormwater management facility; and,
3. Prior to construction, NPCA require that detailed grading, storm servicing, and construction sediment control drawings be circulated to their office for review and approval.”

NPCA staff also identify the following conditions be incorporated into the Conditions of Draft Approval:

- “1. That the Developer submit to the Niagara Peninsula Conservation Authority for review and approval detailed grading, storm servicing, and construction sediment control drawings.
2. That condition 1 above be incorporated into the Subdivision Agreement between the Developer and the City of Hamilton to the satisfaction of the Niagara Peninsula Conservation Authority for its review and approval.”

The above noted have been identified as Conditions 16 and 17 in Appendix “D” to Report PED17052.

**Recycling and Waste, Public Works Department** have noted that the site is eligible for municipal waste collection.

**Public Health Services (Public Health Services Department)** staff have requested a Pest Control Plan and Dust Mitigation Plan to be submitted for review and approval. Staff have included the Pest Control Plan as Condition 18 in Appendix “D” to Report PED17052. The Dust Mitigation Plan is identified as a Standard Condition of Draft Approval, thereby not requiring an additional Special Condition.

**Union Gas** also responded with the following:

“It is Union Gas Limited’s (“Union”) request that as a condition of final approval that the owner / developer provide to Union the necessary easements and / or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Union.”

This requirement is a Standard Condition of Draft Approval, which does not require an additional Special Condition of Draft Approval.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the original proposal was sent to 80 property owners within 120 m of the subject lands on January 21, 2016, a Public Notice sign was posted on the property on January 20, 2016, and updated with the Public Meeting date on March 8, 2017. Two letters were received from the public through this circulation and are attached as Appendix “E” to Report PED17052 and summarized in the Analysis and Rationale for Recommendation section of this Report. The Notice of the Public Meeting was circulated to all 80 property owners within 120 m of the subject lands on March 17, 2017, in accordance with the provisions 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 and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow);
  - (ii) It complies with the UHOP and the North-West Glanbrook Secondary Plan; and,
  - (iii) The proposed development is compatible with existing residential land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, while making efficient use of underutilized land and existing infrastructure within the urban boundary.
2. The applicant has requested amendments to Town of Glanbrook Zoning By-law No. 464 and for approval of a Draft Plan of Subdivision known as “9890 & 9906 Twenty Road West”. By way of these applications, the applicant is seeking to permit the development of the lands south of Kopper Meadows Subdivision, east of Glancaster Road and on the north side of Twenty Road West for eight lots for single detached dwellings.

The requested amendment to Glanbrook Zoning By-law No. 464, is for a change from the Existing Residential “ER” Zone to a modified Residential “R4-302” Zone. The proposed “R4” Zone reflects the existing built form of recent development activity in the area and complies with the Low Density Residential 2 Designation of the North-West Glanbrook Secondary Plan.

The additional modification, requested by the applicant, includes an increase to the maximum lot coverage of 40% whereas the “R4” Zone permits a maximum lot coverage of 35%. The proposed increase will continue to ensure that appropriate stormwater management can be provided on site since concerns have been identified from a flooding perspective and allow for increased design flexibility for the proposed single detached dwellings. Based on the foregoing, the modification is reasonable and supported by staff.

3. The applicant submitted a Tree Protection Plan, prepared by Adesso Design Inc., dated October 27, 2015, in support of the application. Condition 5.10 of the City’s Standard Subdivision agreement requires such study, to ensure all trees are evaluated and addressed as part of the development process.

A total of 29 trees are proposed to be removed. To ensure that existing tree cover is maintained, the City requires 1 for 1 compensation for any trees that have a DBH of 10 cm or greater that are to be removed. On Drawing L-2 (Landscape Plan-Schematic Street Tree Plan), a total of 7 trees have been proposed to be retained. If additional trees are not being proposed, cash-in-lieu for the remaining 22 trees is required to be provided to the City to plant trees elsewhere.

4. The proposal includes a retaining wall at the eastern portion of the proposed development to mitigate the proposed change in grading. It should be noted that the retaining wall allows for a change in grade that is consistent with the recent development to the west of the subject lands. However, the lands to the east contain an existing dwelling that was constructed prior to the majority of the development activity in the area, including the two subdivisions to the north. As a result, there is a change in grade that does require the installation of a retaining wall that must be reviewed and approved to the satisfaction of the Senior Director of Growth Management, as discussed further below.

In addition to the retaining wall, staff have noted the following:

- (a) Suitable transition grading shall be used when matching into existing properties. The use of retaining walls shall be avoided. Conditions 3 to 6 in Appendix “D” to Report PED17052 have been included to address this comment.
- (b) If needed, all retaining walls shall be placed a minimum of 0.45 m off the property line. All walls 0.6m in height or greater require construction of a fence or guard rail at the top of the rear of the wall. Guard rails for

retaining walls shall be designed and constructed in accordance with the requirements of exterior guards as contained in the Ontario Building Code.

- (c) The section of Twenty Road West is constructed to a rural cross-section; as a condition of draft plan approval the owner will be required to pay their proportionate share for the urbanization of this section of road, based on the New Roads Servicing Rate for the year that final approval is obtained. Conditions 1, 7, and 11 in Appendix “D” to Report PED17052 have been included to address this comment.
- (d) Owner is required to provide preliminary design for Twenty Road West to ensure grading and servicing adequacy including water distribution, sump pump design, dust control, and Low Impact Drainage design, to the satisfaction of the Senior Director of Growth Management. Conditions 2, 8 to 10, and 12 to 14 in Appendix “D” to Report PED17052 to address this comment.
5. As part of the circulation of these applications, a total of, two letters were received from surrounding neighbours (see Appendix “E” to Report PED17052). The overall issues are generally summarized as follows:
- Grading and Flooding;
  - Retaining walls and fencing;
  - Tree protection and removal;
  - Potential damage of lands at 9847 Twenty Road West;
  - Lot pattern; and,
  - Sale of 9890 Twenty Road West, Glanbrook.

#### Grading and Flooding

Neighbours to the east of the subject lands have identified concerns with altering the natural grade of the lands, noting that raising the grade may impact how water flows above and below ground. They also state that grading away from the dwellings would be more desirable than providing a ditch between the property and Twenty Road West. The submission also raises concerns with regards to excess flooding, requesting that no excess flooding be directed onto the neighbouring property at 9874 Twenty Road West. Staff note that as part of the

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Conditions of Draft Approval, the applicants must submit a detailed stormwater management report and grading plan that shows the overland flow of water to ensure that all water is managed on site.

#### Retaining Walls and Fencing

Neighbours to the east are concerned that a 2.0 metre high fence may be placed on their lands and request fencing be installed between 9847 Twenty Road and 9890 Twenty Road West. Staff note that Development Engineering comments require that any retaining wall or fence must be located 0.45 metres away from the property line with specific requirements that must be reviewed by the City of Hamilton through Draft Approval Conditions. As any fences installed on site must also adhere to the Fence By-law No. 10-142, the fence By-law requires that the fence be situated on the lot line instead. Development Engineering is agreeable to this minor adjustment.

#### Tree Protection and Tree Removal

The neighbours to the east are concerned that the potential removal of trees on site may impact root systems at 9847 Twenty Road West. There is also a concern with the relocation of two ornamental trees at the frontage of the property, which are recommended by the neighbour to be shifted onto the east side of the property line. As previously noted in this report, a Tree Protection Plan has been submitted to the City and must be reviewed and approved as part of the Conditions of Draft Approval. Accordingly, a certified arborist must be on site as part of the tree management process, including identifying which tree belongs to the subject lands and which belong to the abutting property at 9847 Twenty Road West.

#### Potential Damage of Property at 9847 Twenty Road West

The neighbours to the east are concerned that there may be damage to lands located at 9847 Twenty Road West during construction and have requested that any damage be repaired by the applicant upon approval of the property owners of 9847 Twenty Road West. Staff note that development would be approved for the subject site only and any damage to abutting properties is a civil matter that is not covered under the Planning process, but would be addressed as any matter between two abutting property owners.

### Lot Pattern

The residents to the east recommend that the widest lot be relocated from the west of the development to the east to ensure there is adequate space for the proposed retaining wall. As mentioned above, the proposed retaining wall must be located 0.45 metres away from the property line, independent of any lot size. Staff are satisfied that the lot sizes are sufficient and the lotting pattern appropriate for this proposal.

### Sale of 9890 Twenty Road West

A submission was received from the previous resident at 9890 Twenty Road West raising concerns regarding the nature of the sale transaction to the current property owner. While staff have confirmed with the applicant that the transaction involved all necessary documentation, the nature of the sale is a civil matter and is beyond the scope of these development applications.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could not be developed for the proposed residential draft plan of subdivision. The lands remain under the Existing Residential “ER” Zone which permits single detached dwellings with a larger lot area and lot width requirements.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement & Participation**

*Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.*

### **Built Environment and Infrastructure**

*Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.*

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A”:	Location Map
Appendix “B”:	Zoning By-law No. 464 Amendment
Appendix “C”:	Draft Plan of Subdivision
Appendix “D”:	Special Conditions for Draft Plan of Subdivision
Appendix “E”:	Public Submissions

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*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.*