CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

<table>
<thead>
<tr>
<th>TO:</th>
<th>Chair and Members Planning Committee</th>
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<tbody>
<tr>
<td>COMMITTEE DATE:</td>
<td>June 19, 2018</td>
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<tr>
<td>SUBJECT/REPORT NO:</td>
<td>Applications to Amend the Town of Ancaster Zoning By-law No. 87-57 and for a Draft Plan of Subdivision for Lands Located at 20 Miller Drive, Ancaster (PED18123) (Ward 12)</td>
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<tr>
<td>WARD(S) AFFECTED:</td>
<td>Ward 12</td>
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<tr>
<td>PREPARED BY:</td>
<td>Melanie Schneider (905) 546-2424 Ext. 1224</td>
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<tr>
<td>SUBMITTED BY:</td>
<td>Steve Robichaud Director, Planning &amp; Chief Planner Planning and Economic Development Department</td>
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<td>SIGNATURE:</td>
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RECOMMENDATION

(a) That Amended Zoning By-law Amendment Application ZAC-16-048 by 1921753 Ontario Ltd., (Faizal Javer, Owner), for a change in zoning from the Institutional “I” Zone to the Residential “R4-697” Zone, Modified (Block 1), Residential “R4-693” Zone, Modified (Block 2) and Residential “R4-694’ Zone, Modified (Block 3) for lands located at 20 Miller Drive (Ancaster), as shown on Appendix “A” to Report PED18123, be APPROVED on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED18123, 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;

(iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (2017), and comply with the Urban Hamilton Official Plan.
That Draft Plan of Subdivision Application 25T-201606 by 19217853 Ontario Ltd., (Faizal Javer, Owner), to establish a Draft Plan of Subdivision known as “20 Miller Drive” on lands known as 20 Miller Drive (Ancaster), as shown on Appendix “A” to Report PED18123, be APPROVED subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision “20 Miller Drive” 25T-201606, prepared by A.T. McLaren Ltd, and certified by S. D. McLaren, O.L.S., dated July 15, 2016, consisting of twenty-two lots for single detached dwellings (Lots 1-22) and the extension of Roselawn Avenue, 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 PED18123.

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

(iii) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development shall be in accordance with the City’s Financial Policies and will be determined at the time of the development. The City of Hamilton will share costs with the owner for urbanization of roads as follows:

(1) Concrete curb on the side of Miller Drive opposite the proposed development;

(2) Catch basins on Miller Drive opposite the proposed development as required to provide adequate storm drainage of the street; and,

(3) Minimal restoration to back-of-curb of existing lots fronting on Miller Drive opposite the proposed development.

EXECUTIVE SUMMARY

The purpose of these applications is to amend the Ancaster Zoning By-law No. 87-57 and for approval of a Draft Plan of Subdivision known as “20 Miller Drive”. By way of these applications, the applicant is seeking to extend Roselawn Avenue westerly to intersect with Miller Drive and for the construction of 22 single detached dwellings, fronting onto Miller Drive and Roselawn Avenue. Modifications to the maximum lot
coverage, side yard setbacks, maximum height, minimum rear yard setbacks, and restriction of balcony locations are also required to implement the proposal.

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.

**Alternatives for Consideration – See Page 25**

**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 south of Highway No. 403, east of Fiddlers Green Road and north of Garner Road West (see Appendix “A” to Report PED18123).

The applicant proposes to extend Roselawn Avenue to the north-south leg of Miller Drive and construct 22 single detached dwellings fronting onto Miller Drive and the extended portion of Roselawn Avenue.

**Zoning By-law Amendment**

The original proposal for this application was for a change in zoning from the Institutional “I” Zone to a modified Existing Residential “ER” Zone for lots 1, 16, and 22 and a change in zoning from the Institutional “I” Zone to a modified Residential “R4” Zone for all remaining lots. The proposed modified “ER” Zone included reductions to minimum lot area, minimum frontage, maximum lot coverage, and minimum side yard setbacks. The applicant further requested a maximum lot coverage of 45% to the modified “R4” Zone instead of the maximum lot coverage of 35%.
Based on review of the application by staff and feedback from the public, the proposed Zoning By-law Amendment has been amended for a change in zoning from the Institutional “I” Zone to the Single Residential “R4-697” Zone, Modified (Block 1), Single Residential “R4-693” Zone, Modified (Block 2), and Single Residential “R4-694” Zone, Modified (Block 3), in the Ancaster Zoning By-law No. 87-57 (see Appendix “B” to Report PED18123). Modifications to the “R4” Zone have been requested for maximum lot coverage, minimum side and rear yard setbacks, maximum building height, restriction of balcony locations, and definition of lot frontage.

**Draft Plan of Subdivision**

The previous use, being the Maple Lane Elementary School, was deemed surplus by the Hamilton-Wentworth District School Board. As a result, the current owner proposes a Draft Plan of Subdivision to extend Roselawn Avenue to Miller Drive and to create 22 lots for single detached dwellings fronting onto Miller Drive and Roselawn Avenue (lots 1-22, see Appendix “C” to Report PED18123). The roads currently do not have sidewalks or storm sewers within the public right of way and will be extended as part of the proposal.

**City Initiated Modifications to the Existing Residential “ER” Zone**

On March 20, 2018, Planning staff presented Report PED18036 which outlined recommended changes to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law in order to address compatible redevelopment activity in mature neighbourhoods. City Council approved the implementing By-law 18-105 on April 25, 2018, which is not in force and effect at the time of writing this Report. The proposed changes to the “ER” Zone include specific design standards for one storey single detached dwellings and two storey dwellings, ensuring that the established character of these neighbourhoods are maintained.

**Chronology**

- **July 22, 2016:** Applications ZAC-16-048 and 25T-201606 received.
- **August 5, 2016:** Applications ZAC-16-048 and 25T-201606 deemed complete.
- **August 19, 2016:** Public Notice Sign installed on Subject Lands.
- **August 19, 2016:** Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-16-048 and 25T-201606 to 85 property owners within 120 m of the subject lands.
October 10, 2016: Ancaster Community Council meeting.

May 23, 2018: Public Notice Sign updated with Public Meeting Information.

June 1, 2018: Circulation of the Notice of Public Meeting to 85 property owners within 120 m of the subject lands.

**Details of Submitted Application**

**Location:** 20 Miller Drive, Ancaster (see Appendix “A” to Report PED18123)

**Owner:** 1921753 Ontario Ltd.

**Applicant:** GSP Group Inc. c/o Sarah Knoll

**Property Description:**

- **Lot Frontage:** North 73 m, South 35 m
- **Lot Depth:** North 111 m, South 69 m
- **Lot Area:** 1.06 ha
- **Servicing:** Municipal Piped Water and Municipal Sanitary Sewer System. Existing Storm Drainage is by Ditches.

**Existing Land Use and Zoning**

<table>
<thead>
<tr>
<th>Subject Lands</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
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<tbody>
<tr>
<td>Vacant, Former Maple Lane Elementary School (demolished)</td>
<td>Institutional “I” Zone</td>
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**Surrounding Land Uses**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>East</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>Existing Residential “ER” Zone</td>
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POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

The Provincial Planning Policy framework is established through the Planning Act (Section 3) and the Provincial Policy Statement (PPS 2014). The Planning Act requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

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 policies of the PPS (2014) also apply:

“2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.”

The subject property comprises the former Maple Lane Public Elementary School, built in 1955 originally as a three-room school. The City recognizes there may be cultural heritage properties that are not yet identified or included in the Register of Property of Cultural Heritage Value or Interest nor designated under the Ontario Heritage Act, but still may be of cultural heritage interest. These may be properties that have yet to be surveyed, or otherwise identified, or their significance and cultural heritage value has not been comprehensively evaluated but are still worthy of conservation.

Although not formally recognized under the Ontario Heritage Act through registration or designation, the subject property is of potential cultural heritage value and staff do have an interest in ensuring any proposed changes are sympathetic to the historic character of the building and are contextually appropriate.

A Cultural Heritage Impact Assessment for the subject property was completed by McCallum Sather on April 26, 2016. The report assessed the impact of demolition and an evaluation of the cultural heritage attributes of the building.
Staff are satisfied with the revised Cultural Heritage Impact Assessment and have no further concerns from a Cultural Heritage perspective. At the time of submission of these applications, the site was still developed with the former school, although closed. The school has since been demolished and the lands are currently vacant.

"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 (P013-1150-2016) for the lands was submitted to the Ministry of Tourism, Culture and Sport and the City of Hamilton. Staff concur with the recommendations made in the Report, and the archaeology condition for the subject application has been met to the satisfaction of staff.

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; and,
- consistent with the Provincial Policy Statement (2014).

Growth Plan for the Greater Golden Horseshoe (2017)

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe are applicable to the proposal:

"2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

a) the vast majority of growth will be directed to settlement areas that:
   i. have a delineated built boundary;
   ii. have existing or planned municipal water and wastewater systems; and,
   iii. can support the achievement of complete communities.

b) within settlement areas, growth will be focused in:
i. delineated built-up areas;

iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and,

iv. areas with existing or planned public service facilities.”

The subject lands are located within a settlement area, within the built boundary, as shown on Appendix “G” – Boundaries Map of the UHOP. The lands are located within the interior of an established neighbourhood, bound by Highway No. 403, Fiddlers Green Road, and Garner Road West. The lands are within walking distance of three elementary schools and several Neighbourhood Parks, being Maple Lane Park and James Smith Park. The lands are also serviced by two HSR Routes, being #16 and #44, ensuring the lands are serviced by planned and existing transit. In addition, standard Conditions of Draft Plan of Subdivision will ensure that adequate services are installed on site to ensure that sufficient municipal systems are in place to support the proposal. Accordingly, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

**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 “Institutional, Public Elementary School” in the Garner Neighbourhood Secondary Plan and shown within the Built Boundary on Appendix “G” – Boundaries Map in the UHOP. The following policies, amongst others, are applicable to the subject applications.

**Residential Intensification**

“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 encourages the use of innovative and creative urban design techniques;

e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;

f) infrastructure and transportation capacity; and,

g) the ability of the development to comply with all applicable policies.

B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

a) the matters listed in Policy B.2.4.1.4;

b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;

c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

d) the consideration of transitions in height and density to adjacent residential buildings;

e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;

f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

g) the ability to respect and maintain or enhance the streetscape patterns including block 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 subject lands are located within the Neighbourhoods Designation and identified to be within the built-up area of Hamilton. The proposed development consists of two storey, single detached dwellings in a neighbourhood originally comprised of one storey “bungalow” style single detached dwellings. Recent redevelopments within the neighbourhood show a transition to two storey single detached dwellings, consistent with this proposal. Side yard setbacks, consistent with the established neighbourhood, have been introduced for lots directly adjacent to existing residential lots. Further, a maximum height of 9.5 m has been introduced to ensure that the height is compatible with the existing character. A lot size of 15.2 m has been proposed for lots 1, 16, and 22, adjacent to established developments to provide a transition between the existing lot widths of approximately 22 m to the proposed 12 m for interior lots (see Appendix “C” to Report PED18123). Accordingly, the proposal enhances the desired lot pattern and built form of the area that is well integrated with the use, scale, and character of the established neighbourhood. As part of the development, Roselawn Avenue will be extended to intersect with Miller Road, as intended through the original Subdivision for this area; both streets will be urbanized to facilitate this development to ensure transportation and infrastructure capacity are provided to current municipal standards.

Massing and height of the proposal is consistent with the new development within this neighbourhood, which is also consistent with the existing zoning permissions of the surrounding bungalow units of the area. Staff do not anticipate impact from shadow, noise, traffic, overlook, or other nuisance effects from this proposal. Transition lot widths of 15.2 m have been proposed adjacent to the existing residential uses to the east to provide for a gradual change of massing from the existing uses to the proposed development (see Lots 1, 16, and 22 of Appendix “C” to Report PED18123). Transitional massing in terms of rear yard setbacks, lot coverage, and restriction of balcony locations have been proposed for the southerly and easterly lots to ensure compatibility between the proposed development and existing lotting pattern (see Appendix “B” and lots 1, 12 – 16, and 22 of Appendix “C” to Report PED18123). Amenity space has been provided on each lot and additionally, the development is within a neighbourhood that has access to two parks within approximately 500 m of the subject lands.

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 and municipal guidelines and standards.”

The subject lands are approximately 85 m from Highway No. 403 and approximately 77 m from Fiddlers Green Road, which is designated as a Minor Arterial Road in
Schedule “C” – Functional Road Classification in the UHOP. Accordingly, Standard Condition #32 of Draft Plan of Subdivision Approval requires the submission of a Noise Impact Study to ensure that noise mitigation measures are appropriately evaluated and implemented.

Natural Heritage

“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.”

A Tree Protection Plan (TPP) prepared by Gardina Design, dated June 17, 2016 has been prepared in support of this application. The TPP shows that 55 trees have been observed on site, 52 of which are identified for removal as part of the development proposal. Staff note that revisions are required to the TPP, including exploration of opportunities to retain additional trees on site. These revisions are addressed as Standard Condition #12 for Draft Plan of Subdivision Approval.

Contaminated Sites

“C.3.6.1.1 The City shall require proponents of development or redevelopment proposals to document previous uses of the property(s) affected by the proposal for lands currently or previously used for:

c) any activities involving the storage or use of hazardous substances, including fuels, oils, chemicals, paints, or solvents;”

The property was previously the site of Maple Lane Elementary School. While the information indicates that a Phase I Environmental Site Assessment was completed, the Ministry of Environment and Climate Change (MOECC) Registry does not show that a Record of Site Condition was uploaded. However, as the change is from an institutional to residential use, which are considered sensitive land uses, there is no mandatory need to file a Record of Site Condition. The information also indicates that the property may have had underground storage tanks (USTs). USTs fall under the jurisdiction of the Technical Standards & Safety Authority and not the MOECC. The MOECC would become involved in a situation where the contents of those USTs has leaked and crossed the property line, resulting in the contamination of an adjacent property.

Daylighting Triangles

“C.4.5.7 The City shall require the conveyance of property for appropriate daylighting triangles and corner rounding on existing roads at such times as the property is to be developed or redeveloped, as a condition of site
plan approval, consent, or plan of subdivision approval, in accordance with City standards based on the intersecting roadways of the functional road classification detailed in Section C.4.5.2. Daylighting triangles at intersections shall generally be as follows:

a) Local to local roads: 4.57 m triangle or radius;"

As part of the proposed development, the extension of Roselawn Avenue to Miller Drive is required, including the conveyance of a 4.57 m by 4.57 m daylight triangle. This conveyance will be addressed through Condition No. 2 in Appendix “D” to Report PED18123.

Neighbourhoods

"E.6.2.6 Notwithstanding Policy E.6.2.2, where institutional uses cease on lands designated Institutional, low density residential uses, parks and open space uses, or community facilities / services uses may be permitted without an amendment to this Plan, provided the uses are compatible with the surrounding area and are in keeping with the policies of this Plan.

E.3.2.7 The City shall require quality urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

a) New development on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.

b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.

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

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

E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.

b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.

d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.”

The applicant proposes to construct 22 single detached dwellings on lands that were previously used for institutional purposes and are permitted uses. The proposed Draft Plan of Subdivision includes the extension of Roselawn Avenue in order to maintain a grid road system at a pedestrian scale, with short blocks, and a safe public realm. The concept plans submitted by the applicant indicate the garages to be flush with the front façade of the dwellings, ensuring the garages are not set closer to the street edge, thereby not dominating the streetscape. The proposal is located on local roads and does not have direct access from major or minor arterial roads. In addition, an efficient lotting pattern is proposed which ensures a logical and sequential extension of streets and municipal services, and ensures no backlotting will occur.

Garner Neighbourhood Secondary Plan

The subject lands are designated “Institutional” on Map B.2.3.1 – Land Use Plan in the Garner Neighbourhood Secondary Plan.

Policy E.6.2.6 in Volume 1 of the UHOP permits low density residential uses on lands designated “Institutional”. Accordingly, the following policies apply as the proposal is for low density residential.

“B.2.3.1.2 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
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.”

The subject lands have a lot area of 1.05 ha, providing a density of 21 dwelling units per gross/net residential hectare, meeting the density allowed in the Low Density Residential 2a designation within the Secondary Plan, being a maximum density of 27 dwelling units per gross/net residential hectare. The surrounding lands are designated Low Density Residential 1a, which requires a minimum lot frontage of 15 m and maximum density of 18 dwelling units per gross/net residential hectare. In order to provide sufficient transition, the applicant proposes a minimum 2.0 m side yard setback to the existing residential uses to the east and a minimum lot width of 15 m for the same transitional lots. The proposed interior lots will have a minimum frontage of 12.2 m and maximum lot coverage of 40%. No modifications are proposed to the front yard setbacks to ensure the character of the streetscape is not impacted by the massing of the proposed units. The height of the proposed dwellings will be a maximum height of 9.5 m to further ensure compatibility with adjacent uses, which are comprised of one and two storey single detached dwellings and permit a maximum height of 9.5 m.

Based on the foregoing, the proposal complies with the Garner Neighbourhood Secondary Plan and Volume 1 of the UHOP.

City of Hamilton Staging of Development

Finally, Policy F.1.14.1.21 of Volume 1 identifies that: “Council shall approve only those plans of subdivision that meet the following criteria:

“a) the plan of subdivision conforms to the policies and land use designations of this Plan;

b) the plan of subdivision implements the City’s staging of development program;

c) the plan of subdivision can be supplied with adequate services and community facilities;
d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;

e) the plan of subdivision can be integrated with adjacent lands and roadways;

f) the plan of subdivision shall not adversely impact municipal finances; and,

g) the plan of subdivision meets all requirements of the Planning Act.”

The subject lands have been identified in the City of Hamilton’s Staging of Development Plan. The proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. The proposal supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and complies with the UHOP. As a result, it will not adversely impact upon the transportation system, it respects the natural environment, and it is well integrated into the existing development in the area, being the Garner Neighbourhood Secondary Plan. Therefore, the proposal complies with the City’s Staging of Development policies.

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

Town of Ancaster Zoning By-law No. 87-57

The subject lands are currently zoned Institutional “I” Zone in the Town of Ancaster Zoning By-law No. 87-57. The Institutional “I” Zone permits institutional uses and cemeteries, mausoleums, columbariums and accessory uses thereto. Accordingly, a rezoning is required to permit the proposal. The effect of this Zoning By-law Amendment will be to allow for the development of 22 single detached dwellings with modifications to the development standards, being lot coverage, side and rear yard setbacks, maximum building height, location of balconies, and definition of lot frontage are proposed to accommodate the development and ensure compatibility. The proposed zoning for the subject lands will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of Report PED18123.

RELEVANT CONSULTATION

The following Departments / Agencies had no comments or objections:

- Hydro One;
- Geomatics and Corridor Management Section, Public Works Department; and,
- Recreation Division, Community and Emergency Services Department.
The following Departments/Agencies have provided comments on the application:

**Canada Post Corporation** has reviewed the proposal and noted that the lands will be serviced by centralized mail facilities through the Community Mailbox program. The Standard Form Subdivision Agreement will address this requirement.

**Forestry and Horticulture Section, Public Works Department** has reviewed the submitted materials for these applications and approves the Landscape Plan as submitted. The Standard Form Subdivision Agreement requires that a Street Tree Planting Plan will be required, including payment of all street trees to be installed by the City.

The **Hamilton Conservation Authority (HCA)** has reviewed the proposal and has no objection for approval. The HCA has provided Special Condition Nos. 22 through 24 of Appendix “D” to Report PED18123, which require the completion of erosion and sediment control measures; a lot grading plan; and, implementation of an approved stormwater management scheme.

The **Ministry of Environment and Climate Change (MOECC)** has reviewed the application and acknowledges that the previous use of the property was an elementary school site. While the information indicates that a Phase I Environmental Site Assessment was completed, the Ministry Registry does not show that a Record of Site Condition was uploaded. However, as the change is from institutional to residential, there is no mandatory need to file a Record of Site Condition and the MOECC has no further concerns with the proposal.

The **Ministry of Transportation (MTO)** has noted that the lands fall within the MTO’s permit control area and will require a Building and Land Use Permit prior to issuance of any Building Permits from the City. As part of the Building and Land Use Permit process, the applicant will be required to submit a Site Plan, Grading Plan, Site Servicing Plan, Erosion and Sediment Control Plan, Stormwater Management Brief, and Traffic Impact Letter. Condition No. 25 in Appendix “D” to Report PED18123 has been included to ensure the Permit is issued.

**Recycling and Waste Disposal Section, Public Works Department** staff have reviewed the application and note that the lands are eligible for municipal waste collection. Accordingly, Note No. 3 has been included in the Conditions of Draft Approval (see Appendix “D” to Report PED18123).

**Public Health Services Division, Healthy and Safe Communities Department** has requested the submission of a Pest Control Plan and Dust Mitigation Plan prior to any development and construction activity on site. Accordingly, Condition Nos. 6 and 26 have been included in Appendix “D” to Report PED18123.
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 proposal was sent to 85 property owners within 120 m of the subject lands on August 19, 2016. A Public Notice Sign was posted on the property on August 19, 2016, and updated with the Public Meeting date on May 23, 2018. Thirteen submissions were received in objection to the proposal and are attached as Appendix “E” to Report PED18123 and summarized in the Analysis and Rationale for Recommendation Section of this Report. The Notice of Public Meeting was given in accordance with the provisions of the Planning Act.

Public Consultation Strategy

As part of the applicant’s Public Consultation Strategy, the applicant presented the proposal to the Ancaster Community Council on October 10, 2016.

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 Garner Neighbourhood 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 a vacant parcel of land and existing infrastructure within the urban boundary.

2. The applicant has requested amendments to the Town of Ancaster Zoning By-law No. 87-57 for lands located at 20 Miller Drive. By way of these applications, the applicant is seeking to permit the development of 22 single detached dwellings on land formerly owned by the Hamilton-Wentworth District School Board (HWDSB). The requested amendments to the Ancaster Zoning By-law No. 87-57 include a change in zoning from the Institutional “I” Zone to a modified “R4” Zone. The surrounding lands are currently zoned Existing Residential “ER” Zone.
As part of the applicant’s proposal, lots of varying widths, from a minimum 12.2 m to 17.15 m, have been introduced adjacent to existing residential uses. The intent of the larger lots, being 15.2 and 17.15 m, provides for a transition of lot area and width from the established neighbourhood to the proposed development. Based on the minimum lot area requirements and maximum lot coverage, building envelopes ranging from approximately 225 sq m to 171 sq m are proposed on the subject lands. The existing single detached dwellings surrounding range in size from 120 sq m to 245 sq m, for an approximate average of 187 sq m. Accordingly, the proposed modified “R4” Zones will provide for dwelling units of similar size to the existing neighbourhood and will maintain the established lot depth and yard setbacks for the area. No modifications to the “R4” Zone are proposed for the minimum lot frontage of 12.0 m.

Additionally, modifications have been introduced by staff to ensure that the built form is consistent with the surrounding lands, as further discussed below.

Maximum Height

Staff have amended the application to reduce the maximum height of 9.5 m instead of the maximum permitted height of 10.5 m to be applied to the entire subject lands. The modification has been introduced to acknowledge the recent change to the Existing Residential “ER” Zone, which surrounds the subject lands. The proposed height will continue to allow for two storey dwellings and provide for a compatible built form with the surrounding lands in terms of similar height and massing. Further, the proposed height will ensure that the character of the neighbourhood is maintained. Based on the foregoing, the modification can be supported.

Lot Coverage

The applicant proposes a modification to the maximum lot coverage from 35% to a maximum lot coverage of 40% for interior lots (Block 1, except for corner lots, of Schedule A in Appendix “B” to Report PED18123). The 5% increase in lot coverage has been reviewed by staff from a stormwater management perspective to ensure that the increase in impervious surface area can be managed through existing and proposed stormwater infrastructure. Since no modifications are proposed to the front or side yard setbacks for these lots, the proposal is in keeping with the character of the area. Based on the foregoing, the modification is reasonable and supported by staff.
Easterly Side Yard Setback

The applicant proposes to increase the minimum easterly side yard setback from 1.2 m to 2.0 m for lots adjacent to existing residential uses (Lots 1 and 22 of Appendix “C” to Report PED18123). The intent of the side yard setback increase is to provide additional separation from adjacent existing residential uses to comply with the residential intensification policies of the UHOP, which require that new uses be compatible with existing development. The proposed modification provides for a transition between the Existing Residential “ER” Zone and the proposed Residential “R4-694” Zone, which is in keeping with more current development standards. Accordingly, the modification is reasonable and supported by staff.

Minimum Rear Yard Setback

The applicant proposes a minimum rear yard setback of 10.0 m for Lots 13 to 16, excluding the corner lot, Lot 12 (Block 2). Staff have also included Lots 1 and 22 in this modification (Block 3). The proposed modification has been introduced in order to provide additional separation from the existing lots to the south and to the east. Since the lotting pattern of the proposed development will allow for up to three lots to back onto one existing lot, the increased minimum setback will provide for additional separation between these uses and reduce potential overlook. The proposed modification is also consistent with the minimum rear yard setback within the existing “ER” Zone. Based on the foregoing, the modification is reasonable and supported by staff.

Location of Balconies

The applicant proposes to prohibit balconies above the ground level in the rear and side yards for lots 12 to 16 (Block 2) whereas there is currently no restriction. Again, staff have included Lots 1 and 22 in this modification (Block 3). The proposed modification has been introduced to limit overlook onto existing uses, which are comprised of bungalow style dwellings, and is consistent with the “ER” Zone regulations. Based on the foregoing, the modification is reasonable and supported by staff.

Definition of Lot Frontage

Staff have amended the application to identify that lot frontage shall be measured 7.5 m from the front property line for all Blocks. This modification has been introduced to acknowledge that as a result of required daylight triangles, the corner lots would otherwise have 12 m frontages. However, the true width of the lots will be 17.15 m. The definition has been applied to all lots to ensure that the
measurement is consistent for the entire development. Based on the foregoing, the modification is reasonable.

3. The proposed Plan of Subdivision will consist of 22 lots for single detached dwellings and the westerly extension of Roselawn Avenue to Miller Drive. In review of Sub-section 51(24) of the Planning Act, to assess the appropriateness of the proposed subdivision, staff advise that:

(a) It is consistent with the PPS;

(b) Through the phasing of development within the Garner Neighbourhood Secondary Plan, the proposal represents a logical and timely extension of existing development and services, and is in the public interest;

(c) It complies with the applicable policies of the Official Plan;

(d) The lands can be appropriately used for the use for which it is to be subdivided;

(e) The proposed road extension will adequately service the proposed subdivision and can connect with the current road system;

(f) The dimensions and shape of the lots are appropriate;

(g) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of Draft Plan approval and Subdivision Agreement;

(h) No substantial natural resources are evident on site, and flood control will be addressed through stormwater management plans that will be required as standard conditions of Draft Plan approval;

(i) Adequate municipal services will be available, the particulars of which will be determined as part of the conditions of Draft Plan approval and Subdivision Agreement;

(j) School Boards have not identified concerns with school sites that are available to accommodate the anticipated student yield of this subdivision;

(k) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the Standard Subdivision Agreement and final registration of the Plan of Subdivision; and,
(m) The proposed development of the subject land is considered an infill development surrounded by existing single detached dwellings, on lands formerly containing an elementary school.

4. **Engineering Details:**

The City is proposing to urbanize Miller Drive from the south-west limit of the proposed lands to Garden Avenue including street lighting. These works would include a sidewalk on the north side of Garden Avenue from Fiddlers Green Road to Miller Drive and a sidewalk on the east side of Miller Drive from Garden Avenue to the south limit of the proposed development (south boundary of proposed lot 12). In addition, the developer has to extend the storm sewer along Miller Drive east of the subject land for about 200 m. The existing Miller Drive has rural cross-section with road-side drainage ditches and no sidewalks. As such, this will be an opportunity for the City to coordinate the works with the developer to urbanize this section of the road subject to 2019 Capital budget approval by the Council. If approved by Council, the applicant will be responsible for the design and construction of these works as part of the development, using the committed municipal funds.

The proposed development requires adjacent municipal roads to be developed with an urban cross-section adjacent to the proposed development. The roads adjacent to the proposed development shall be urbanized including street lighting. Sidewalks on Miller Drive and Roselawn Avenue are to be included in these urbanized cross-sections as follows:

(a) The south side of Miller Drive from the east limit of the proposed development (east limit of proposed lot 1) to the bend in Miller Drive (approximately 170 m north of Garden Avenue);

(b) The east side of Miller Drive from the bend in Miller Drive to the south limit of the proposed development (south boundary of proposed lot 12);

(c) Both sides of Roselawn Avenue from Miller Drive to the east limit of the proposed development on the south side of Roselawn Avenue (east boundary of proposed lot 16); and,

(d) The north side of Roselawn Avenue from the limit of the proposed development on the south side of Roselawn Avenue (east boundary of proposed lot 16) to the limit of the proposed development on the north side of Roselawn Avenue (east boundary of proposed lot 22).
The existing ditch drainage on the sides of Miller Drive and Roselawn Avenue, opposite the proposed development, shall be maintained such that storm water from the street is drained by catch basins, but the lands of the existing houses on both streets shall continue to drain through the existing ditch drainage system.

In accordance with City financial policies, the City of Hamilton will share costs with the owner for urbanization of roads as follows:

1. Concrete curb on the side of Miller Drive opposite the proposed development;

2. Catch basins on Miller Drive opposite the proposed development as required to provide adequate storm drainage of the street; and,

3. Minimal restoration to back-of-curb of existing lots fronting on Miller Drive opposite the proposed development.

The design of Miller Drive shall include appropriate pavement radius to ensure emergency vehicles can safely access the curve of Miller Drive (Condition No. 12 in Appendix “D” to Report PED18123). Further, the design of the streetscape shall be detailed through a Parking Plan showing information such as the location of all proposed driveways and location of on-street parking spaces (Condition No. 15 in Appendix “D” to Report PED18123). Prior to preliminary grading, the applicant will be required to provide a survey of the surrounding lands and to submit adequate securities for the cost of any repairs and reconstruction that may be damaged as a result of the development activity (Condition No. 18 in Appendix “D” to Report PED18123). An additional survey will be submitted post construction to identify any required repairs as a result (Condition No. 19 in Appendix “D” to Report PED18123). Similarly, video inspection of surrounding sanitary sewer mains shall be conducted before and after construction to identify any damages that occurred as a result of construction activity (Condition Nos. 20 and 21 in Appendix “D” to Report PED18123).

Other cost sharing provisions for this development shall be in accordance with the City’s Financial Policy, if any, as required under Condition Nos. 9, 10, 11, and 14 in Appendix “D” to Report PED18123. In addition, the removal of any structures, such as garages, septic beds wells, and the relocation of any public utilities will be at the sole cost of the owner (Condition Nos. 4 and 5 in Appendix “D” to Report PED18123). The placement of utilities must not encumber infrastructure on existing properties in the surrounding area (Condition No. 7 in Appendix “D” to Report PED18123).
A revised Functional Servicing Report, Stormwater Management Report, Hydrogeological Report, and Construction Management Plan signed and sealed by qualified professionals will be required during detailed engineering review (Condition Nos. 1, 13, 16, and 17 in Appendix “D” to Report PED18123). As part of the servicing design, the applicant will be required to provide a detailed sump pump design for the development (Condition No. 8 in Appendix “D” to Report PED18123).

A standard condition of Draft Approval is the completion of the approved Grading Plan for the subject lands. The applicants will also be required to include in all purchase and sale agreements a statement identifying that no alteration to the grading is permitted without the approval from the City (Condition No. 3 in Appendix “D” to Report PED18123).

5. As per the Planning Act and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 85 property owners within 120 m of the subject lands on August 19, 2016. In total, 13 submissions were received (see Appendix “E” to Report PED18123). The overall concerns are summarized below:

**Tree Removal**

Several adjacent property owners have raised concerns with the potential loss of the existing large trees on the subject property, which provide screening and noise attenuation from nearby road traffic. As part of the Subdivision Agreement, the applicant will be required to revise their submitted Tree Protection Plan, to show the trees to be protected and the replacement of any trees that are in conflict with the development proposal. In addition, noise attenuation will be required through the submission of a Noise Impact Study to identify if any additional noise mitigation measures are required.

**Installation of Public Infrastructure**

Several submissions have identified that the installation of street lights, public sidewalks, and sewer infrastructure would impact the established character of the existing neighbourhood. As well, other submissions have raised concerns that there is no infrastructure in this area to support additional lots. Staff note that the installation of public services are proposed as part of the Draft Plan of Subdivision and are to be paid through a cost sharing agreement between the City of Hamilton and the applicant. In addition, the provision of sidewalks and streetlights will increase safety in the neighbourhood and will also reduce traffic conflicts between pedestrians and vehicles. Further, the installation of sewers acknowledges current municipal standards.
Number of Proposed Dwellings

Several submissions identified that 22 dwellings is too many for the site and that the applicant should explore options for less dwellings. Staff have reviewed the proposal against the Residential Intensification Policies of the UHOP and confirm that 22 dwellings is appropriate, with the inclusion of larger transitional lots adjacent to existing residential uses and the provision for 2.0 m easterly side yards, restriction of second storey balconies, and increased rear yard setbacks to further address compatibility for the transitional lots. These requirements ensure that the development remains compatible with surrounding uses while reflecting current urban development standards for the interior lots.

Increased Traffic and Parking

Submissions received by the City indicate concerns with increased traffic, including the extension of Roselawn Avenue. The former school site was developed over the public right of way of Roselawn Avenue, meaning the lands have already been dedicated to the City for the purposes of the road. As part of the Draft Plan of Subdivision, the applicant will be required to construct the extension of Roselawn Avenue to urban standards, intersecting with Miller Drive, in compliance with the intent of the Garner Neighbourhood Secondary Plan. In addition, the applicant will be required to prepare and submit an on-street parking plan to demonstrate adequate on-street parking opportunities are provided in relation to the proposed driveways and fire hydrants.

Time of Public Meeting

One submission from the public requested that the date and time of the Statutory Public Meeting be rescheduled during a time that allows for additional members of the public to attend and voice concerns to the Committee prior to any decisions on the subject applications. Staff note that if parties are unable to attend the public meeting, written submissions are also permitted and distributed to Planning Committee members before the meeting occurs.

Size of Proposed Dwellings

Concerns identified through public submissions indicate concerns with the proposed development of large two and a half storey single detached dwellings adjacent to existing one storey dwellings. Additional concerns were raised with the original proposal for a maximum lot coverage of 45%.

Staff note that the neighbourhood currently consists of a mix of one storey and two storey dwellings, which are zoned Existing Residential “ER” Zone. The “ER”
Zone permits a maximum height of 9.5 m, which is equivalent to two storeys. Staff have amended the application to permit a maximum height of 9.5 m to be consistent with the surrounding area. Additionally, an increased side yard setback of 2.0 m is proposed next to existing residential uses to provide additional separation and limit overlook between lots. Finally, the applicant has reduced the maximum lot coverage to 35%, permitted on both the “R4” and “ER” Zones, for lots adjacent to existing uses and corner lots, and a maximum lot coverage of 40% for all other proposed lots, to maintain the streetscape and to ensure compatibility with surrounding uses.

Provision of Open Space

Several submissions received by the City have suggested that as part of the development, open green space be included in the design of the development. Both the Recreation Division and Parks and Cemeteries staff have reviewed the application and have not requested additional open space as part of the development. In addition, the applicant will be required to pay cash-in-lieu of parkland dedication for future park acquisition in the City. Further, there are two existing parks, being Maple Lane Park and James Smith Park, within approximately 458 m and 515 m, respectively.

Property Values

Several public submissions identified concerns with respect to change in property values as a result of the proposed development. Staff are not aware of any supporting real estate information or documentation that would substantiate this concern, or any empirical data with respect to property devaluation.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could not be developed for the proposed residential draft plan of subdivision. The lands could only be developed in accordance with the Institutional “I” Zone which permits institutional uses, including a cemetery.

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.

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.
Healthy and Safe Communities

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

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” – Draft Zoning By-law Amendment
Appendix “C” – Draft Plan of Subdivision
Appendix “D” – Draft Plan Special Conditions
Appendix “E” – Public Input

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