



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 30, 2019
<b>SUBJECT/REPORT NO:</b>	Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464, the City of Hamilton Zoning By-law No. 05-200, and for Approval of a Draft Plan of Subdivision for Lands Located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive, Glanbrook (PED19046) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Jennifer Roth (905) 546-2424 Ext. 2058
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-18-01 by Branthaven Mount Hope Inc., Owner**, is to amend the Mount Hope Secondary Plan from “Neighbourhood Park”, “Low Density Residential 2c”, “Institutional” and “Utility” to “Low Density Residential 2”; from “Low Density Residential 2” to “Utility”; from “Low Density Residential 2” to “Natural Open Space”; and, from “Utility” to “Natural Open Space”. The amendment will also add a Site Specific Policy Area in order to permit residential development between 28 and 30 NEF contour lines; and, establish new local roads, for the lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED19046, to be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

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- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).
- (b) That **Amended Zoning By-law Amendment Application ZAC-18-003 by Branthaven Mount Hope Inc., (Owner)**, for changes in zoning from the Deferred Development “DD” Zone, Existing Residential “ER” Zone, Residential “H-R3-122” Zone and Public “P” Zone to Residential “R4-312” Zone, Modified for Blocks 1, 4, 6 - 8 and Residential “R4-312a” Zone, Modified for Blocks 4 and 5 in Zoning By-law No. 464; for lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED19046, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,
  - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That **Zoning By-law Amendment Application ZAC-18-003 by Branthaven Mount Hope Inc., (Owner)**, for a change in zoning from the Deferred Development “DD” Zone to the Conservation / Hazard Land (P5) Zone, Modified (Blocks 125 and 126) to recognize the Natural Heritage System and vegetation protection zone and add a specific exception to permit a reduced setback from any building or structure to the Conservation / Hazard Land (P5) Zone, Modified, in Zoning By-law No. 05-200; for lands located 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED19046, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED19046, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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- (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2017); and,
  - (iii) That the proposed changes in zoning comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (d) That **Draft Plan of Subdivision Application 25T-201801 by Branthaven Mount Hope Inc., (Owner)**, to establish a Draft Plan of Subdivision on lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive (Glanbrook), as shown in Appendix “E” to Report PED19046, be **APPROVED** subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Branthaven Mount Hope” 25T-201801, prepared by Urban Solutions Planning & Land Development Consultants Inc., and certified by Dan McLaren, O.L.S., dated November 28, 2018, consisting of a maximum of 123 lots for single detached dwellings (Lots 1 - 123), one block for a 0.3 metre road reserve (Block 124), one block for a storm sewer connection and walkway (Block 125), one block for open space purposes (Block 126), and three proposed public streets, shown as Streets “A,” “B” and “C”, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and will Special Conditions attached as Appendix “F” to Report PED19046.
  - (ii) 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 development; and,
  - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 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 issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

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## **EXECUTIVE SUMMARY**

The applicant has applied for approval of an Urban Hamilton Official Plan Amendment, in particular the Mount Hope Secondary Plan, amendments to the Glanbrook Zoning By-law No. 464 and Zoning By-law No. 05-200 and a Draft Plan of Subdivision for lands located at 78 and 80 Marion Street and 3302 and 3306 Homestead Drive in Glanbrook. The proposed applications are to permit the development of 123 single detached dwellings, one block for servicing and a walkway, one block for open space, three proposed streets and one block for a 0.3 m road reserve, as shown on Appendix “E” to PED Report 19046.

The applicant is proposing to designate a portion of the lands from “Neighbourhood Park”, “Low Density Residential 2c”, “Institutional” and “Utility” to “Low Density Residential 2”; from “Low Density Residential 2” to “Utility”; from “Low Density Residential 2” to “Natural Open Space”; and, from “Utility” to “Natural Open Space” in the Mount Hope Secondary Plan. The amendment will also add a Site Specific Policy Area to permit residential development between the 28 and 30 NEF contour lines as part of a plan of subdivision.

The applicant is proposing two site specific Single Residential “R4” Zones, Modified in the Town of Glanbrook Zoning By-law No. 484, for the lands intended for residential purposes and a Conservation / Hazard Land (P5) Zone in the City of Hamilton Zoning By-law No. 05-200 for the lands proposed to be developed for open space, stormwater management infrastructure and a walkway, all proposed to be public lands, in the City of Hamilton.

The proposed Single Residential “R4-312” Zone contains modifications that will decrease the minimum lot frontage, decrease minimum lot area, increase maximum lot coverage, decrease minimum front yard setbacks, decrease minimum side yard setbacks, decrease minimum rear yard setbacks, increase maximum building height, increase permitted encroachments into yards and permit an encroachment into a parking stall within a garage space. Staff amended the application to increase the garage parking stall size with the applicant’s agreement. The majority of the proposed modifications are in keeping with modifications recently approved for the adjoining lands in the Lancaster Heights Subdivision.

The proposed site specific Single Residential “R4-312a” Zone, Modified includes all the site specific development criteria proposed in the Single Residential “R4-312” Zone and adds a staff initiated modification to require a minimum 2.0 m separation between

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dwelling units to allow for back to front drainage or a major overland flow route, as required by Development Engineering.

To facilitate the development, a land exchange with the City of Hamilton has been proposed between 3302 and 3306 Homestead Drive to facilitate the orderly development of the Site and permit the extension of Marion Street. Specifically, the City of Hamilton will convey 0.289 ha of land to the west of Fire Hall 19 which is located at 3302 Homestead Drive and in exchange Branthaven Mount Hope Inc. will convey 0.289 ha on the south side of Fire Hall 19. A Memorandum of Understanding has been prepared and agreed upon by all parties involved to facilitate the land swap.

The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017). The proposal will allow for an efficient use of land by permitting the development of a residential greenfield development with a total of 123 single detached units at an overall density of approximately 24 units per hectare and will comply with the Mount Hope Secondary Plan and UHOP upon approval of UHOP Amendment.

**Alternatives for Consideration – See Page 42**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: The City’s cost-sharing with respect to this development shall be in accordance with the City’s Financial Policies and determined at the time of development.

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 west side of Marion Street, west of Homestead Drive. The lands are currently vacant, are irregular in shape, comprising an area of approximately 1.2 ha, are legally described as Part of Lot 5, Concession 5, Glanford, and municipally known as 78 and 80 Marion Street and 3302 and 3306 Homestead

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Drive (see location map attached as Appendix “A” to Report PED19046). A portion of the lands are located within Mountville Estates Subdivision which was Draft Approved in 1992 for the development of 10 single detached dwellings but was never registered.

The proposed applications are to permit a maximum of 123 lots for single detached dwellings (Lots 1 - 123), one block for a 0.3 m road reserve (Block 124), one block for a storm sewer connection and walkway (Block 125), one block for open space purposes (Block 126), and three proposed public streets shown as Streets “A,” “B” and “C”, as shown on Appendix “E” to Report PED19046. Staff amended the application with the applicant’s agreement and, as result, the applicant has submitted a revised draft plan of subdivision demonstrating lots that can accommodate 2.0 m side yard setback separation between dwelling units and a revised zoning by-law amendment detailing garage parking stall sizes.

A land swap with the City of Hamilton is required to facilitate the proposed development and to extend Marion Street. A Memorandum of Understanding has been prepared and agreed upon to facilitate the land swap.

**Official Plan Amendment:**

An application has been made to amend the Mount Hope Secondary Plan. Specifically, the applicant has applied to:

- Re-designate lands from “Neighbourhood Park”, “Low Density Residential 2c”, “Natural Open Space” “Institutional” and “Utility” to “Low Density Residential 2”;
- Re-designate lands from “Low Density Residential 2” to “Utility”;
- Re-designate lands from “Low Density Residential 2” to “Natural Open Space”;
- Re-designate lands from “Utility” to “Natural Open Space”; and,
- Add a site specific policy area in order to permit residential development between the 28 and 30 NEF contour lines and to establish new local roads.

The effect of the amendment is to allow for a Plan of Subdivision that includes residential, utility, institutional and open space land uses. The proposed amendments are contained in Appendix “B” to Report PED19046.

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**Zoning By-law Amendment:**

A Zoning By-law Amendment Application was submitted to rezone the subject lands from the Deferred Development “DD” Zone, Existing Residential “ER” Zone, Residential “H-R3-122” Zone, Public “P” Zone and General Commercial “C3-048” Zone to two site specific Residential “R4” Zones in the Town of Glanbrook Zoning By-law No. 464.

Each of the proposed residential zones will contain site specific provisions to implement the proposed development. With agreement from the applicant, staff have amended the application to increase the garage parking stall size and provide for increased side yard setbacks between buildings for lots that may experience back to front drainage.

The proposed site specific zoning regulations are described in greater detail in Appendix “G” to Report PED19046.

A proposed Zoning By-law Amendment will bring a portion of the lands into Zoning By-law No. 05-200 and establish a Conservation / Hazard Land (P5) Zone for the lands proposed to be developed for open space and for lands intended for a storm sewer connection and a walkway, in the City of Hamilton Zoning By-law No. 05-200, as shown in Appendix “D” to Report PED19046. Further, a site specific zoning regulation to reduce the special setback to a Conservation / Hazard Land (P5) Zone is discussed in Appendix “G” to Report PED19046.

**Draft Plan of Subdivision:**

The proposed Draft Plan of Subdivision (see Appendix “E” of Report PED19046) proposed the following:

- 123 lots for single detached dwellings (Lots 1 - 123);
- One block for a 0.3 m road reserve (Block 124);
- One block for a storm sewer connection and a walkway (Block 125);
- One block for open space (Block 126); and,
- Three proposed internal public streets (shown as Street “A”, “B” and “C”).

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Access to the proposed development will be via Marion Street, Spitfire Drive and Street "C" identified on Appendix "E" to Report PED19046. The total unit yield for this Draft Plan of Subdivision will be a maximum of 123 single detached dwellings.

**Chronology**

- December 1, 2017: Urban Hamilton Official Plan Amendment Application UHOPA-18-01, Zoning By-law Amendment Application ZAC-18-003 and Plan of Subdivision Application 25T-201801 received.
- December 20, 2017: Urban Hamilton Official Plan Amendment Application UHOPA-18-01, Zoning By-law Amendment Application ZAC-18-003 and Plan of Subdivision Application 25T-201801 deemed complete.
- January 4, 2018: Notice of Complete Application and Preliminary Circulation mailed to 170 property owners within 120 m of the subject lands.
- January 15, 2018: Public Notice Sign posted on site.
- April 3, 2019: Public Notice sign updated to include date of Public Meeting.
- April 12, 2019: Circulation of the Notice of Public Meeting to 170 property owners within 120 m of the subject lands.

**Details of submitted applications:**

- Location:** Part of Lot 5, Concession 5, Glanford (Glanbrook) City of Hamilton (78 and 80 Marion Street and 3302 and 3306 Homestead Drive)
- Owner:** Branthaven Mount Hope Inc.
- Agent:** Urban Solutions
- Property Description:**
- |                      |                |
|----------------------|----------------|
| <u>Lot Area:</u>     | approx. 1.2 ha |
| <u>Lot Frontage:</u> | approx. 94 m   |
| <u>Lot Depth:</u>    | approx. 137 m  |



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**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<b><u>Subject Lands:</u></b>	Vacant with a Woodlot on a portion of the lands	Deferred Development “DD” Zone, Existing Residential “ER” Zone, Residential “H-R3-122” Zone, Public “P” Zone and General Commercial “C3-048” Zone

**Surrounding Land Uses:**

<b>North:</b>	Single Detached Dwellings and Mount Hope Elementary School	Residential “R3” Zone, Residential “R3-131” Zone, Multiple Residential “RM1-123” Zone, Commercial Mixed Use (C5, 652, H102) Zone and Institutional “I” Zone
<b>South:</b>	Single Detached Dwellings and a Woodlot	Existing Residential “ER” Zone, Residential “R1” Zone, Public Open Space “OS2” Zone and Public “P” Zone
<b>East:</b>	Fire Station and Vacant Land	Public “P” Zone, Residential “R3” Zone, and General Commercial “C3-048” Zone, Modified
<b>West:</b>	Vacant Land to be developed as part of the “Lancaster Heights” Subdivision	Residential “R4-218(A)”, Modified Zone, Residential Multiple “RM3-284(B)” Zone, Modified and Conservation /Hazard Land (P5) Zone

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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 following policies, amongst others, apply to the proposed development.

With respect to Settlement Areas, the PPS provides the following:

“1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within *settlement areas* shall be based on:

- a) densities and a mix of land uses which:
  1. efficiently use land and resources;
  2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and / or uneconomical expansion;
  4. *support active transportation*;
  5. are *transit-supportive*, where transit is planned, exists or may be developed;
- b) a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The subject property is located within a settlement area as defined by the PPS. The proposed Plan of Subdivision, consisting of 123 dwelling units efficiently uses land and resources while promoting intensification and a range of compact housing that is compatible with adjacent existing residential development.

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*Cultural Heritage*

Staff note that the current Cultural Heritage policies of the UHOP have not yet been updated in accordance with the PPS (2014). As such, the following policy of the PPS also (2014) 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 four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential. A Stage 1-2 archaeological assessment (P390-0289-2017) was submitted as part of the subject applications to the City and to the Ministry of Tourism, Culture, and Sport. The report recommended that further archaeological work be conducted to address the archaeological potential of the site. As a result, a Stage 3 Archaeological Assessment was required for portions of the land and was submitted (P038-0907-2017). The Stage 3 Archaeological Assessment required a Stage 4 for a portion of the lands which has been submitted (P-058-1651-2018). At the time of preparation of this Report, three acceptance letters for Stages 1 – 2, Stage 3 and Stage 4 have been provided by the Ministry of Tourism, Culture and Sport. Staff agree with the findings of the Archaeological Assessment (Stages 1 – 4). Accordingly, the archaeological interest on the subject property has been satisfied.

*Transportation*

“1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

1.6.9.1 Planning for land uses in the *vicinity of airports, rail facilities and marine facilities* shall be undertaken so that:

- a) their long term operation and economic role is protected; and,
- b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.”

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The proposal is consistent with the Land Use Compatibility and Airport, Rail and Marine policies of the Provincial Policy Statement. The PPS protects airports and their long term operation and economic role and requires that sensitive land uses such as residential development are appropriately separated. A Noise Feasibility Study completed by HGC Engineering and dated October 31, 2017, a revised Noise Feasibility Study completed by HGC Engineering and dated May 15, 2018, and a Planning Justification Report Addendum completed by UrbanSolutions Planning & Land Development Consultants Inc., dated May 2018, have been submitted in support of the application. The findings of the reports note that the proposed residential development, which is a sensitive land use, is located between the 25 – 28 and 28 – 30 NEF contour. The NEF ranges are a result of the site's proximity to the John C. Munro International Airport, which is a major facility. Lands located within the 25 – 28 NEF contour can be developed for residential uses subject to the implementation of the appropriate mitigation measures, without hindering the development or expansion of the airport. The portion of the lands located between the 28 – 30 NEF contours do not permit residential development, as per the Urban Hamilton Official Plan. However, the Environmental Noise Guideline, NPC-300, permits residential development up to the 30 NEF contour.

The supporting reports determine that residential development can be located in this area given that there are existing residential approvals on a portion of the lands obtained prior to the Urban Hamilton Official Plan coming into effect and the remainder of the site that is located within the 28 – 30 NEF contours is currently designated as a Neighbourhood Park, which is also a sensitive land use. Given that an existing sensitive land use has already been established on the site, it has been determined that permitting residential development in this infill location is appropriate provided adequate mitigation measures will be implemented, including the installation of air conditioners, upgraded building construction requirements and warning clauses.

Given the surrounding residential development already existing in the same proximity to the John C. Munro International Airport, the proposed 123 lots would not result in additional adverse impacts to the long-term viability of the Airport. Instead the proposed warning clauses will inform future purchasers of the noise levels. Further, the proposal is compliant with Ministry of Environment, Conservation and Park Environmental Noise Guideline (NPC-300).

John C. Munro International Airport has advised that they are not supportive of residential development of the site. However, given the proposed mitigation measures and the pre-existing sensitive land use designation on site, being Neighbourhood Park, Staff feel that this proposal will cause no additional impact to the viability of the airport and, with warning clauses and mitigation measures, will provide further protection than

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is currently provided on this site. On this basis, staff are supportive of the proposed residential development on the site.

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

**Growth Plan for the Greater Golden Horseshoe (2017)**

The following policies, amongst others, are applicable to the proposed development:

- “2.1 Better use of land and *infrastructure* can be made by directing growth to *settlement areas* and prioritizing *intensification*, with a focus on *strategic growth areas*, including *urban growth centres* and *major transit station areas*, as well as *brownfield sites* and *greyfields*. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options.
- 2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:
- c) within settlement areas, growth will be focused in:
    - i) delineated built-up areas; and,
  - d) development will be directed to *settlement areas*, except where the policies of this Plan permit otherwise.”

The subject lands are within the built boundary (delineated built up area) of the City of Hamilton in a settlement area where full municipal services are available and will provide for the achievement of a complete community while contributing to a range of housing forms and tenures.

The following applicable policies, amongst others, apply as it relates to the airport:

- “3.2.4.2 The Province and municipalities will work with agencies and transportation service providers to:
- a) co-ordinate, optimise, and ensure the long-term viability of major goods movement facilities and corridors.

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3.2.5.1 In planning for development, optimization, or expansion of existing and *planned corridors* and supporting facilities, the Province, other public agencies and upper- and single-tier municipalities will:

- b) ensure that existing and *planned corridors* are protected to meet current and projected needs in accordance with the transportation and *infrastructure* corridor protection policies in the PPS;

3.2.5.2 The planning, location, and design of *planned corridors* and the land use designations along these corridors will support the policies of this Plan, in particular that development is directed to *settlement areas*.”

As stated, the proposed development for single detached dwellings is located within the 25 – 28 and 28 - 30 NEF contours. Lands located between the 25 – 28 NEF contour are subject to the implementation of appropriate mitigation measures and permits residential and other sensitive land uses without hindering the development or expansion of the airport, as per the policies in the Urban Hamilton Official Plan (UHOP). The portion of the lands located between 28 – 30 NEF contours do not permit residential development in the UHOP. However, given the existing sensitive land uses on site, including existing residential land use permissions and the existing Neighbourhood Park designation on the site, and compliance with the Ministry of Environment, Conservation and Park guidelines, staff are supportive of the proposed residential development.

Based on the foregoing, the proposal conforms with the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2017).

**Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations, and shown outside of the Built Boundary on Appendix “G” – Boundaries Map. The subject lands are further designated “Low Density Residential 2”, “Low Density Residential 2c,” “Institutional”, “Neighbourhood Park and “Utility” on Map B.5.4-1 – Mount Hope Secondary Plan Land Use Plan.

The following policies, amongst others, are applicable to the subject applications.

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Noise

- “B.3.6.3 Noise, vibration, and other emissions such as dust and odours from roads, airports, railway lines and stationary sources have the potential to negatively impact the quality of life of residents. The objective of the following policies is to protect residents from unacceptable levels of noise, vibration, and other emissions and to protect the operations of transportation facilities, commercial, and employment (industrial) uses.
- 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.
- C.4.8.1 It is the objective of this Plan to support John C. Munro International Airport as a 24 hour, seven day a week operation. The Airport and the adjacent Airport Business Park is one of the City’s major economic nodes and a valued transportation facility which links the movement of goods and people.
- C.4.8.2 The lands identified as John C. Munro International Airport on Schedule E-1 – Urban Land Use Designations are recognized as the City’s major airport facility, which includes both airport uses and complementary uses supporting the primary function of the Airport. These lands are intended to have full municipal services.
- C.4.8.4 The City shall maintain Noise Exposure Forecast (NEF) contours and the Primary Airport Zoning Regulation, as amended from time to time, and formulate guidelines for development in the vicinity of John C. Munro International Airport.
- C.4.8.5 The City shall minimize future conflicts between operation of the Airport and surrounding land uses to ensure:

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- a) there shall be no negative impact on the long-term operations of the Airport;
- b) the opportunities for expansion of airport operations shall not be limited; and,
- c) there are no land uses in the vicinity which may cause a potential aviation hazard.
- d) development that is noise or land use sensitive to airport operations or will limit the opportunities for expansion of airport operations shall be restricted.

C.4.8.6 NEF contours and the Airport Influence Area are identified on Appendix D (Urban) – Noise Exposure Forecast Contours and Primary Airport Zoning Regulations, and designated on Schedule G – Airport Influence Area of the Rural Hamilton Official Plan.

C.4.8.7 All development and redevelopment shall comply with all provincial and municipal standards, criteria and guidelines regarding noise and vibration from air traffic sources, including Section B.3.6.3 - Noise, Vibration and Other Emissions.

C.4.8.8 Proposals for development, infill development and redevelopment of residential or other sensitive land uses shall comply with the following requirements in Table C.4.8.1 – Requirement for Development in the Vicinity of John C. Munro International Airport, based on all applicable locational criteria. Proposals may meet more than one locational criteria and thereby be subject to more than one set of requirements.”

Table C.4.8.1

	Locational Criteria	Requirements
1	35 NEF and greater, and / or within the Airport Influence Area	<p>a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>

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	Locational Criteria	Requirements
2	28 NEF and greater, but less than 35 NEF	<p>a) All new development of residential and other sensitive land uses, including infill development and redevelopment, shall be prohibited.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p> <p>c) All development applications approved prior to the approval of this Plan may proceed.</p>
3	25 NEF and greater, but less than 28 NEF	<p>a) All development and redevelopment proposals for residential and other sensitive land uses shall be required to submit a detailed noise study, employ noise mitigation measures and include appropriate warning clauses in accordance with Section B.3.6.3 – Noise, Vibration and Other Emissions, and Policy C.4.8.6.</p> <p>b) New land uses which may cause a potential aviation hazard shall be prohibited.</p>

As previously discussed, adequate reports were prepared in relation to noise concerns from adjacent roads and the John C. Munro Hamilton International Airport and as a result a revised study and addendum, noise warning clauses, specific building materials and air conditioner units will be required and will be implemented through the Draft Plan of Subdivision agreement (Condition Nos. 11 - 13 of Appendix “F” to Report PED19046). Based on the above, Staff are satisfied that the intent of the policies are met as the site is infill development and a portion of the site contains a park designation which is a sensitive land use.

Natural Heritage

Based on mapping within the UHOP (Volume 1-Schedule B Natural Heritage System and Volume 2-Mount Hope Secondary Plan Land Use Plan Map B.5.4-1), Core Areas have been identified within and adjacent to the subject properties. The Core Areas have been identified as a Significant Woodland and watercourses. The watercourses are also regulated by the Niagara Peninsula Conservation Authority (NPCA).

“C.2.5.4 New development and site alteration shall not be permitted within significant woodlands, significant valleylands, significant wildlife habitat and significant areas of natural and scientific interest unless it has been

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demonstrated that there shall be no negative impacts on the natural features or on their ecological functions; and,

C.2.5.5 New development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in Section C.2.5.2 to C.2.5.4 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there shall be no negative impact on the natural features or on their ecological functions.”

An Environmental Impact Statement (EIS) prepared by GeoProcess Research Associates (GRA) November 2017 and a revised EIS (prepared by GRA, May 2018) were reviewed by Natural Heritage Planning staff and the City’s Environmentally Significant Areas Impact Evaluation Group (ESAIEG) on May 17, 2018 but was not approved. A subsequent Comment Response and revised Tree Protection Plan (TPP), prepared by GRA (November 2018) clarified outstanding issues and the EIS has now been approved, subject to the following mitigation measures which will be implemented as conditions through the Draft Plan of Subdivision:

- Preparation and implementation of a Vegetation Protection Zone (VPZ) Restoration Plan (See Condition 1 in Appendix “F” to Report PED19046);
- Implementation of a maintenance and monitoring plan (See Condition 2 in Appendix “F” to Report PED19046);
- Implementation of a Transplant Plan (See Condition 3 in Appendix “F” to Report P PED19046);
- Development and distribution of a Stewardship Brochure (See Condition 4 in Appendix “F” to Report PED19046);
- Approval of a Tree Protection Plan (See Condition 5 in Appendix “F” to Report PED19046);
- Acknowledgement of the Migratory Birds Convention Act by placing a note on the Tree Protection Plan (See Condition 6 in Appendix “F” to Report PED19046);
- Preparation and approval of a Landscape Plan (See Condition 7 in Appendix “F” to Report PED19046);

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- Avoidance of grading within the VPZ (See Condition 8 in Appendix “F” to Report PED19046);
- Construction of a fence along the rear and / or side yards of Lots 104 - 114 that cannot have gates (See Condition 9 in Appendix “F” to Report PED19046); and,
- Inclusion of warning clauses in all purchase and sale and / or lease agreements and registered on title for Lots 104-114 that the lots abut a Significant Woodland and VPZ (See Condition 10 in Appendix “F” to Report PED19046).

As previously mentioned, a Core Area (Significant Woodland) has been identified adjacent to Block 126 (VPZ) and Lots 104 - 114. The Core Area and its functions are to be protected from the impacts of the proposed changes that will occur before, during and after construction. Generally, this protection is provided through a vegetation protection zone (VPZ). Within the Comment Response prepared by GRA (November 2018), it was identified that a VPZ ranging from 11.0 – 15.0 m will be provided to protect the Significant Woodland. The VPZ (which will be located within Block 126) will be redesignated from “Low Density Residential 2” to “Natural Open” and zoned as P5 (Conservation / Hazard Land) and is established through policy and zoning mapping changes. This designation and zone allows for conservation and protection of the natural heritage feature and its functions.

“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.”

Through the inventories within the EIS, a small woodland / thicket bisected by a channel, a farm lane and a hedgerow on the western limit of the existing dry pond have been identified on the subject property. These trees will be required to be removed to facilitate development and a Tree Protection Plan (TPP) has been submitted for the restoration of trees and secured as a condition of the Draft Plan of Subdivision (See Condition 5 in Appendix “F” to Report PED19046).

### Archaeology

As noted previously, the archaeological interest on the subject property has been satisfied.

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Urban Design

The UHOP has a detailed set of policies related to urban design. The following policies, amongst others, apply to this proposal.

- “B.3.3.1.7 Promote development and spaces that respect natural processes and features and contribute to environmental sustainability.
- B.3.3.2.8 Urban design should promote environmental sustainability by:
- a) achieving compact development and resulting built forms;
  - b) integrating, protecting, and enhancing environmental features and landscapes, including existing topography, forest and vegetative cover, green spaces and corridors through building and site design; and,
  - c) encouraging on-site stormwater management and infiltration through the use of techniques and technologies, including stormwater management ponds, green roofs, and vegetated swales.”

The proposed development has been integrated with the natural environment and protected through the establishment of a Conservation / Hazard Land (P5) Zone, Modified.

- “B.3.3.1.3 Create pedestrian oriented places that are safe, accessible, connected, and easy to navigate for people of all abilities;
- B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale;
- B.3.3.1.8 Promote intensification that makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods.
- B.3.3.2.9 Urban design plays a significant role in the physical and mental health of our citizens. Community health and well-being shall be enhanced and supported through the following actions, where appropriate:

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- a) creating high quality, safe streetscapes, parks, and open spaces that encourage physical activity and active transportation.”

Through discussions with staff, the applicant has submitted a revised draft plan of subdivision design with a modified road network that will contribute to the provision of safe streetscapes.

“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
- e) Conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities.”

By way of yard setbacks, frontages, and lot area requirements in the amending By-law (see Appendix “D” to Report PED18017) the proposed development is similar in design to the existing development in Mount Hope, located to the east of the subject lands and to the proposed “Lancaster Heights development to the west. As well, the proposed “Branthaven Mount Hope” development will respect the planned character, development patterns and building form in the area while promoting urban design that is consistent with the locale and surrounding environment. Staff have requested that revised Urban Design Guidelines be submitted which will illustrate the most recent lot layout, proposed material palette, strategy for priority lots and concept designs (Condition No. 14 in Appendix “F” to Report PED19046).

#### 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;

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- 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 proposal is consistent with the Criteria for Staging of Development in that utilities and services are available. This proposal supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, will comply with the UHOP upon approval of the required amendments, will not adversely impact upon the transportation system; respects the natural environment and will integrate well with the existing development in the area, being the Mount Hope Neighbourhood Area.

Based on the foregoing, the proposal complies with the applicable policies of Volume 1 of the UHOP.

**Mount Hope Secondary Plan**

The subject lands are designated “Low Density Residential 2”, “Low Density Residential 2c,” “Institutional”, “Neighbourhood Park and “Utility” on Map B.5.4-1 – Mount Hope Secondary Plan Land Use Plan. The following General Policies, amongst others, apply.

- “B.5.4.2.1 In addition to Section E.3.0 – Neighbourhoods Designation of Volume 1, the following policies shall apply to the lands designated for residential uses on Map B.5.4-1 – Mount Hope – Land Use Plan:
- a) Development of the residential area within the Mount Hope Urban Settlement Area shall proceed in a generally north to south pattern and in an orderly, efficient, economical, and well-planned manner.
  - b) Residential development shall be sensitive to existing residential uses, and redevelopment of the vacant portions of existing large lot residential development shall be encouraged.

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- c) Residential areas should be integrated with parkland in order to provide a convenient, safe and visually pleasing living environment.
- d) Permitted residential uses shall include single detached dwellings, semi-detached dwellings, townhouses, apartments and housing with supports.”

The proposed development has been designed to be sensitive to the existing residential character and is for the development of single detached dwellings. As a result, the proposed development conforms to the General Policies.

Furthermore, the “Low Density Residential” policies of Section B5.4.2.2 of Volume 2 apply.

“B.5.4.2.2 Low Density Residential

- a) Notwithstanding Sections E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2 on Map B.5.4-1 – Mount Hope – Land Use Plan:
  - i) The permitted uses shall primarily consist of single detached dwellings, duplex, semi-detached and triplex dwellings.
  - ii) The maximum density shall be 25 units per net hectare.

The “Low Density Residential 2” designation in the Secondary Plan identifies a maximum density of 25 units per net residential hectare, which permits single detached dwellings, duplex, semi detached and triplex dwellings. The proposed amendment to the UHOP is to permit the reconfiguration of land designations. The initial submission required the creation of a Site Specific Policy Area to permit an increase in density to 26.77 units per net hectare, however through site re-design and the addition of lands on the east side of Homestead Drive, the density has decreased to 24.23 units per net hectare. Further, the proposal consists exclusively of single detached dwellings which are permitted, thereby meeting the above noted policies.

“B.5.4.6.1 In addition to Sections B.3.4.3 – Parkland Policies and C.3.3 – Open Space Designation Network of Volume 1, the following policies shall apply to lands designated Community Park, Neighbourhood Park, Natural Open Space and General Open Space on Map B.5.4-1 – Mount Hope – Land Use Plan:

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- a) The open space system planned for the Mount Hope Secondary Plan area includes the following:
  - i) Community Park;
  - ii) Neighbourhood Park;
  - iii) Natural Open Space; and,
  - iv) General Open Space.
- b) The wooded area of approximately 1.0 hectares at the western end of Aberdeen Avenue is designated Natural Open Space. This woodlot shall be preserved.
- c) Mount Hope Park (formerly Gord Oakes Park) located behind the Glanford Community Hall, approximately 3.1 hectares, shall be retained.”

The Secondary Plan identifies a small portion of land within the proposed development as “Neighbourhood Park”. The Parkland Advisory Review Committee (PARC) noted that the developer of Lancaster Heights (formerly Mountaingate) proposed a new, more centralized location for the park block in the Mount Hope Secondary Plan. PARC continues to be supportive of the centralized location for the park, however understands that the Mount Hope Secondary Plan still shows the previous park block within the proposed subdivision development. PARC is supportive of the removal of the original, and now additional park block through the Official Plan Amendment application as it is too close to the more centralized and large park proposed in the Lancaster Heights Subdivision. Instead, cash in lieu of parkland dedication will be required for this subdivision.

The developer of Lancaster Heights will develop a 1.96 ha park within that subdivision. Despite an overall projected deficit within the Secondary Plan area of 1.06 ha of parkland, PARC has determined that retaining the park block on the subject lands is not supported due to limited development opportunities, proximity to the park in the Lancaster Heights subdivision and the requirement of only one more Neighbourhood Park in the Secondary Plan. PARC believes that the parkland needs of the Mount Hope community can be accommodated within the Lancaster Height’s park and are supportive of the removal of the park block on the subject lands from the Secondary Plan.



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A watercourse, used for stormwater purposes, bisects the subject lands and is currently designated as “Utility” within the Secondary Plan. These lands will be incorporated into the proposed design of the subdivision and be consolidated with the proposed residential lots since all stormwater from this development is to be designed utilizing the stormwater ponds proposed on the adjacent “Lancaster Heights” development. The Niagara Peninsula Conservation Authority is supportive of the removal of the watercourse provided a Work Permit is obtained (see Condition 19 in Appendix “F” to Report PED19046). Further, additional lands will be designated “Utility” (Block 125) to accommodate the required underground stormwater infrastructure and at grade path that is proposed adjacent to the woodlot and will connect to the park proposed in the “Lancaster Heights” development. To accommodate these adjustments, portions of the lands will be re-designated from “Utility” to the “Low Density Residential 2” designation to allow for the integration and consolidation with surrounding residential lands and will be redesignated from “Low Density Residential 2” to “Utility” to reflect and accommodate the revised stormwater design.

“B.4.8.1 In addition to Section C.4.0 – Integrated Transportation Network of Volume 1, the following policies shall apply to the Mount Hope Secondary Plan area:

- a) The internal public road system shall provide an efficient, practical and safe transportation network to accommodate the movement of people and goods within the Mount Hope Secondary Plan area and accommodate a limited number of intersections with the existing public roads adjacent to Mount Hope.
- b) All lands required for new internal public roads, road widenings for existing public roads and daylighting triangles, shall be dedicated free of charge and free of all encumbrances to the City.
- c) The costs related to the design and construction of all new public roads and the upgrading of the adjacent existing public roads required as a result of the development of the Mount Hope Secondary Plan area shall be at the expense of the developer(s). The details regarding these works and costs shall be established in the subdivision agreement(s) and/or the development, maintenance and use (site plan) agreement(s) to be approved by the City and executed by the City and the developer(s).”

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- d) An overall preliminary traffic study to assess the impact of development on adjacent provincial highways and roads, shall be required to the satisfaction of the Province and the City, prior to the formal submission of any draft plan of subdivision.”

A realignment of the proposed local roads and daylight triangles, is proposed. A scoped Traffic Impact Statement (TIS) was submitted and approved, followed by a subsequent Traffic Impact Brief. Through a cursory staff review, it was determined that additional review was required and it will be addressed through a Special Condition, being Condition No. 23 of Appendix “F” to Report PED19046. The costs related to the design and construction of all new public roads and the upgrading and maintenance of the adjacent existing public roads during construction are reflected in Condition Nos. 33 and 55 of Appendix “F” to Report PED19046.

Policies pertaining to Noise and Other Airport Impacts in the Secondary Plan apply in addition to the policies from Volume 1 of the UHOP, including:

- “B.5.4.9.1 Mount Hope Secondary Plan area is in the vicinity of John C. Munro International Airport, Highway 6, and the Airport Business Park. All of these uses have the potential to cause negative impacts on nearby sensitive land uses. To ensure that negative impacts on sensitive land uses are minimized and the operations of John C. Munro International Airport, Highway 6, and the Airport Business Park are not compromised:
- a) Sections B.3.6.3 – Noise, Vibration and Other Emissions and C.4.8 – Airport of Volume 1, shall apply to the Mount Hope Secondary Plan area;
  - b) all new development and redevelopment shall conform to all relevant legislation, policies, standards and guidelines;
  - c) future residents of residential development shall be advised of the potential for noise nuisance through appropriate warning clauses included in lease or rental agreements, agreements of purchase and sale, and within required development agreements; and,
  - d) Notwithstanding Policy C.4.8.8, Table C.4.8.1, Subsection 2) of Volume 1, for lands at or above the 28 NEF Contour and at or below the 30 NEF Contour, and designated Institutional or Residential, Residential or Mixed Use – Medium Density on Map

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B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan, the provisions of Table C.4.8.1, Subsection 3) shall apply.”

As discussed previously, the proposal is for infill development and a number of studies have been submitted to establish acoustic requirements for this development with respect to road noise and airport noise from the John C. Munro Hamilton International Airport.

Based on the results of the studies and addendum, noise warning clauses, specific building materials and air conditioner units will be required (Condition Nos. 11 -13 of Appendix “F” to Report PED19046).

In summary, the development complies with the policies of the Mount Hope Secondary Plan.

**Town of Glanbrook Zoning By-law No. 484**

The subject lands are currently zoned Residential “H-R3-122” Zone, Modified, Deferred Development “DD” Zone, Public “P” Zone and General Commercial “C3-048” Zone, Modified in the Town of Glanbrook Zoning By-law No. 464.

The Residential “H-R3-122” Zone, Modified permits single detached dwellings with a minimum lot frontage of 17 metres for a corner lot. The Holding Provision can only be removed when adequate storm water management facilities are provided for these lands and the lands to the north; until the Holding can be removed, the lands can only be used for a storm water management facility.

The Deferred Development “DD” Zone is a future development Zone and only permits agricultural uses (with the exception of livestock operations, poultry operations, mushroom farms, fur bearing animal farms, manure storage facilities), greenhouses, kennels, home industries, erection of new buildings and enlargement of existing non-residential buildings and existing dwellings. It also permits urban farms and community gardens subject to Site Plan Control under the City’s Site Plan Control By-law.

The General Commercial “C3-048” Zone, Modified permits a range of commercial uses while the site specific modification permits a reduction in the minimum lot frontage from 23 m to 19.5 m. This portion of the site is currently vacant.

To implement the proposed development for 123 single detached dwellings, the applicant has applied to change the zoning to two site specific Single Residential “R4”

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Zones. With the applicant's approval, staff amended the application to increase the garage parking stall size and to provide for adequate separation between buildings for lots that may experience back to front drainage.

The first site specific Single Residential "R4-312" Zone, Modified permits a:

Reduction in the minimum lot frontage for interior lots from 15 m to 10 m and for corner lots from 18 m to 11.6 m;

- Reduction in the minimum lot area for interior lots from 450 sq m to 275 sq m and for corner lots from 550 sq m to 315 sq m;
- Increase in the minimum lot coverage from 35% to 50%;
- Decrease in the minimum front yard from 7.5 m to 4.5 m, except 6 m to an attached garage;
- Decrease in the minimum side yard from 1.2 m and 4.5 m on the side where there is no garage or carport to 1.2 m on one side and 0.6 m on another;
- Decrease in the minimum side yard for a flankage lot line of a corner lot from 6 m to 3 m;
- Decrease in the minimum rear yard from 7.5 m to 7 m;
- Increase in the maximum building height from 10.7 m to 11 m;
- Increase in the maximum front and rear yard encroachment for an unenclosed porch from 1.5 m to 3 m and increase in maximum encroachment into any yard for architectural elements from 0.5 m to 0.6 m;
- Require that all garage parking spaces be 3 m by 6 m; and,
- Increase the encroachment into garage parking space to permit a maximum of three riser steps being 0.4 m in depth.

The second site specific Single Residential "R4-312a" Zone, Modified permits the same regulations as the first site specific Single Residential "R4-312" Zone, but provides an additional requirement for a sideyard setback of 2.0 m between adjacent dwellings for

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Lots 1 – 18, as required by Development Engineering for stormwater management purposes.

The proposed zoning is discussed in greater detail in the Zone Chart include in Appendix “G” to Report PED19046.

**City of Hamilton Zoning By-law No. 05-200**

The Zoning By-law Amendment is to incorporate lands into Zoning By-law No. 05-200 and zone the lands Conservation / Hazard Land (P5, 722) Zone, Modified to allow for the development of stormwater infrastructure, a walkway, natural buffers for the protection of the existing woodlot and create a site specific exception to permit a reduced special setback from any building or structure to the Conservation / Hazard Land (P5, 722) Zone, Modified.

The proposed zoning modifications are discussed in greater detail in the Zone Chart include in Appendix “G” to Report PED19046.

**RELEVANT CONSULTATION**

The following Departments / Agencies had no comments or objections:

- Hydro One.

The following Departments / Agencies have provided comments with respect to the proposed applications:

**Operations Support, Strategic Planning Section, Corporate Assets and Strategic Planning Division (Public Works Department)** has noted that the subject lands are eligible for waste collection services. Operations Staff provided the General Requirements for Waste Collection.

**Forestry and Horticulture Section (Public Works Department)** indicated that there are several Municipal Tree Assets located along the road allowance and therefore a Tree Management Plan will be required. A Landscape Planting Plan, prepared and signed by a certified Landscape Architect, will also be required. This plan, together with the Tree Management Plan, must be submitted for review and comments to the Forestry & Horticulture Section.

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The condition of Street Tree Planting will be cleared upon receipt of a plan depicting new trees and a cash payment.

(Condition 2.8 of the City's Standard Conditions of Subdivision Approval)

**Transportation Planning (Planning and Economic Development)** advised that Homestead Drive is a Collector Road with an ultimate width of 26.213 m and the remainder of the roads are Local Roads with a maximum width of 20.117 m. The daylight triangles for Local Roads must be 4.57 m by 4.57 m. Buffered sidewalks along both sides of the right of way are required to be 1.5 m wide.

Transportation Planning required a Transportation Demand Management Report to be prepared and submitted for approval; and subsequently the TDM Report was approved as it met the objectives of the City.

A scoped Terms of Reference was approved and subsequently a Traffic Impact Brief was submitted to the City for review. Further review by staff is required and will occur through Special Condition No. 17 in Appendix "F" to Report PED19046).

**Finance (Corporate Services)** has identified that there is an annual charge of \$749.32 on 3306 Homestead Drive.

**Public Health (Healthy and Safe Communities)** advised that a pest control plan would be required and is included as Special Condition No. 15 in Appendix "F" of this Report.

**Recreation Planning (Healthy and Safe Communities)** acknowledged that the neighbourhood park is being provided in the "Lancaster Heights" Subdivision and as a result supports the redesignation of the Neighbourhood Park land use designation to Low Density Residential 2. Staff note that private outdoor amenity space should be provided within the proposed development.

**Parkland Advisory Review Committee (PARC)** noted that the developer of Lancaster Heights (formerly Mountaingate) proposed a new, more centralized location for the park block in the Mount Hope Secondary Plan. PARC continues to be supportive of the centralized location for the park, however understands that the Mount Hope Secondary Plan still shows the previous park block within the proposed subdivision development. PARC is supportive of the removal of the original, and now additional park block.

While there is a projected deficit within the Secondary Plan area of 1.06 ha of parkland, this deficit is not due to the relocation of the park block because there were only ever

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two Neighbourhood Parks contemplated in the Secondary Plan. PARC is not supportive of retaining the park block on the subject lands because of the proximity to the park in Lancaster Heights and limited development opportunities due to the physical attributes of the site. Finally, PARC has advised that the parcel could be rezoned as Open Space (P4) Zone however, it should not contribute to parkland dedication; instead, cash in lieu will be required.

**Niagara Peninsula Conservation Authority (NPCA)** staff reviewed the submitted Environmental Impact Study, prepared by Geo Process, dated November, 2017, the Functional Servicing Report (FSR) and associated Preliminary Drawings, prepared by S. Llewellyn and Associates, dated November, 2017 as part of the subject applications. The NPCA regulates watercourses including the one located on the subject property. As a result of the proposed subdivision application, the watercourse will be removed which was supported by the EIS due to the limited ecological function within this section of the watercourse. The remaining portion of the watercourse is not anticipated to cause further erosion and will contribute to stabilizing the headcutting that has been occurring.

Upon review of the FSR, NPCA has no concerns with the drainage of the proposed development being directed to the future stormwater management facility in the adjacent “Lancaster Heights” development. However, until such a time as the stormwater management facility is constructed, the NPCA will require details on the developments interim measures to treat all stormwater runoff, attenuate all post development peak flows and mitigate the impacts of erosion.

The NPCA requires the inclusion of the following conditions in the Conditions of Draft Approval for the Subdivision application:

- That the Developer apply for and obtain a Work Permit for the removal of the watercourse (Condition No. 18 in Appendix “F” to Report PED19046).
- That the Developer submit to the Niagara Peninsula Conservation for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings (Condition No. 19 in Appendix “F” to Report PED19046).
- That final registration of this Subdivision not occur until the stormwater management facilities on the adjacent lands to the west (Lancaster Heights Subdivision) or a satisfactory alternative temporary outlet have been installed to the satisfaction of the Niagara Peninsula Conservation Authority (Condition No. 20 in Appendix “F” to Report PED19046).

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- That the Subdivision Agreement between the Developer and the City of Hamilton contain wording requiring that all oils and fuels be stored away from water in properly designated locations with appropriate spill containment and clean up equipment, to the satisfaction of the Niagara Peninsula Conservation Authority (Condition No. 21 in Appendix “F” to Report PED19046).
- That the above 4 conditions are to be incorporated into the Subdivision Agreement (Condition No. 22 in Appendix “F” to Report PED19046).

**John C. Munro International Airport** advised that they are not supportive of the proposed development in accordance with the Hamilton Airport Zoning Regulations and the Noise Exposure Forecast (NEF) Contours to ensure that the current and future operation of the Airport is not impacted. Due to the residential nature of the development and the subject site falling within an area that is highly susceptible to aircraft noise, the Airport is not supportive of the proposal.

However, as the application is proceeding, the Airport requires the noise mitigation measures identified in the Noise Feasibility Study completed by HGC Engineering be implemented, which includes appropriate warning clauses and building materials (Condition Nos. 11 -13 in Appendix “F” to Report PED19046).

**NAV Canada** advised that they had no objection to the project as submitted but would require any information related to the use of cranes on the site to ensure that there are no adverse effects on Air Navigation.

**Union Gas** has requested that as a condition of final approval, the owner / developer is required to provide to Union Gas the necessary easements and / or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Union Gas. This requirement is a Standard Condition of Draft Approval.

**Canada Post** stated that the development will be serviced through the Community Mailbox program and have requested the inclusion of conditions in the Draft Plan outlining that advised that the proposed subdivision will receive mail service to centralized mail facilities provided through their Community Mailbox program.

They have requested to have included in all offers of purchase and sale, a statement that advises the prospective purchaser / lessor:

- i) that the home / business mail delivery will be from a designated Centralized Mail Box.



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- ii) that the developers / owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

Canada Post has also requested that the owner further agree to work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision. Also, to install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post to facilitate the placement of Community Mail Boxes. The owner shall also identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and / or curb installation of the plan of subdivision. The location of all centralized mail receiving facilities shall be determined in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

(Condition No. 16 of Appendix “F” to Report PED19046 and Condition 1.22 of the City’s Standard Conditions of Subdivision approval).

**Hamilton Street Railway (HSR)** has requested that the development continues to provide efficient pedestrian connects to Airport Road to connect to existing transit service, being Route #20 (A-line).

## **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 170 property owners within 120 m of the subject lands on January 4, 2018. A Public Notice sign was posted on the property on January 15, 2018 and updated on April 3, 2019. Notice was mailed to 170 property owners within 120 m of the subject lands on April 12, 2019. At the time of preparation of this report, one letter was received inquiring about the development and the impacts on their property and is attached as Appendix “C” to Report PED19046. The letter did not outline any concerns about the proposed development, however the resident inquired about the reconstruction of their driveway as a result of the extension of Spitfire Drive and the removal of the existing turning bulb.

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**Public Consultation Strategy**

The applicant prepared a Public Consultation Strategy in accordance with the Provisions of the *Planning Act*. In addition to the standard Public Notice Sign, the applicant also posted a second sign detailing their contact information. A Microsite was prepared where all the public materials were posted for the public to review.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposed UHOP Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications have merit and can be supported for the following reasons:
  - (i) They comply with the general intent of the UHOP, subject to the approval of the UHOP Amendment, as they are an extension of the approved developments to the east of the subject lands, add to the creation of a complete community, and contribute to a range of housing options in the Mount Hope area;
  - (ii) The proposed development is considered to be compatible with the existing and planned development in the immediate area and acts as transition between these developments. It will provide a complete community, with a variety of lands uses in the Mount Hope Neighbourhood;
  - (iii) The proposed development represents good planning by, among other things, providing a compact and efficient urban form. Furthermore, it acts as a natural extension of approved adjacent development, thereby providing servicing to the area. The form of development will be an efficient use of infrastructure; and,
  - (iv) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe, as they represent an opportunity for growth in settlement areas.
2. As discussed in the policy section of this Report, an amendment to the UHOP is required to amend the Mount Hope Secondary Plan as follows:
  - Reconfiguration of designations; and,

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- Creation of a Site Specific Policy Area in order to permit residential development between the 28 and 30 NEF contour lines and to establish new local roads.

Staff are supportive of the land use changes in the Secondary Plan as they create a community which is compatible with and an extension of the existing residential development in Mount Hope. Low density detached homes will complement the existing large lots to the south while providing a transition in residential densities from the existing residential development to the west to the draft approved “Lancaster Heights” development to the east.

The proposed road network contains three local roads, providing an extension of Spitfire Drive to Lancaster Heights, a connection to Marion Street by way of “Street B” and an extension of Marion Street to connect the existing dead ends of Marion Street providing an integrated and complete road network, as illustrated in Appendix “E” to Report PED19046.

The development proposes “Low Density Residential 2” and meets the maximum density of 25 units per net hectare within the Mount Hope Secondary Plan.

As discussed, Staff are supportive of the of the removal of the Neighbourhood Park from the subject lands as adequate parkland is accommodated within the Mount Hope Secondary Plan area. Cash-in-lieu of parkland dedication will be required for this subdivision.

Lands intended for stormwater purposes will be appropriately designated “Utility” and the site will drain to the stormwater management facility proposed in the Lancaster Heights development.

Staff are supportive of the amendments required to accommodate these adjustments as they allow more efficient development of the land and support UHOP policies that focus on providing for a diversity of housing types. Given the prescribed density ranges within the UHOP as well as market demand, the proposed development contains an appropriate range of housing sizes and forms and aligns with other existing and proposed built forms in the neighbourhood. The proposal will act as a transition in density from the existing residential development to the east and the denser development (40 units per net hectare) in Lancaster Heights.

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While the proposed development is generally consistent with the direction established in the Secondary Plan and complies with its broader policy vision; due to the differences identified and discussed above, amendments will be required to allow for the proposed development. Based on the foregoing, staff supports the proposed UHOP Amendments.

3. Staff have reviewed the parking plan and have noted that the applicant is providing more than the 40% requirement for on-street parking availability. Confirmation of the number of on-street parking opportunities provided will be determined once a Utilities Plan is completed.

Staff note that under-dimensioned garages and intrusions of multiple steps in developments over the last decade in this ward have rendered many garages as unsuitable for vehicle parking. In turn, this has caused on-street parking issues for residents who are forced to park their secondary vehicles on the roadway. As a result, staff has amended the application with consent from the applicant, to provide appropriately sized parking spaces within the garages.

4. Development Engineering reviewed the application and supportive documents from the most recent submission from December 2018 and support the subject development applications. Any cost sharing with the Owner will be in accordance with the City's Financial Policy. The Owner will be required to enter into a formal subdivision agreement with the City of Hamilton, to the satisfaction of the Senior Director of Growth Management (Condition No. 23 in Appendix "F" to Report PED19046). Further, staff have amended the zoning to require a minimum 2 m side yard setback separation between buildings for lots that may experience back to front drainage.

Warning Clauses are required for the lots containing rear catch basins which must be included on applicable purchase and sale agreements (Condition No. 24 in Appendix "F" to Report PED19046).

As a result of each lot containing two parking spaces, a Warning Clause is required on all purchase and sale agreements to notify purchasers that no additional private or public parking spaces are guaranteed (Condition No. 25 in Appendix "F" to Report PED19046).

The owner must demonstrate that appropriate lands have been acquired or an easement across the lands to Street "D" in the neighbouring Lancaster Heights (formerly Mountaingate) will provide for adequate infrastructure connections to the

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satisfaction of the Senior Director of Growth Management (Condition No. 26 in Appendix “F” to Report PED19046).

During the construction stage of development, the owner must agree to minimize impacts on neighbours through a Construction Management Plan, a Dust Management Plan and to specifically minimize impacts to existing residents on Spitfire Drive, as it relates to driveway access, street closures, and garbage pick up (Condition Nos. 27, 34 and 40 in Appendix “F” to Report PED19046).

Block 125, between Lots 114 and 115, is to be conveyed to the City with no City Share to accommodate a storm sewer connection and a public walkway, to the satisfaction of the Senior Director of Growth Management (Condition No. 29 in Appendix “F” to Report PED19046). Further, easements in favour of the City must be established to the satisfaction of the Senior Director of Growth Management (Condition No. 29 in Appendix “F” to Report PED19046).

Any pipe oversizing is not eligible for cost sharing (Condition No. 30 in Appendix “F” to Report PED19046).

The engineering design and cost estimate schedules for:

- construction of sidewalks,
- removal of existing temporary turning circles on Spitfire Drive and Marion Street,
- removal of the existing temporary storm water management pond,
- 1.5 metres high black vinyl coated heavy duty chain link fence,
- Minimum 2 metres separations between foundation walls,
- a maximum water surface depth of 0.3 m on rear lot catch basins in any case where there is a requirement for an overland flow,
- provision for the owner’s share of maintenance works and monitoring on the downstream stormwater management pond in the adjacent Lancaster Heights subdivision, and,

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- construction of a storm sewer between lots 11 and 12 that conveys storm runoff

must be prepared to the satisfaction of the Senior Director of Growth Management (Condition Nos. 31 – 33, 35, 46, 47 and 53 in Appendix “F” to Report PED19046).

The preparation and submission of a revised on-street parking plan for Streets ‘A’ and ‘B’ is required to the satisfaction of the Senior Director of Growth Management (Condition No. 36 to Report PED19046).

4.5 m by 4.5 m daylight triangles must be established on the final plan of subdivision to the satisfaction of the Senior Director of Growth Management (Condition No. 37 in Appendix “F” to Report PED19046).

All septic beds, buildings, structures, stormwater management ponds and associated infrastructure must be removed to the satisfaction of the Senior Director of Growth Management (Condition No. 38 in Appendix “F” to Report PED19046). Further, all utility related infrastructure will need to be relocated at the cost of the owner to the satisfaction of the Senior Director of Growth Management (Condition No. 39 in Appendix “F” to Report PED19046).

The preparation and submission of a Hydrogeological report and a mitigation plan for water well interference is required to the satisfaction of the Senior Director of Growth Management (Condition Nos. 41 and 42 in Appendix “F” to Report PED19046).

The owner must pay cost recoveries to the City for sanitary sewers and watermains on Marion Street to the satisfaction of the Senior Director of Growth Management (Condition No. 43 in Appendix “F” to Report PED19046).

All purchase and sale agreements must have a statement informing purchasers that an approved grading plan is in effect and that they are not to alter the lands in any way that would conflict with the approved grading plan to the satisfaction of the Senior Director of Growth Management (Condition No. 44 in Appendix “F” to Report PED19046).

All driveway locations must be identified on all engineering drawings and be located within their own lot frontages (Condition No. 45 in Appendix “F” to Report PED 19046).

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The completion of a Stormwater Management Report including the demonstration that the hydraulic grade line for post-development 100 year storm event is located at or below the top of grade elevation at all inlet locations, that drainage routing through the subject lands for any external flows are maintained and that runoff from 100 year storm can be conveyed to the appropriate downstream outlet to the satisfaction of the Senior Director of Growth Management (Condition No. 48 in Appendix “F” to Report PED19046).

Suitable stormwater management facility, appropriate overland flow route and suitable storm outlet for the drainage area that includes the rear lots of 104-114 and Block 126 must be demonstrated to the satisfaction of the Senior Director of Growth Management (Condition No. 49 in Appendix “F” to Report PED19046).

Prior to preliminary grading, the owner must demonstrate that the existing temporary stormwater management facility on the subject lands is decommissioned to the satisfaction of the Senior Director of Growth Management (Condition No. 50 in Appendix “F” to Report PED19046). If uncontrolled overland runoff is expected to drain south from lots 84 to 101 onto the private lands to the south the owner of the subject lands must demonstrate that they have riparian rights to do so, that an emergency spillway has been established between lots 32 and 42 Aberdeen Avenue and that an appropriate easement has been established for the spillway to the satisfaction of the Senior Director of Growth Management (Condition No. 51 in Appendix “F” to Report PED19046).

If grading works are required external to the site, written permission is required to the satisfaction of the Senior Director of Growth Management (Condition No. 52 in Appendix “F” to Report PED19046).

The preparation of a pre-construction survey of surrounding lands with appropriate securities for any repairs and reconstruction to roads damaged during construction must be submitted and approved to the satisfaction of the Senior Director of Growth Management (Condition No. 54 in Appendix “F” to Report PED19046). Further, a post-construction survey is also required to identify any damages and agree to repair any damages to the satisfaction of the Senior Director of Growth Management (Condition No. 55 in Appendix “F” to Report PED19046).

If retaining walls are proposed the owner must provide a minimum 0.45 m separation between the base of the retaining wall and adjacent property lines with the retaining wall located on the property of higher elevation to the satisfaction of

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the Senior Director of Growth Management (Condition No. 56 in Appendix “F” to Report PED19046).

Lots 1 – 18 must remain undevelopable until it has been demonstrated that runoff from neighbouring school lands to the north can be adequately conveyed through the subject lands to the satisfaction of the Senior Director of Growth Management (Condition No. 57 in Appendix “F” to Report PED19046).

5. Growth Planning Staff advise that should development occur, there are minor changes required to the Draft Plan of Subdivision including improved accuracy of the scale bar, confirmation of road alignment with adjacent subdivisions, re-naming of the subdivision and inclusion of the specific municipal services.

The existing Draft Approval on a portion of the subject lands, known as Mountville Estates 25T-92009, should be closed as a condition of approval of the subject application (Condition No. 58 of Appendix “F” to Report PED19046). Growth Planning has requested that the following Note be added to the Draft Approval Conditions:

“Notes: Pursuant to Section 51(31) of the Planning Act, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.”

Requirements for the completion of a Noise Study due to the site’s proximity to the airport were identified. It is noted that any concerns relating to noise have been addressed.

6. The proposed Plan of Subdivision will consist of 123 lots for single detached dwellings (Lots 1 - 123), one block for a 0.3 metre road reserve (Block 124), one block for infrastructure and walkway (Block 125), one block for open space purposes (Block 126), and 3 proposed streets shown as Streets “A,” “B” and “C”, attached as Appendix “E” to Report PED19046.

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;



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- (b) Through the phasing of development within the Mount Hope 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 Urban Hamilton Official Plan as well as the proposed Urban Hamilton Official Plan Amendment;
- (d) The lands can be appropriately used for the use for which it is to be subdivided;
- (e) The proposed roads 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; and,
- (j) 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.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

7. To date, one letter of correspondence was received asking for clarification as to whose responsibility it is to remove the temporary bulb at the current terminus of Spitfire Drive and establish the full driveway and front yard depth on their property (see Appendix "H" to Report PED19046). In this case, it is the Mountville Estate developer's responsibility to remove the temporary bulb and establish the full driveway and front yard depth. Securities were provided to the City to secure this

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work, which can be released to the developer of the subject property to complete this work.

## **ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could be developed in accordance with the Residential “H-R3-122” Zone, Modified, Deferred Development “DD” Zone and General Commercial “C3-048” Zone, Modified in the Town of Glanbrook Zoning By-law No. 464 which correspondingly permits single detached dwellings, agricultural uses and a range of commercial uses.

## **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.

### **Our People and Performance**

*Hamiltonians* have a high level of trust and confidence in their City government.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” – Location Map

Appendix “B” – Draft Urban Hamilton Official Plan Amendment

Appendix “C” – Draft Town of Glanbrook Zoning By-law No. 464 Amendment

Appendix “D” – Draft City of Hamilton Zoning By-law No. 05-200 Amendment

Appendix “E” – Draft Plan of Subdivision

Appendix “F” – Special Conditions

Appendix “G” – Zoning Chart

Appendix “H” – 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.