



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	June 18, 2019
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 305 and 311 Garner Road West (Ancaster) (PED19104) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	George T. Zajac (905) 546-2424 Ext. 3933
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Amended Urban Hamilton Official Plan Amendment Application UHOPA-17-025, by LIV Developments Ltd. (Owner)** to re-designate a portion of the subject lands from Open Space to Neighbourhoods in Volume 1 of the Urban Hamilton Official Plan and from Medium Density Residential 2a, Site Specific Policy – Area B and Natural Open Space to Low Density Residential 3a in Volume 2 (Secondary Plans) of the Urban Hamilton Official Plan in order to permit the development of 40 maisonette dwelling units and 78 townhouse dwellings for a total of 118 units at 305 and 311 Garner Road West, as shown on Appendix “A” to Report PED19104, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19104, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2019).

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- (b) That **Amended Zoning By-law Amendment Application ZAC-17-058 by LIV Developments Ltd., (Owner)** for changes in zoning from Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to Residential Multiple “RM4-700” Zone, Modified (Block 1); from Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to the Residential Multiple “RM4-701” Zone, Modified (Block 2); from Agricultural (Holding) “H-A-496” Zone, Modified to the Residential Multiple “RM4-702” Zone, Modified (Block 3); from Agricultural (Holding) “H-A-496” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to the Residential Multiple “RM4-703” Zone, Modified (Block 4) and from Agricultural (Holding) “H-A-496” Zone, Modified to the Residential Multiple “RM4-704” Zone, Modified (Block 5) within the Town of Ancaster Zoning By-law No. 87-57, in order to permit the development of 40 maisonette dwelling units and 78 townhouse dwellings for a total of 118 units at 305 and 311 Garner Road West, as shown on Appendix “A” to Report PED19104, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19104, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2019), and will comply with the Urban Hamilton Official Plan, upon finalization of UHOPA No.____.
- (c) That **Amended Zoning By-law Amendment Application ZAC-17-058 by LIV Developments Ltd., (Owner)** for a change in zoning from the Agricultural (Holding) “H-A-496” Zone, Modified within Zoning By-law No. 87-57 to the Conservation / Hazard Land (P5, 719) Zone within Zoning By-law No. 05-200 to permit a stormwater management pond, natural open space and vegetation protection zone for lands located at 305 and 311 Garner Road West, as shown on Appendix “A” to Report PED19104, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED19104, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2019), and will comply with the Urban Hamilton Official Plan, upon finalization of UHOPA No.____.

EXECUTIVE SUMMARY

The proposed Official Plan Amendment is to re-designate a portion of the subject lands at 305 and 311 Garner Road West from Open Space to Neighbourhoods and from Medium Density Residential 2a, Site Specific Policy – Area B and Natural Open Space to the Low Density Residential 3a designation in order to permit the development of 40 maisonette dwelling units and 78 townhouse dwellings, for a total of 118 units, 31 visitor parking spaces will be provided, in addition to one space per dwelling unit in the private driveways and one space per unit in the attached garages.

The proposed Zoning By-law Amendment to the former Town of Ancaster Zoning By-law No. 87-57 is to change the zoning from the Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to a site specific Residential Multiple “RM4” Zone in order to permit the development of 40 maisonette dwelling units and 78 townhouse dwellings, for a total of 118 units, with site-specific modifications to accommodate the subject proposal.

The proposed Zoning By-law Amendment under Hamilton Zoning By-law No. 05-200 is to rezone a portion of the subject lands to a site specific Conservation / Hazard Land (P5) Zone in order to permit a stormwater management pond, natural open space and vegetation protection zone.

Based on an average of 2.7 persons per unit, the 118 proposed residential units would translate into 319 people or 98 people per hectare.

The proposed Official Plan Amendment and Zoning By-law Amendments have merit, and can be supported, since the proposal is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2019), and complies with the Urban Hamilton Official Plan, as well as the Shaver Neighbourhood Secondary Plan, subject to the recommended Amendment.

Alternatives for Consideration – See Page 34

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 Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal

The subject lands, 305 and 311 Garner Road West (Ancaster), are an assembly of two separate properties located on the north side of Garner Road West. The Ancaster Paving Ltd. operation is located at 305 Garner Road West and a vacant single detached dwelling and the natural feature are located at 311 Garner Road West. The subject lands have a combined area of approximately 3.2 ha (Residential - 2.73 ha; P5 Zone – 0.5 ha), with approximately 60 m of frontage along Garner Road West and a depth of approximately 252 m extending from Garner Road West.

The applicant proposes to redevelop the subject lands at a density of approximately 44 units per hectare with 40 maisonette townhouse dwelling units and 78 townhouse dwellings for a total of 118 units. In addition, 31 visitor parking spaces are proposed, as well as access driveways, an amenity area, and a stormwater management pond. The natural feature and a surrounding vegetation protection zone will be protected areas.

The proposed Official Plan Amendment to the Urban Hamilton Official Plan is to re-designate a portion of the subject lands from Open Space to Neighbourhoods and from Medium Density Residential 2a, Site Specific Policy – B, and Natural Open Space to the Low Density Residential 3a designation within the Shaver Neighbourhood Secondary Plan of the Urban Hamilton Official Plan.

The proposed Zoning By-law Amendment is to change the zoning from the Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to a site specific Residential Multiple “RM4” Zone within the Town of Ancaster Zoning By-law No. 87-57 to permit the proposed development. An Amendment to the City of Hamilton Zoning By-law No. 05-200 is also proposed to zone a portion of the subject lands as a site specific Conservation / Hazard Land (P5) Zone to permit a stormwater management pond, and to protect the natural feature and surrounding vegetation protection zone.

Site specific modifications to the “RM4” and “P5” Zones have been requested and include:

- built form;
- to recognize the proposed townhouses on a condominium road;
- to recognize the lot lines;
- an increase to the maximum permitted density;
- a decrease to the minimum front, side and rear yards;
- a decrease to the minimum setback from the front lot line for air conditioning units;

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- an increase to the maximum permitted building height;
- decrease to the minimum landscaping area required;
- decrease to the minimum required planting strip;
- decrease to the required minimum privacy area;
- decrease in the required minimum number of visitor parking spaces and parking space width;
- decrease in the required minimum setback from a P5 Zone; and,
- decrease in the required minimum children's play area and building separation.

Chronology:

July 4, 2017: Submission of Applications UHOPA-17-025 and ZAC-17-058.

July 17, 2017: Applications UHOPA-17-025 and ZAC-17-058 deemed incomplete.

August 8, 2017: Applications UHOPA-17-025 and ZAC-17-058 deemed complete.

August 17, 2017: Public Notice Sign installed on subject lands.

August 22, 2017: Circulation of Notice of Complete Application and Preliminary Circulation for Applications UHOPA-17-025 and ZAC-17-058 to 109 property owners within 120 m of the subject lands.

May 22, 2019: Public Notice Sign updated with Public Meeting Information.

May 31, 2019: Circulation of the Notice of Public Meeting to 109 property owners within 120 m of the subject lands.

Details of Submitted Application:

Location: 305 and 311 Garner Road West (see Appendix "A" to Report PED19104).

Owner / Applicant: LIV Developments Ltd.

Agent: MHBC Planning (c/o: Dana Anderson)

Property Description: Lot Frontage: Approximately 60 m (Garner Road West)

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<u>Lot Depth:</u>	252 m (irregular)
<u>Lot Area:</u>	3.24 Ha
<u>Servicing:</u>	Existing Municipal Water Available Municipal Sanitary / Storm Available

Existing Land Use and Zoning:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Single Detached Dwelling & Industrial Operation	Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified, and Rural Industrial “M5-262” Zone, Modified

Surrounding Land Uses:

North	Townhouse Dwellings and Single Detached Dwellings	Residential Multiple “RM4-492” Zone, Modified and Agricultural “A-216” Zone, Modified
South	Cemetery and Single Detached Dwelling	Open Space “P4” Zone, Agricultural “A-216” Zone, Modified and Agricultural (Holding) “H-A-496” Zone, Modified
East	Commercial, Townhouse Dwellings and City Utility Pumping Station	Neighbourhood Commercial “C1-491” Zone, Modified, Neighbourhood Commercial “C1-680” Zone, Modified, Residential Multiple “RM2-493” Zone, Modified and Residential Multiple “RM4-492” Zone, Modified
West	Vacant Land	Agricultural “A-216” Zone, Modified

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

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

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with the PPS. The following policies, amongst others, apply to the proposed development.

“1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”

The subject proposal is consistent with Policy 1.1.1, as the subject proposal is within the urban area, contributes to a range and mix of residential uses, is designed to contain appropriate buffers and setbacks from natural features, proposes to develop an underutilized former commercial site for residential development, thereby utilizing existing services and infrastructure.

“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;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 - 4. support active transportation;

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.

5. are transit-supportive, where transit is planned, exists or may be developed; and,
 6. are freight-supportive; and,
- 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.”

As per Policy 1.1.3.2, the proposed land use pattern will contribute to a mix of densities that efficiently use the land and resources, and is appropriate for the infrastructure and public service facilities planned or available for this area, including transit.

“2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Core Areas have been identified within and adjacent to the subject properties as an unevaluated wetland, a tributary of Big Creek and Significant Woodland. The wetland and watercourse are also regulated by the Grand River Conservation Authority (GRCA). The proposed stormwater management pond is to be located within the Core Area.

An EIS was prepared by Myler Ecological Consulting (May 2017; revised October 2017). This EIS was reviewed by Natural Heritage Planning staff and the City’s Environmentally Significant Areas Impact Evaluation Group (ESAIEG) on November 9, 2017. Based on this review, an Addendum was required to specifically address concerns with the following:

- Significant wildlife habitat (seeps and springs);
- Width of the vegetation protection zone;
- Location of the stormwater management pond;
- Other mitigation measures (i.e. restoration plan, invasive species removal, transplant plan);
- Location of grading; and,
- Location of fill removal.

An EIS Addendum was submitted in December, 2017. Based on a review of the Addendum, further clarification was required, and a revised Concept Plan and Landscape Plan was submitted. Based on a review of the revised concept plan, Staff are satisfied that the Core Areas will be protected and will require a Restoration Plan, Invasive Species Management Plan and a Locally Rare and Uncommon Species

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Transplant Plan at the Site Plan Stage. In addition, appropriate lighting, fencing and stewardship interpretative signage will also be required.

Subject to the above and required permit from the GRCA for Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation prior to development, which will be addressed with a future Site Plan Control application, staff are satisfied that the policies with respect to natural heritage have been adequately addressed. It is noted that the GRCA staff are satisfied that their initial concerns have also been addressed.

“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.”

A Stage 1 - 2 archaeological report P383-0021-2013 and P383-0055-2013 has been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. City staff have reviewed the report and have received the Ministry letter of concurrence which confirms the City’s opinion that the pre-contact material located in findspot 1 does not exhibit sufficient cultural heritage value to warrant further stages of study. As such, staff can confirm that the City’s interest in the site’s archaeological potential has been satisfied.

“3.2.2 Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.”

A portion of the subject property is recognized as a potentially contaminated site due to the current and past use of the property for commercial purposes given that the lands known as 305 Garner Road West were previously used by Ancaster Paving Ltd and for industrial activities. As a result, City staff have received and reviewed the Record of Site Condition acknowledged by the Ministry of the Environment, Conservation and Parks, dated July 3, 2018 which demonstrated that the site has been remediated and suitable for residential uses.

Based on the foregoing, as the subject lands are located within a settlement area, and the subject proposal is to be developed with appropriate infrastructure, while also protecting the Provincial interest with respect to human-made hazards, natural and cultural heritage resources, the subject proposal is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan supports intensification within built-up urban areas, particularly in proximity to transit. As noted in Section 2.1 of the Plan:

“To support the achievement of *complete communities* that are healthier, safer, and more equitable, choices about where and how growth occurs in the *GGH* need to be made carefully. 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. However, to protect public safety and prevent future flood risks, growth should generally be directed away from hazardous areas, including those that have been identified as Special Policy Areas in accordance with the PPS.”

Furthermore, as noted in Section 2.2.1.2 (d):

“Development will be directed to settlement areas, except where the policies of this Plan permit otherwise.”

The subject lands are located within a settlement area where it will be developed with full municipal services, will provide for a complete community through a compact design that includes an additional housing type and form for the area and is located on an existing transit route. Therefore, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (2019).

Urban Hamilton Official Plan (UHOP)

The subject property is identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” and “Open Space” on Schedule “E-1” – Urban Land Use Designations in the UHOP and shown outside of the Built Boundary on Appendix “G” – Boundaries Map. The subject property is also designated as “Medium Density Residential 2a”, “Low Density Residential 3a” and “Natural Open Space” as well as Site Specific Policy Area B on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan. The following policies, amongst others, are applicable to the subject applications.

Neighbourhoods

- “E.3.1.1 Develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods.
- E.3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.
- E.3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

- E.3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.
- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) residential dwellings, including second dwelling units and housing with supports;
 - b) open space and parks;”

The proposed development complies with the above-noted policy goals as the proposed maisonettes and townhouses contributes to a compact urban form and complete community, is transit supportive as it is located on a major arterial roadway, contributes to a range of housing types, respects the existing character of the neighbourhood with a compatible form of residential dwellings and provides an appropriate scale and location for the development by incorporating appropriate setbacks and buffers to the existing residential development and natural heritage features.

Residential Greenfield Design

As the subject proposal is located outside of the Built Boundary on Appendix “G” – Boundaries Map, the Residential Greenfield Design policies apply.

- “E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character.
- E.3.7.2 New greenfield communities shall be designed to include a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to creation of the community focal point.
- E.3.7.3 The configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the greenfield community to the focal point and adjacent neighbourhoods.

E.3.7.4 The City may consider alternative development standards in new residential development in greenfield areas. Such alternative development standards may include:

- c) use of public lanes, private lanes, and on-street parking to promote more compact residential development and to provide more attractive streetscapes;
- d) greater reliance on common open space areas to facilitate more compact development patterns;

E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:

- a) minimize changes to existing topography;
- b) preserve existing trees and natural features;

E.3.7.6 New development or redevelopment adjacent to open spaces shall:

- a) minimize the impacts on natural heritage features;
- b) maintain or enhance public access to trails, bikeways, and parks within these features;
- c) preserve or enhance public views to these features; and,
- d) use native plant material adjacent to these features.”

The proposed development has limited frontage on Garner Road West. Dwellings are proposed oriented towards the street, providing a streetscape and sufficient landscape in the form of an amenity area and planting strips is also being proposed. In addition, the development will provide the proper connections for vehicles and pedestrians, as well as an amenity area that will be the focal point of the development. A mix of dwelling units (i.e. maisonettes and townhouses) will contribute to a compact urban form, while protecting the natural feature and vegetation protection zone through appropriate setbacks.

Urban Design

“B.3.3.3.2 New *development* shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
 - b) ensuring adequate privacy and sunlight to neighbouring properties; and,
 - c) minimizing the impacts of shadows and wind conditions.
- B.3.3.3.3 New *development* shall be massed to respect existing and planned street proportions.
- B.3.3.3.5 Built form shall create comfortable pedestrian environments by:
- a) locating principal façades and primary building entrances parallel to and as close to the street as possible;
 - b) including ample glazing on ground floors to create visibility to and from the public sidewalk;
 - c) including a quality landscape edge along frontages where buildings are set back from the street;
 - d) locating surface parking to the sides or rear of the sites or buildings, where appropriate; and,
 - e) using design techniques, such as building step-backs, to maximize sunlight to pedestrian areas.”

The proposed development is appropriate in respect to the transition in scale to the neighbouring dwellings to the east, which maintain a height of two and a half and three storeys, and the development is massed to respect the existing street proportions. Given that the dwellings will be a maximum of three storeys in height and maintain proper setbacks from existing residential development, adequate privacy will be maintained and the proposed townhouses will not create adverse shadow and wind impacts. Parking is within the interior of the property, off of the private condominium road and townhouses will be parallel to and close to Garner Road West. The proposed development will include landscaping within the site and along the street edge. Further, a detailed landscape plan will be required with the future Site Plan Control application.

Archaeology

With respect to archaeological concerns, the UHOP identifies the applicable policy under Section B.3.4.4.2:

“B.3.4.4.2 In *areas of archaeological potential* identified on Appendix F-4 – Archaeological Potential, an archaeological assessment shall be required and submitted prior to or at the time of application submission for the following planning matters under the *Planning Act*:

- a) official plan amendment or secondary plan amendment unless the *development* proposed in the application in question or other applications on the same property does not involve any *site alteration* or *soil disturbance*;
- b) zoning by-law amendments unless the *development* proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,”

As noted previously in this Report, the City’s interest has been satisfied.

Noise Attenuation

“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.”

A noise feasibility study was submitted with the subject applications entitled, “Environmental Noise Study” prepared by Valcoustics Canada Ltd. The study was reviewed by City staff and based on the results of the study, noise warning clauses are required as well as noise mitigation measures from the commercial uses on the adjacent lands at 21 Panabaker Drive. The applicants have an agreement with the owners of 21 Panabaker Drive, dated June 12, 2018 regarding the noise mitigation required on the property. The warning clauses and any other noise mitigation required will be implemented at the Site Plan Control stage.

City staff further notes that future development applications will be required to facilitate the proposed development. Site Plan Control and Draft Plan of Condominium applications are required and therefore, an updated noise study will also be required to

be submitted and implemented with these applications to refine window and wall requirements and to have specific noise warning clauses registered on title.

Open Space

An Official Plan Amendment is required to re-designate a portion of the subject lands from the Open Space designation to the Neighbourhoods designation.

- “C.3.3.1 Lands designated as Open Space are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses.
- C.3.3.4 The following uses shall be permitted on lands designated Open Space on Schedule E-1 – Urban Land Use Designations:
- a) parks for both active and passive recreational activities;
 - b) pedestrian pathways, trails, bikeways and walkways;
- C.3.3.6 Where land is designated Open Space and is under private ownership, it is not intended this land shall necessarily remain so indefinitely, nor shall the Plan be construed as implying these areas are free and open to the general public or shall be purchased by the City.”

A portion of the subject lands will remain Open Space surrounding the stormwater management pond and will remain passive. The core features of the woodlot and wetland will be protected through the Open Space designation, while through the EIS a portion of the subject lands can be developed. The Amendment to redesignate a portion of the subject lands for residential uses is discussed in greater detail below and in the Analysis and Rationale for Recommendation section of this report.

Core Areas

Core Areas have been identified within and adjacent to the subject lands. The relevant policies with respect to Core Areas within the UHOP are as follows.

- “C.2.3 It is the intent of this policy to preserve and enhance *Core Areas* and to ensure that any development or site alteration within or adjacent to them shall not negatively impact their natural features or their ecological functions.
- C.2.3.3 The natural features and ecological functions of *Core Areas* shall be protected and where possible and deemed feasible to the satisfaction of

the City enhanced. To accomplish this protection and enhancement, vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate *vegetation protection zones* shall be applied to all *Core Areas*.

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 demonstrated that there shall be no negative *impacts* on the natural features or on their *ecological functions*.

C.2.5.8 New *development* or *site alteration* subject to Policies C.2.5.3 to C.2.5.7 requires, prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:

- a) There shall be no negative impacts on the *Core Area's* natural features or their *ecological functions*.
- b) Connectivity between *Core Areas* shall be maintained, or where possible, enhanced for the movement of surface and ground water, plants and wildlife across the landscape.
- c) The removal of other natural features shall be avoided or minimized by the planning and design of the proposed use or *site alteration* wherever possible.

C.2.5.9 An Environmental Impact Statement shall propose a vegetation protection zone which:

- a) has sufficient width to protect the *Core Area* and its *ecological functions* from impacts of the proposed land use or *site alteration* occurring during and after construction, and where possible and deemed feasible to the satisfaction of the City, restores or enhances the *Core Area* and/or its *ecological functions*; and,
- b) is established to achieve, and be maintained as *natural self-sustaining vegetation*.

C.2.5.10 Where vegetation protection zones widths have not been specified by watershed and sub-watershed plans, secondary Environmental assessments and other studies, the following vegetation protection zone widths shall be evaluated and addressed by Environmental Impact

Statements. Other agencies, such as Conservation Authorities, may have different vegetation protection zone requirements.

- f) Significant woodlands – 15-metre vegetation protection zone, measured from the edge (drip line) of the significant woodland.

C.2.5.11 *Vegetation protection zone* widths greater or less than those specified in a) to i) above may be required if ecological features and functions warrant it, as determined through an approved Environmental Impact Statement. Widths shall be determined on a site-specific basis, by considering factors such as the sensitivity of the habitat, the potential impacts of the proposed land use, the intended function of the *vegetation protection zone*, and the physiography of the site.

C.2.5.12 Permitted uses within a *vegetation protection zone* shall be dependent on the sensitivity of the feature, and determined through approved studies. Generally, permitted uses within a *vegetation protection zone* shall be limited to low impact uses, such as vegetation restoration, resource management, and open space. Permitted uses within the *vegetation protection zone* shall be the same uses as those within the *Core Area* in Policy C.2.5.1 and the *vegetation protection zone* should remain in or be returned to a natural state.”

As discussed previously, based on a review of the EIS and subsequent addendum, and in consultation with the GRCA, staff are satisfied that the Core Areas will be protected.

Road Widening

“C.4.5.6.1 The City shall require, as a condition of site plan approval, subdivision approval, condominium approval and land severance consent, that sufficient lands are conveyed to provide for a road right-of-way dedication in accordance with the designated widths as set out in Section C.4.5.2 or Schedule C-2 – Future Right-of-Way Dedications.”

A right-of-way widening dedication to the City of Hamilton will be required as a condition of future Site Plan Approval. The widening shall be across the frontage of the subject property on Garner Road West in order to achieve a right-of-way width of 18.288 m (approximately 5.0 m to 5.24 m from the subject property) from the original centreline of this roadway in accordance with Schedule “C-2” of the City of Hamilton Urban Official Plan. The current Concept Plan for the subject proposal provides for the required right-of-way widening.

Shaver Neighbourhood Secondary Plan

The subject lands are designated “Medium Density Residential 2a”, “Low Density Residential 3a” and “Natural Open Space” as well as Site Specific Policy Area B on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan. The following policies within Volume 2 of the UHOP, Chapter B – Ancaster Secondary Plans, amongst others, apply.

“B.2.2.1.2 General Residential Policies

- a) Residential buildings shall have no more than three occupied storeys entirely above grade.

B.2.2.1.3 Low Density Residential Designations

Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:

- d) In the Low Density Residential 3a designation:

- i) the permitted uses shall be street townhouses, block townhouses, and other ground-oriented attached housing forms; and,
- ii) the density shall not exceed 50 dwelling units per gross / net residential hectare.

B.2.2.1.4 Medium Density Residential Designations

Notwithstanding Policies E.3.5.2 and E.3.5.7 of Volume 1, the following policies shall apply to the Medium Density Residential designations identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:

- a) In the Medium Density Residential 2a designation:

- i) the permitted use shall be low rise apartment buildings; and,
- ii) the density shall not exceed 62 dwelling units per gross / net residential hectare.

B.2.2.3.1 In addition to Sections B.3.5.3 – Parkland Policies and C.3.3 – Open Space Designation of Volume 1, the following policies shall apply:

- a) The open space system for the Shaver Neighbourhood Secondary Plan area includes the following:
 - i) Neighbourhood Parks;
 - ii) Natural Open Space;
 - iii) Notwithstanding Section C.3.3 – Open Space Designations of Volume 1, school playfields;
 - iv) pedestrian walkways; and,
 - v) Big Creek valleylands and wooded areas.
- b) Notwithstanding Section 3.3 – Open Space Designations of Volume 1, the City shall encourage the development of a linked open space system in the Shaver Neighbourhood incorporating the Community Park, Neighbourhood Park, schools, Big Creek valleylands, wooded areas and pedestrian walkways through the approval of plans of subdivision.
- c) Within the Shaver Neighbourhood the planned residential areas, the westerly Neighbourhood Park, the Community Park / schools complex and the publicly owned Natural Open Space lands shall be linked by a pedestrian / bikeway system utilizing a combination of open space walkways and sidewalks within the roadways. The internal pedestrian / bikeway system shall be connected to the planned Duff's Corners mixed use commercial / industrial area to the west and the Maple Lane Annex subdivision in the Garner Neighbourhood Secondary Plan area.

Site Specific Policy – Area B

- 2.2.5.2 In addition to the permitted uses set out in Policy B.2.2.1.3 d) and Policy B.2.2.1.4 a) – Medium Density Residential 2a, a paving contractor's equipment supplies and storage business shall be permitted on lands located at No. 305 Garner Road West, and identified as Site Specific Policy – Area B on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan.”

An Amendment to the Shaver Neighbourhood Secondary Plan is required to redesignate a portion of the subject lands from the Medium Density Residential 2a, Site Specific Policy – Area B and Natural Open Space to the Low Density Residential 3a designation. A large portion of the property is currently designated Medium Density

Residential 2a within the Shaver Neighbourhood Secondary Plan, which limits the use of the subject lands to low rise apartment buildings and a density of not more than 62 dwelling units per gross / net residential hectare. The subject proposal is to apply the Low Density Residential 3a designation to the lands in order to permit the development of 40 maisonette dwelling units and 78 townhouse dwellings for a total of 118 units, which equates to a density of 44 units per net residential hectare.

The Secondary Plan shows Vansickle Street terminating at the edge of this site. The existing subdivision development to the east (Marshall Estates) was approved by the City in March, 2003 (Report PD03088), and includes a Draft Plan of Subdivision condition for Vansickle Street to be terminated as a temporary turn-around with barricade and sign. In addition, the developer was required to convey sufficient easements and a 0.30 m reserve to the City leaving the option open of Vansickle Street being extended west. Due to Vansickle Street being higher than the subject lands with a grade difference of approximately 3 m (9.8 ft), the applicants have since determined that it would not be feasible to continue Vansickle Street through the proposed development, as it would result in a large slope throughout the site that may impact the natural heritage feature to the west with a significant grade increase, as well as requiring a re-evaluation of the stormwater management strategy for the site. After discussions with City staff, the applicants have instead proposed a private pedestrian ramp walkway connecting the two developments in keeping with orderly development. In addition, to the west of the subject property is open space as well as residential dwellings serviced by Hamilton Drive and therefore, an extension of Vansickle Street to service these lands is not required. With respect to overlook issues, existing side yards to the east are facing the rear yards of some of the proposed dwellings. A rear yard setback of 6.5 m and privacy screening will be provided, thereby, limiting any overlook concerns.

The proposed Official Plan Amendments are discussed in greater detail in the Analysis and Rationale for Recommendations section of this report.

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

The lands are currently zoned Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified within the Town of Ancaster Zoning By-law No. 87-57.

The current zoning permits Agricultural uses, buildings and structures accessory thereto, including one detached dwelling, and uses, buildings and structures accessory to the dwelling. In addition, an Elementary School within the Agricultural (Holding) “H-A-496” Zone, Modified is permitted, however, piggeries, poultry operations, feed lot operations, mushroom farms, and mink farms are prohibited within the Agricultural “A-

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216” Zone, Modified. The portion of the lands zoned Rural Industrial “M5-262” Zone, Modified are restructured to a paving contractor’s equipment, supplies and storage. The applicants have requested a rezoning to a site specific Residential Multiple “RM4” Zone in order to permit the development of 40 back to back townhouse dwelling units and 78 townhouse dwellings for a maximum of 118 units.

In addition, a number of site specific modifications have been requested, including:

- built form;
- to recognize the proposed townhouses on a private condominium road;
- to recognize the lot lines;
- an increase to the maximum permitted density;
- decrease to the minimum front, side and rear yards;
- decrease to the minimum setback from the front lot line for air conditioning units;
- increase to the maximum permitted building height;
- decrease to the minimum landscaping area required;
- decrease to the minimum required planting strip;
- decrease to the required minimum privacy area;
- decrease in the required minimum number of visitor parking spaces and parking space width; and,
- decrease in the required minimum children’s play area and building separation.

An analysis of the site specific modifications is included in Appendix “E” to Report PED19104.

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

The Zoning By-law Amendment also proposes to incorporate lands into Zoning By-law No. 05-200 for the stormwater management pond and recognize the vegetation protection zone and conservation lands. These lands will be zoned a site specific Conservation / Hazard Land (P5) Zone, which permits Conservation, Flood and Erosion Control Facilities, Recreation and Passive uses. In addition, Zoning By-law No. 05-200 contains a general provision which requires any building or structure on a property to be setback a minimum of 7.5 m from a Conservation / Hazard Land (P5) Zone. The applicants have requested a setback of 0 m from the Conservation / Hazard Land (P5) Zone, instead of the required 7.5 m. This modification is discussed in Appendix “E” to Report PED19104.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the applications:

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- Recreation Planning, Public Works Department; and,
- Horizon / Alectra Utilities.

The following Departments and Agencies have provided comments on the applications:

Forestry & Horticulture Section, Public Works Department has approved the Tree Protection Plan, dated April 2017 with no amendments required. In addition, Forestry documented a 10 cm crab apple within the municipal right of way that was removed without permit contravening By-law 15-125. Loss of canopy compensation of \$900.00 is required for this tree removed within the planning process. Total Payment of \$900.00 (loss of canopy) + \$265.30 (permit fee) + \$151.49 (HST) = \$1316.79 payable to City of Hamilton will be required (2019 Fees). Upon receipt of payment a permit will be issued satisfying the Tree Management Plan condition. The Forestry & Horticulture Section requires that a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal / external City property be provided at the Site Plan Approval stage.

Grand River Conservation Authority (GRCA) provided comments on the Environmental Impact Statement (EIS), as well as stormwater, requiring the stormwater management plan include infiltration to predevelopment levels. A Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150 / 06) Permit from the GRCA prior to development is also required. GRCA staff are satisfied that their concerns have been addressed.

Recycling & Waste Disposal, Environmental Services Division commented that the development is eligible for municipal waste collection service subject to meeting the City's requirements.

Transit Division (HSR), Public Works Department commented that HSR currently operates the Route #44 Rymal buses past this site with no planned changes in service.

Capital Budgets & Development, Public Works Department commented that the applicant pay the Municipal Act Sanitary Sewer Charge of \$117,499.59, Garner Road By-Law No. 06-130, as at September 30, 2017 to the satisfaction of the Capital Budgets Section of Corporate Services. Should payment be made at a later date, the applicant shall confirm the value with Corporate Services staff.

Public Health Services, Healthy Environments Division provided that a pest control plan will be required at the Site Plan Approval stage.

Transportation Planning Services, Public Works Department commented that an updated TDM and TIS will be required at the Site Plan Approval stage. In support of the

proposed development, the applicants have submitted a Transportation Impact Study & Parking Study, prepared by Paradigm Transportation Solutions Limited, dated August, 2017. The Study concludes that the intersections of Garner Road West and Panabaker Drive, as well as Garner Road West and Hamilton Drive are operating within acceptable levels of service (LOS B or better) and well within capacity during both the weekday AM and PM peak hours, with the exception of the weekday PM peak hour at Garner Road West and Hamilton Drive, for the southbound approach only.

The Study provides that the proposed development is expected to generate 59 new trips during the weekday AM peak hour and 68 trips during the weekday PM peak hour. The Study forecasts that the intersection of Garner Road West and Panabaker Drive will continue to operate at acceptable levels of service (LOS B or better) and within capacity. The intersection of Garner Road West and Hamilton Drive is also forecasted to continue to operate with acceptable levels of service, with again the exception of the weekday PM peak hour, where the southbound approach is forecasted to operate at LOS F, with a v/c ratio of 1.57. The Study also concludes that the proposed site driveway, which is located approximately 125 m west of Panabaker Drive, is forecasted to operate at acceptable levels of service (LOS C) and within capacity in both the weekday AM and PM peak hours.

Key Items

1. Transportation Planning can support one full movement at the west limit of the site fronting Garner Road West until the property at 339 Garner Road West develops; at which time the 305 Garner Road West access will be converted to right-in / right-out only. A full-moves access will be permitted with development of 339 Garner Road West and will include a joint use agreement with 305 Garner Road West.
2. Transportation Planning requires the extension of municipal pedestrian facilities on Vansickle Street. The applicant is to provide a continuous pedestrian route to the subject site and meet AODA compliant pedestrian facilities within the site.
3. Outstanding revisions are required for the Traffic Impact Study. Previously identified revisions to the TIS have been amended as noted below. Revisions are to be submitted to the satisfaction of the Manager of Transportation Planning.
4. The design and construction of an eastbound left turn lane on Garner Road West to the subject site are required and are to meet minimum Transportation Association of Canada (TAC) standards and to the satisfaction of the Manager of Transportation Planning, Manager of Transportation Operations and Manager of Engineering Approvals.

Official Plan Amendment and Zoning By-law Amendment

1. The Owner / Applicant proposes a full-moves access on the west side of the subject property fronting Garner Road West. Transportation Planning can support this access until such time as the adjacent property at 339 Garner Road West is developed. The driveway access for 305 Garner Road West will be converted to a right-in / right-out only with the development of 339 Garner Road West.

Traffic Impact Study

1. In July 2018 Transportation Planning reviewed and provided comments on the Traffic Impact Study by Paradigm Transportation Solutions Limited, dated August 2017. Required revisions were identified and are outstanding. Previously identified revisions to the TIS have been amended as noted below. Revisions to the Traffic Impact Study are to be submitted to the satisfaction of the Manager of Transportation Planning.
2. Considering the access control negotiated between the Owner/Applicant, Transportation Planning and other City Sections, the required revisions to the Traffic Impact Study are amended and limited to updated analysis based on a design speed of 90 km/h (20 km/h over posted 70 km/h). The study assumed 10 km/h over the posted speed which is not acceptable.
 - a. Sight lines at the proposed all-moves driveway access are to be reassessed using a design speed of 90 km/h. Departure sight distance, stopping sight distance, and decision sight distance must meet minimum TAC guidelines at the proposed driveway connection to Garner Road West.
 - b. Left turn lane design requirements are to be reassessed using a design speed of 90 km/h. The taper and deceleration portion of the left turn lane must meet minimum TAC guidelines at the proposed driveway connection to Garner Road West. As part of the Site Plan Control application, the applicant has to identify the appropriate storage length details.

In addition, Transportation Planning and Development Engineering requests that at the Site Plan Approval stage:

1. As a **condition of Site Plan Approval**, the Owner / Applicant will be required to submit functional design drawings for the eastbound left turn lane at the

- proposed driveway connection to Garner Road West. The drawings are to clearly identify and show the storage, taper and deceleration length requirements which are to meet minimum TAC standards. They are to be based on a rural cross-section and 90 km/h design speed, which is 20 km/h design speed over posted speed. The design drawings will extend to the traffic signal at Garner Road West and Panabaker Drive; modifications to the pavement markings and/or municipal infrastructure are to be brought into and match existing infrastructure; all to the satisfaction of the Manager of Transportation Planning, Manager of Transportation Operations and Manager of Engineering Approvals.
2. As a **condition of Site Plan Approval**, the Owner / Applicant will be required to design and construct a municipal sidewalk between the existing municipal sidewalk on Vansickle Street and the proposed private walkway on the subject lands; all to the satisfaction of the Manager of Transportation Planning and Manager of Engineering Approvals.
 3. As a **condition of Site Plan Approval**, the Owner / Applicant will be required to design and construct a driveway access to Garner Road West that includes an interim full-moves access which can be converted to the ultimate right-in/right-out only access; all to the satisfaction of the Manager of Transportation Planning and Manager of Engineering Approvals.
 4. The cul-de-sac on Vansickle Street was intended to be temporary until the street was extended with future development. The subject application proposes to retain the cu-de-sac and construct residential properties on lands originally intended for municipal right-of-way. The Owner / Applicant will be required to provide municipal sidewalk on Vansickle Street to extend to the subject lands and meet the proposed private pedestrian ramp and walkway. All sidewalks, ramps and walkways are to be to current AODA and City standards.
 5. Additional lands may be required for dedication to the right-of-way to meet current City standards and to accommodate the required municipal sidewalk. The cul-de-sac at the westerly terminus of Vansickle Street may be modified and shall have a “turning circle of sufficient area to enable the turning of garbage trucks, snow removal equipment and emergency vehicles. For residential purposes, an 18.0 m minimum radius is required for road allowance with a minimum pavement radius of 13.0 m”.
 6. All roadway and municipal infrastructure improvements for Garner Road West and / or Vansickle Street as a result of this development will be fully at the expense of the Owner / Applicant. This includes but is not limited to the Garner Road West widening to accommodate an eastbound left-turn lane; modifications to pavement surface and road structure; pavement markings, municipal sidewalk

on Vansickle Street, etc. The required municipal road works will necessitate an External Works Agreement through Engineering Approvals, Planning and Economic Development.

7. Any design, road work and modifications to the related municipal infrastructure will be fully at the expense of the Owner / Applicant. The Owner / Applicant is advised that any modifications required to the traffic signals and / or pavement markings and / or signage because of this development are to be completed by a qualified traffic signal / pavement markings design consultant and fully at the expense of the Owner / Applicant. The City will review and approve the engineering design and provide the final design detail requirements. The plan(s) must be in accordance with the City of Hamilton Traffic Signal and Pavement Marking Design Manual and be submitted in both PDF and MicroStation V8 format to the satisfaction of the Manager of Transportation Operations. It is the Owner / Applicant's responsibility to contact trafficops@hamilton.ca for information regarding the City's design standards and drawing format.

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 was sent to 109 property owners within 120 m of the subject property on August 22, 2017, for the proposed Official Plan Amendment and Zoning By-law Amendment applications.

To date, five letters / e-mails have been received. Issues and concerns raised in the letters / e-mails relate to: the density of the proposed development, the loss of green space, traffic, the possibility of overflow of parking and the design of the proposed development. These concerns are discussed further in the Analysis and Rationale for Recommendation section.

A Public Notice Sign was posted on the property on August 17, 2017, and updated on May 22, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was mailed out in accordance with the requirements of the *Planning Act* on May 31, 2019.

Public Consultation Strategy

The applicant held a Public Information Meeting on November 29, 2017 at the Ancaster Rotary Centre. Invitations were sent to properties within a 300 m radius of the subject lands. There were 17 attendees at the Information Meeting, including City staff and the Ward Councillor. Residents conveyed concerns at the meeting with an increase in traffic, insufficient visitor parking, density, environmental impacts and compatibility with the future development of 339 Garner Road West. These concerns are addressed in the Analysis and Rationale for Recommendation section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan and Zoning By-law Amendments have merit and can be supported for the following reasons:
 - (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe (2017);
 - (ii) The proposed development represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the surrounding area, protects the core area and is an efficient use of infrastructure.

2. **Urban Hamilton Official Plan Amendment**

The subject properties are an assembly of two separate properties and are located on the north side of Garner Road West. The Ancaster Paving Ltd. operation is located at 305 Garner Road West and a vacant single detached dwelling is located at 311 Garner Road West. The applicant is proposing to replace the existing uses with 40 maisonette dwelling units and 78 townhouse dwellings for a total of 118 units (see Concept Plan attached as Appendix “F” to Report PED19104).

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “Neighbourhoods” and “Open Space” on Schedule “E-1” – Urban Land Use Designations in the UHOP and shown outside of the Built Boundary on Appendix “G” – Boundaries Map.

The subject property is designated as “Medium Density Residential 2a”, “Low Density Residential 3a” and “Natural Open Space” as well as Site Specific Policy – Area B on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan.

An Amendment to Schedule “E-1” in the UHOP and the Shaver Neighbourhood Secondary Plan is required to redesignate a portion of the subject lands from “Open Space” to “Neighbourhoods” on Schedule E-1 within Volume 1 the UHOP and from “Medium Density Residential 2a”, Site Specific Policy – Area B and “Natural Open Space” to the “Low Density Residential 3a” designation in Volume 2 (Secondary Plans) of the UHOP.

The proposed amendment to the Shaver Neighbourhood Secondary Plan is to redesignate a portion of the subject lands from “Open Space” to

“Neighbourhoods” within Volume 1 of the Urban Hamilton Official Plan can be supported as the applicants have submitted the necessary studies and staff are satisfied that the Core Areas will be protected, which will include a 15 m Vegetation Protection Zone. A Restoration Plan, Invasive Species Management Plan and a Transplant Plan will also be required at the Site Plan Approval stage.

The proposed amendment to delete Site Specific Policy – Area B in its entirety, redesignating a portion of the subject lands from “Medium Density Residential 2a” to “Low Density Residential 3a” and redesignating a portion of the subject lands from “Natural Open Space” to “Low Density Residential 3a” can be supported. The existing neighbourhood is comprised of open space to the north and west and two and a half storey and three storey townhouses to the east. The proposed two and a half storey townhouse dwellings and three storey maisonette dwellings will be of a size and scale that is compatible with the existing scale of development in the area, and appropriate setbacks from the existing residential developments and natural heritage features have been incorporated into the design, which include a 15 m Vegetation Protection Zone. Adequate servicing is available from Garner Road West with a second proposed watermain feed from Vansickle Street; transportation capacity is also available to meet the needs of the proposed development. In addition, there are no anticipated shadowing, overlook, noise, lighting, and traffic issues. The height of the development will be similar to that of surrounding development and will maintain setbacks and building separations that will respect the streetscape pattern of the area. In addition, parking is within the interior of the property, off of the private condominium road and a block of townhouses will be parallel to Garner Road West. Also, the proposed development will include landscaping within the site and along the street edge.

The proposed use of townhouses and maisonette units on a condominium road contributes to a compact urban form, contributes to a variety of housing types, as well as a complete community. The development is located on a large parcel of land that is set back from Garner Road West and therefore, respects the existing character of the neighbourhood, as well as provides an appropriate scale and location for the proposed development.

The proposed residential density of 44 units per net hectare allows for the establishment of townhouse dwellings that are of a size and scale that will allow the lots to function with an appropriate sized dwelling, along with sufficient space to provide parking and amenity area for each dwelling unit.

The Low Density Residential 3a designation permits a maximum density of 50 dwelling units per gross / net residential hectare; the subject proposal has a density of 44 units per hectare and complies with the Low Density Residential 3a

density requirements. A large portion of the property is currently designated Medium Density Residential 2a within the Shaver Neighbourhood Secondary Plan, which permits low rise apartment buildings of a density of not more than 62 dwelling units per gross / net residential hectare.

The subject proposal is to re-designate the subject property to the Low Density Residential 3a designation in order to permit the development of 40 back to back townhouse dwelling units and 78 townhouse dwellings for a maximum of 118 units. The subject proposal is within the permitted density range and the amendment is required to permit additional housing forms with the proposed townhouse and back to back units. Staff note that this is in keeping with provincial policies and there are no adverse impacts regarding traffic, parking and servicing. In addition, sufficient Natural Open Space will be maintained. The proposed amendment is in keeping with the policies of the Urban Hamilton Official Plan and Shaver Neighbourhood Secondary Plan to provide a diversity of housing opportunities that are suitable for different segments of the population in order to make the best use of urban lands, especially along a major arterial road.

As mentioned, the existing subdivision developed to the east (Marshall Estates) was approved by the City in March, 2003 (Report PD03088) and included a Draft Plan of Subdivision condition for Vansickle Street, requiring that the Owner provide a temporary turn-around with a barricade, signs and a 0.30 m reserve to the City. Due to the grade difference of 3 m (9.8 ft), the applicants determined that it would not be feasible to continue Vansickle Street through the proposed development, as it would result in a large slope throughout the site and would also require a re-evaluation of the stormwater management strategy for the site that could have impacts on the natural open space features to the west. After discussions with City staff, the applicants have proposed a ramp pedestrian walkway, in accordance with AODA requirements, connecting the two developments in keeping with orderly development and also ensures integration and connectivity without impacting traffic and the natural heritage feature. In addition, connections with 339 Garner Road West will be introduced when that property develops. Finally, at City staff's request, the applicants have informed the property owners on Vansickle Street regarding the proposed ramp pedestrian walkway with a letter, dated April 18, 2019, and at the time of preparation of this Report, have received consent from 3, 4, 6, 7, 12, 13, 15, 17 and 18 Vansickle Street regarding the proposed connection in that the pedestrian connection will provide for access to the interior of the Shaver Neighbourhood without having pedestrians having to travel along Garner Road West.

With respect to overlook issues, existing dwellings having side yards facing the rear yards of some of the proposed dwellings, are separated by a setback of

6.5 m and will also provide privacy screening, thereby, limiting any overlook concerns.

The proposed development complies with the UHOP under the policies established in the Shaver Neighbourhood Secondary Plan, however, due to the built form, an Amendment will be required to allow for the proposed development. Based on the foregoing, staff support the proposed Amendments.

3. Zoning By-law Amendments

The applicant has requested a change in zoning to the former Ancaster Zoning By-law No. 87-57 from the Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified to a site specific Residential Multiple “RM4” Zone. The Zoning By-law Amendment also proposes to incorporate the stormwater management pond, the vegetation protection zone and the remaining conservation lands into Zoning By-law No. 05-200.

The Agricultural (Holding) “H-A-496” Holding provision is for the following:

- (i) The determination of adequate setback limits have been established for the protection of the wetlands and watercourses and stormwater management has been approved, to the satisfaction of the Grand River Conservation Authority, as it applies only to the use of the elementary school; and,
- (ii) That the owner / applicant shall carryout an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found all to the satisfaction of the City of Hamilton’s Planning and Development Department and the Ministry of Culture.

The subject proposal does not include an elementary school, however, as mentioned previously in this report the GRCA provided comments on the Environmental Impact Statement (EIS), as well as stormwater, requiring the stormwater management plan include infiltration to predevelopment levels. A Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation (Ontario Regulation 150 / 06) Permit from the GRCA prior to development is required. GRCA staff are satisfied that their concerns have been addressed and therefore, the Holding provision is no longer required.

As previously mentioned, a Stage 1 - 2 archaeological report P383-0021-2013 and P383-0055-2013 has been submitted to the City of Hamilton and Ministry of

Tourism, Culture and Sport. City staff have reviewed the report and have received the Ministry letter of concurrence, confirming the City's opinion that the pre-contact material located in findspot No. 1 does not exhibit sufficient cultural heritage value to warrant further stages of study. As such, staff can confirm that the City's interest in the site's archaeological potential has been satisfied. Therefore, this Holding provision is no longer required and will not be applied to the amending Zoning By-law.

The Amendment to Zoning By-law No. 05-200 can be supported by staff as proper mitigation measures will be applied to protect the natural open space. The Amendment to Zoning By-law No. 87-57 can be supported, as the proposed built form contributes to a complete community through a compact urban design with an additional housing type and form for the area, while located on an existing transit route. In addition, the Amendment complies with the UHOP density range, urban design provisions, as well as archaeological and noise requirements.

Staff's analysis and recommendation on the requested site-specific modifications to the Residential Multiple "RM4" Zone and the Conservation / Hazard Land (P5) Zone is provided in Appendix "E" to Report PED19104.

4. Development Engineering staff have reviewed the subject applications and indicate that a secondary 200 mm watermain feed is proposed off of Vansickle Street to fulfill the City's requirement of two watermain feeds when 100 lots or more are proposed. In addition, the hydro overhead wires at the site entrance appear to be at a low height and may negatively impact the site and construction. The Owner must coordinate with Hydro One if relocation of hydro is required. Development Engineering staff also indicate that a right-of-way widening dedication to the City of Hamilton would be required as a condition of future Site Plan Approval. The widening shall be across the frontage of the subject property on Garner Road West in order to achieve a right-of-way width of 18.288 m from the original centreline of this roadway in accordance with Schedule "C-2" of the Urban Hamilton Official Plan. The construction of the sidewalk along Garner Road West will also be required.

The applicants proposed full move access will be permitted, however, a Joint Use Agreement for vehicular and pedestrian access with the owner of 339 Garner Road West will be required when that property develops. Warning clauses will be required advising the future owners that one access has been provided with over 100 units and therefore, they may expect traffic delays. Additional warning clauses will be required regarding the ramp pedestrian connection to Vansickle Street, as well as the adjacent pumping station at the Site Plan Approval stage.

It is further noted that there are existing municipal services on Garner Road West and the adjacent Vansickle Street that the applicant will connect to and that the applicant shall pay the applicable urbanization costs on Garner Road West. All roadway and municipal infrastructure improvements for Garner Road West and / or Vansickle Street as a result of this development will be fully at the expense of the Owner / Applicant. This includes, but is not limited to, the Garner Road West widening to accommodate an eastbound left-turn lane; modifications to pavement surface and road structure; pavement markings, municipal sidewalk on Vansickle Street, etc. The required municipal road works will necessitate an External Works Agreement through Engineering Approvals, Planning & Economic Development.

Development engineering is satisfied with the Official Plan and Zoning By-Law Amendment applications. However, the following requirements shall be addressed at the Site Plan Approval stage:

- Updated Functional Servicing Report (FSR);
 - Updated Grading and Servicing Plans;
 - Hydraulic Analysis;
 - Storm Drainage Area Plan;
 - Wastewater Generation Assessment;
 - External Works Agreement for the watermain extension within the municipal right-of-way on Vansickle Street and turn lane extensions within Garner Road West;
 - Urbanization Fees; and,
 - Right-of-way widening fronting the subject property on Garner Road West.
5. Concerns raised by area residents were an increase in traffic, insufficient visitor parking, density, environmental impacts and compatibility with the future development of 339 Garner Road West.

Parking

A concern was raised with respect to the lack of parking for the proposed uses on the property. Staff note that the applicant's original proposal had 20 visitor parking spaces, which was insufficient. The required visitor parking based on the parent by-law provisions in the former Town of Ancaster Zoning By-law No. 87-57 is 78 parking spaces. After further discussions with City staff, the applicants are now providing 31 visitor parking spaces. This provides a parking ratio of 0.26 of which staff are supportive as it is in keeping with an accepted typical standard visitor parking rate of 0.25 spaces per unit applied in many new developments.

The subject property is also serviced by public transit. There are HSR bus routes immediately to the east at Garner Road West and Panabaker Drive offering alternatives to vehicular use.

Traffic

A concern was raised with respect to the amount of traffic being generated as a result of the subject proposal. In support of the proposed development, the applicants submitted a Transportation Impact Study & Parking Study, prepared by Paradigm Transportation Solutions Limited, dated August, 2017, which concludes that the intersections of Garner Road West and Panabaker Drive, as well as Garner Road West and Hamilton Drive are operating within acceptable levels of service (LOS B or better) and well within capacity during both the weekday AM and PM peak hours, with the exception of the weekday PM peak hour at Garner Road West and Hamilton Drive, for the southbound approach only. The proposed development will be subject to Site Plan Control, where development details will be reviewed in greater detail for a required eastbound left turn lane at the proposed driveway connection, as well as construct a driveway access to Garner Road West that includes an interim full-moves access which can be converted to the ultimate right-in/right-out only access. Staff are satisfied that there are no further concerns.

Density

Concerns were raised regarding the amount of density proposed on the subject property. A large portion of the property is currently designated Medium Density Residential 2a within the Shaver Neighbourhood Secondary Plan, which permits low rise apartment buildings and a density of not more than 62 dwelling units per gross / net residential hectare. The subject proposal is to re-designate the subject property to the Low Density Residential 3a designation, which permits a lower density of 40 – 62 dwelling units per gross / net residential hectare, than the Medium Density Residential 2a designation. Staff note that the proposal is in keeping with provincial policies and there are no adverse impacts regarding traffic, parking, overlook and servicing. Therefore, staff are satisfied that the density concerns have been addressed.

Environmental Impacts

A concern was submitted regarding environmental impacts as caused by the proposed development. As mentioned in this report, the applicant submitted an Environmental Impact Statement in support of the proposed development. Staff reviewed the submitted materials and determined that there are no negative

impacts and that appropriate mitigation measures will be implemented through the Site Plan Control process.

Future Development of 339 Garner Road West

A concern was raised by the owners of 339 Garner Road West through their planning agent respecting the future development of 339 Garner Road West and the proposed development, including access and overflow parking.

As discussed, the proposed development will operate independently, however, will require a joint use agreement for pedestrian and vehicular access with the owners of 339 Garner Road West, once that property develops.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Official Plan and Zoning By-law Amendment applications be denied, the property could be utilized in accordance with the Agricultural (Holding) “H-A-496” Zone, Modified, Agricultural “A-216” Zone, Modified and Rural Industrial “M5-262” Zone, Modified.

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.

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

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

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

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” – Urban Hamilton Official Plan Amendment

Appendix “C” – Zoning By-law No. 87-57 Amendment

Appendix “D” – Zoning By-law No. 05-200 Amendment

Appendix “E” – Zoning By-law Amendment Assessment

Appendix “F” – Proposed Concept Plan

Appendix “G” – Public Submissions

GZ:mo