



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 13, 2019
SUBJECT/REPORT NO:	Applications to Amend the City of Hamilton Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200 and for Approval of a Draft Plan of Subdivision “Jackson Heights Extension – Phase 2” for Lands Located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive, Glanbrook (PED19121) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-17-012 by Rob-Geof Properties Limited c/o Coleman Robinson (Owner)**, for changes in land use designation in Volume 1 Schedule E-1 - Urban Land Use Designations from Utility to Neighbourhoods and from Neighbourhoods to District Commercial; to remove the Parks & General Open Space (Excluding Parkettes) in Volume 1 Schedule B - Natural Heritage System; for changes in designation in Volume 2 Binbrook Village Secondary Plan – Land Use Plan from Low Density Residential 2e, Low Density Residential 2h, Utility, and Parkette to Low Density Residential 2d; from Low Density Residential 2e and Low Density Residential 2h to Low Density Residential 3e; from Low Density Residential 2e and Low Density Residential 2h to District Commercial; in Volume 2 Binbrook Village Secondary Plan – Open Space Linkages to remove the Parkette and Utility identification and add a local road identification; and in Volume 2 Binbrook Village Secondary Plan – Open Space Linkages to add lands to an area specific policy area to permit a density of 41 - 85 units per hectare; and to add a site specific policy to permit

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maisonette dwellings as a permitted use and increase the density to 26 to 48 units per hectare, in the Binbrook Village Secondary Plan, for lands located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive Glanbrook, as shown on Appendix “B” to Report PED19121, be **APPROVED** on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED19121 be enacted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019).
- (b) That **Zoning By-law Amendment Application ZAC-17-027 by Rob-Geof Properties Limited c/o Coleman Robinson (Owner)**, for changes to the Township of Glanbrook Zoning By-law No. 464 from Residential “R2” Zone, Private Open Space “OS1-166” Zone, Modified Public Open Space “OS2” Zone, Restricted Agricultural “A2-176” Zone, Restricted Agricultural “A2” Zone, Deferred Development “DD” Zone and Existing Residential “ER” Zone to Residential Multiple “RM2-313” Zone; from Restricted Agricultural “A2-176” Zone and Restricted Agricultural “A2” Zone to Residential Multiple “RM2-313(a)” Zone; from Restricted Agricultural “A2-176” Zone and Existing Residential “ER” Zone to Residential Multiple “RM4-314” Zone; from Residential “R2” Zone and Private Open Space “OS1-166” Zone, Modified, to Residential “R4-315” Zone; Restricted Agriculture “A2-176” Zone, Modified and Restricted Agriculture “A2” Zone to Residential Multiple “RM2-316” Zone; for lands located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive Glanbrook, as shown on Appendix “A” to Report PED19121, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED19121, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Exception 44 – “Exceptions to the Provisions of By-law” of the Township of Glanbrook Zoning By-law No. 464;
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

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- (c) That **Zoning By-law Amendment Application ZAC-17-027 by Rob-Geof Properties Limited c/o Coleman Robinson (Owner)**, to add lands to the Hamilton Zoning By-law No. 05-200 and for changes in zoning from Existing Residential “ER” Zone, Private Open Space “OS1-166” Zone, Modified and General Commercial “H-C3-76” Zone, Modified in the Glanbrook Zoning By-law No. 464 to District Commercial (C6, 728) Zone and District Commercial (C6, 728, H113) Zone; and from District Commercial (C6, 570) Zone to District Commercial (C6, 728) Zone for lands located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive Glanbrook, as shown on Appendix “A” to Report PED19121, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED19121, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule D – Holding Provisions of Hamilton Zoning By-law No. 05-200;
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (d) That **Draft Plan of Subdivision Application 25T-201706 by Rob-Geof Properties Limited c/o Coleman Robinson (Owner)**, to establish a Draft Plan of Subdivision known as “Jackson Heights Extension”, Glanbrook, on lands located at 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive Glanbrook, as shown on Appendix “E” to Report PED19121, be **APPROVED**, subject to the following:
- (i) That this approval apply to the Draft Plan of Subdivision “Jackson Heights Extension”, 25T-201706, prepared by A. J. Clarke and Associates and certified by B.J. Clarke, dated April 30, 2019, consisting of eighteen lots for single detached dwellings (Lots 1 - 18), seven blocks for street townhouse dwellings (Blocks 19 – 23, 25 and 26), one block for maisonette dwellings (Block 24), one block for a multiple dwelling (Block 29), one block for commercial uses (Block 27), one block for future development (Block 28), three blocks for a future road widening (Blocks 30-32), two blocks for Stormwater Management (Blocks 33 and 34), and four proposed streets, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “F” to Report PED19121;

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- (ii) That the Stormwater Management Facility retrofit works shall be in accordance with the City’s current Comprehensive Development Guidelines and Financial Policies Manual and funding approved at the time of original pond construction.

The proposed storm sewers ≥ 1350 mm diameter (MH16 to pond inlet HW) are not eligible for Cost Sharing as they are proposed to convey 100-year flows from the external drainage areas; 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.

EXECUTIVE SUMMARY

The applicant has applied to amend the Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464, Hamilton Zoning By-law No. 05-200, and for approval of a Draft Plan of Subdivision to permit the development of a residential subdivision known as “Jackson Heights Extension”. The purpose of the Draft Plan of Subdivision is to create a residential subdivision on the subject lands with proposed new municipal roads, stormwater management infrastructure and future road widening dedication. In addition, the property will amend the designation and zoning on a portion of the subject lands to permit commercial development on a portion of the property. Approximately 319 residential units are proposed.

The Urban Hamilton Official Plan Amendment is to amend the Parks and Open Space map, the Land Use Designation map, the Binbrook Village Secondary Plan Land Use Map and the Binbrook Village Secondary Plan Open Space Linkages Map to remove the parkette from the subject site, remove the utility designations to align with the utilities on-site, redesignate a portion of the lands to District Commercial, extend the proposed local road, expand the range of residential built forms, and permit an increase in density for the proposed residential uses.

The Zoning By-law Amendment is to facilitate the construction of a residential subdivision by rezoning the subject lands to permit a range of housing forms which include townhouses (street townhouses, maisonettes and block townhouses), single detached dwellings and a multiple residential block for a multiple dwelling. In addition,

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the applicant is requesting multiple site specific modifications to the zoning to facilitate the proposed subdivision that is consistent with the built form in the surrounding area. The zoning application will also amend the zoning on a portion of the subject lands to permit commercial development and add the lands to Hamilton Zoning By-law No. 05-200. An ‘H’ Holding provision is proposed to be added to a portion of the commercially zoned land to require that a site plan application be approved, confirming that the lands can be comprehensively developed with adjacent lands, previously zoned commercial, prior to lifting the ‘H’ Holding.

The application for the Plan of Subdivision is for:

- eighteen lots for single detached dwellings;
- seven blocks for street townhouse dwellings;
- one block for maisonette dwellings;
- one block for a multiple dwelling;
- one block for commercial uses;
- two blocks for stormwater management uses;
- one block for future development;
- three blocks for a road widening (along Regional Road 56); and,
- four municipal roads.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (PPS) (2014), conform to A Place to Grow Plan (2019) and comply with the policies of the Urban Hamilton Official Plan (UHOP) subject to approval of Official Plan Amendment No. XX.

Alternatives for Consideration – See Page 36

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 Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision.

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HISTORICAL BACKGROUND

Proposal

The subject lands are located east of Regional Road 56, west of the Urban Boundary limit for the Binbrook Village Secondary Plan, north of Degrow Crescent and Maggie Johnson Drive and south of the Urban Boundary limit for the Binbrook Village Secondary Plan (see location map attached as Appendix “A” to Report PED19121). The subject lands are a consolidation of nine properties municipally known as 2341, 2365, 2375, 2385, 2395, 2403, 2413 and 2431 Regional Road 56 and 250 Tanglewood Drive. The subject applications includes nine lots proposed to be developed, seven of which are developed with existing single detached dwellings to be demolished and two vacant lots.

The proposal is for:

- eighteen lots for single detached dwellings;
- seven blocks for street townhouse dwellings;
- one block for maisonette dwellings;
- one block for a multiple dwelling;
- one block for commercial uses;
- two blocks for stormwater management uses;
- one block for future development;
- three blocks for a road widening (along Regional Road 56); and,
- four municipal roads.

Urban Hamilton Official Plan Amendment

In support of this proposal, the applicant has submitted an Urban Hamilton Official Plan Amendment to facilitate the development of a residential subdivision and add lands to the District Commercial designation. The proposal will require amendments as follows to Volumes 1 and 2 of the UHOP:

- Urban Hamilton Official Plan Volume 1: Schedule B - Natural Heritage System be amended by removing the “Parks & General Open Space (Excluding Parkettes)” designation from the northern portion of the subject lands;
- Urban Hamilton Official Plan Volume 1: Schedule E-1 – Urban Land Use Designations be amended by redesignating the southern portion of the subject

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lands from “Utility” to “Neighbourhoods” and “Neighbourhoods” to “District Commercial”;

- Urban Hamilton Official Plan Volume 2: Map B.5.1-1 – Binbrook Village Secondary Plan - Land Use Plan be amended by redesignating the lands from “Low Density Residential 2e”, “Low Density Residential 2h”, “Utility”, and “Parkette” to “Low Density Residential 2d”; from “Low Density Residential 2e” and “Low Density Residential 2h” to “Low Density Residential 3e”; from “Low Density Residential 2e” and “Low Density Residential 2h” to “District Commercial”; and, adding two site specific policy areas to a portion of the subject lands; and,
- Urban Hamilton Official Plan Volume 2: Map B.5.1-2 – Binbrook Village Secondary Plan – Open Space Linkages be amended by removing the “Parkette” and “Utility” identifications from the northern portion of the subject lands; and, adding a “Local Road” designation to the map on the southern portion of the subject lands.

In addition, two site specific policy areas are proposed to be added to the Binbrook Village Secondary Plan in Volume 2 of the UHOP as follows:

- Amending Policy 5.1.4.5(a)(i) to add a maisonette dwelling as a permitted use;
- To amend Policy B.5.1.4.5(a)(ii) to permit a density of 26 – 48 net residential units per hectare for the “Low Density Residential 2d”; and,
- To amend Policy B.5.1.4.5(e)(ii) to permit a density of 41 – 85 net residential units per hectare for the “Low Density Residential 3e”.

Township of Glanbrook Zoning By-law No. 464 Amendment

The applicant has applied for the following changes in zoning:

- From Residential “R2” Zone and Private Open Space “OS1-166” Zone to Residential “R4-315” Zone;
- From Residential “R2” Zone, Public Open Space “OS2” Zone, Private Open Space “OS1-166” Zone, Modified, Restricted Agricultural “A2-176” Zone, Restricted Agricultural “A2” Zone, Deferred Development “DD” Zone and Existing Residential “ER” Zone to Residential Multiple “RM2-313” Zone;

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- From Restricted Agricultural “A2-176” Zone, Existing Residential “ER” Zone, and Restricted Agricultural “A2” Zone to Residential Multiple “RM2-313(a)” Zone;
- From Restricted Agricultural “A2-176” Zone and Restricted Agricultural “A2” Zone to Residential Multiple “RM2-316” Zone; and,
- From Restricted Agricultural “A2-176” Zone and Existing Residential “ER” Zone to Residential Multiple “RM4-314” Zone.

A number of modifications have been requested by the applicant and are outlined in Appendix “G” to Report PED19121.

Hamilton Zoning By-law No. 05-200 Amendment

To accommodate the proposed commercial uses, the applicant has applied for the following changes in zoning:

- Adding lands to the City of Hamilton Zoning By-law No. 05-200 and changing the zoning to District Commercial (C6, 728) Zone, shown as “Block 1” of Schedule “A” to the Draft By-law attached as Appendix “D” to Report PED19121.
- Changing the zoning from District Commercial (C6, 570) Zone to District Commercial (C6, 728) Zone for the lands comprised in “Block 2”, as shown on Schedule “A” of Schedule “A” to the Draft By-law attached as Appendix “D” to Report PED19121; and,
- Adding lands to the City of Hamilton Zoning By-law No. 05-200 and changing the zoning to District Commercial (C6, 728, H113) Zone, shown as “Block 3” of Schedule “A” to the Draft By-law attached as Appendix “D” to Report PED19121.

Under the Hamilton Zoning By-law 05-200 there is an existing site specific zoning (570) for the property restricting the height of the building to 11.0 m. The applicant is requesting to remove this property from the existing site specific zoning but maintaining the 11.0 m height and adding a 7.5 m reduced setback to the TransCanada pipeline, whereas the By-law requires a setback of 10 m for the TransCanada Pipeline.

The proposal also includes one Holding Provision which requires that the applicant obtain Site Plan approval for a portion of the subject lands prior to any development being permitted on the subject lands.

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Plan of Subdivision

The proposed Draft Plan of Subdivision is intended to create the following:

- eighteen lots for single detached dwellings (Lots 1 - 18);
- seven blocks for street townhouse dwellings (Blocks 19 – 23, 25 and 26);
- one block for maisonette dwellings (Block 24);
- one block for a multiple dwelling (Block 29);
- one block for commercial uses (Block 27);
- two blocks for stormwater management uses (Blocks 33 and 34);
- one block for future development (Block 28);
- three blocks for a road widening (along Regional Road 56) (Block 30 - 32); and,
- four municipal roads.

Chronology:

<u>February 23, 2017:</u>	Official Plan Amendment Application UHOPA-17-012, Zoning By-law Amendment Application ZAC-17-027 and Draft Plan of Subdivision Application 25T-201706 received.
<u>March 6, 2017:</u>	Official Plan Amendment Application UHOPA-17-012, Zoning By-law Amendment Application ZAC-17-027 and Draft Plan of Subdivision Application 25T-201706 deemed complete.
<u>March 24, 2017:</u>	Notice of Complete Application and Preliminary Circulation sent to 251 property owners within 120 m of the subject lands.
<u>April 4, 2017:</u>	Public Notice sign posted on the subject lands.
<u>July 17, 2019:</u>	Public Notice Sign updated with Public Meeting Date.
<u>July 26, 2019:</u>	Circulation of the Notice of Public Meeting mailed to 251 property owners within 120 m of the subject property.

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DETAILS OF SUBMITTED APPLICATIONS

Location: 2341 and 2365 to 2431 Regional Road 56 and 250 Tanglewood Drive

Owner: Rob-Geof Properties Limited c/o Coleman Robinson

Agent: A.J. Clarke and Associates c/o Steve Fraser

Property Size (Consolidated): Lot Area: 97,281.2 sq m

Frontage: 251 m (along Regional Road 56)

Depth: 413 m (from Regional Road 56 to the farthest rear lot line)

Servicing: Full Municipal Services Available

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
Subject Lands:	Vacant Land and seven single family dwellings fronting onto Regional Road 56	Residential “R2” Zone, Public Open Space (OS2) Zone, Deferred Development “DD” Zone, Existing Residential “ER” Zone, Rural “A2” Zone, Rural “A2 Zone, Restricted Agricultural “A2-176”, Modified, General Commercial “H-C3-176” Zone, Modified, Private Open Space “OS1-166” Zone, Modified in Glanbrook Zoning By-law No. 464 and District Commercial (C6, 570) Zone in the Hamilton Zoning By-law

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Surrounding Lands:

North:	Residential Uses, Stormwater Management Facility	Agriculture (A1) Zone
East:	Agricultural Operation	Agriculture (A1) Zone
South:	Residential Dwellings, Commercial Operations	Residential “R4-164” Zone, Modified, Residential “R3-163” Zone, Modified, Residential Multiple “RM2-310” Zone, Modified, District Commercial (C6, 570) Zone, General Commercial “H-C3-176” Zone, Modified
West:	Vacant Land, Cemetery, Commercial Operation	Open Space (P4) Zone, District Commercial (C6, 570) Zone, District Commercial (C6, 570, 646) Zone, Agriculture (A1) Zone

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 (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The application was reviewed against policies 1.1.1 and 1.1.3. The application is proposing to amend the Official Plan to permit a broader range of housing options and provide an opportunity for increased density than what is permitted in the Secondary Plan. Staff are of the opinion that the proposed increase in density is appropriate for the area and respectful to the existing development in the area.

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

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

The subject lands meet four of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) Within 250 m of known archaeological sites;
- 2) Within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody;
- 3) Local knowledge associates areas with historic events/activities/occupations; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. As part of Jackson Heights Phase 3B Draft Plan of Subdivision (25T-200006), Stage 1-4 Archaeological Reports were submitted to the City of Hamilton and the Ministry of Tourism, Culture and Sport and compliance with licensing requirements was identified in a letter dated December 14, 2005, however, 2365 Regional Road 56 was not included in that archaeological assessment. As a result, the proponent has provided further Stages 1 to 4 archaeological assessments (P017-0539-2016; P017-0544-2016; P389-0247-2016) for 2365 Highway 56. Staff concur with the recommendations made in the report, and the archaeology condition for these lands has been met to the City’s satisfaction. The applicant has provided a letter from the Ministry for City records.

While the Draft Plan of Subdivision application was being processed it was noted that the Archaeological Assessment did not include 2431 Regional Road 56. Therefore, in order to comply with Provincial Policy a condition has been added to the Draft Plan of Subdivision conditions requiring the applicant to complete an archaeological assessment prior to any development or grading occurring on the property (Condition No. 45 on Appendix “F” to Report PED19121).

Therefore, the proposal is consistent with the Provincial Policy Statement.

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A Place to Grow Plan (2019)

The policies of A Place to Grow Plan (2019) apply to any planning decision. The application has been reviewed against the Plan and Staff are of the opinion that the proposed Official Plan Amendment has regard for Policy 1.2.1 - Guiding Principles in the Official Plan. In addition, the following policies, amongst others, apply to the proposal:

- “2.2.1 2. Forecasted growth to the horizon of this Plan will be allocated based on the following:
- a. the vast majority of growth will be directed to *settlement areas* that:
 - i. have a *delineated built boundary*;
 - ii. have existing or planned *municipal water and wastewater systems*; and
 - iii. can support the achievement of *complete communities*; and,
 - c. within *settlement areas*, growth will be focused in:
 - i. *delineated built-up areas*;
 - ii. *strategic growth areas*;
 - iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
 - iv. areas with existing or planned *public service facilities*;
4. Applying the policies of this Plan will support the achievement of *complete communities* that:
- a. feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
 - c. provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
 - d. expand convenient access to:

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- i. a range of transportation options, including options for the safe, comfortable and convenient use of *active transportation*;
- ii. *public service facilities*, co-located and integrated in community hubs;
- iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and
- iv. healthy, local, and affordable food options, including through urban agriculture;

Staff are of the opinion that the proposal conforms to A Place to Grow Plan (2019) because the application is proposing to increase the range of housing and density permissions currently outlined for residential uses within a settlement area boundary while still being respectful of the character of the surrounding area. The proposed density increase will make efficient use of the existing and planned extension of the municipal services, is within half a kilometre of a Neighbourhood Park and located within half a kilometre of existing commercial uses. The proposal conforms to A Place to Grow Plan (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Neighbourhoods” on Schedule “E”- Urban Structure and “Neighbourhoods”, “District Commercial” and “Utility” on Schedule “E-1” – Land Use Designations. In addition, the lands include a “Parks & General Open Space (Excluding Parkettes)” identification on Schedule B – Natural Heritage System.

The following policies, amongst others, apply to the subject lands:

- “C.3.3.2 The Open Space designation applies to lands greater than 4 hectares in size designated Open Space on Schedule E-1 – Urban Land Use Designations. Lands used for open space purposes less than 4 hectares shall be permitted within the Neighbourhoods designation subject to the provisions of this Plan.
- C.3.3.3 Open Space designations shall be further refined in secondary plans and rural settlement area plans or identified in Appendix A - Parks Classification in accordance with Section B.3.5.3 – Parkland Policies.
- C.3.4.1 The Utility designation applies to lands greater than 4 hectares in size designated Utility on Schedule E-1 - Urban Land Use Designations. Lands used for utility purposes less than 4 hectares shall be permitted within the

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other land use designation in accordance with Policies C.3.2.1 and C.3.4.9.”

The application is requesting to remove the “Parks & General Open Space (Excluding Parkettes)” designation from the current Volume 1: Schedule B - Natural Heritage System and change the designation from “Utility” to “Neighbourhoods” on the Volume 1: Schedule E-1 - Urban Land Use Designations.

Staff are supportive of the removal of the “Parks & General Open Space (Excluding Parkettes)” because:

- the proposed Parkette is less than 4 hectares in size; and,
- the designation states that it excludes Parkettes which aligns with the minimum size requirement and the Binbrook Village Secondary Plan identifies the open space as a Parkette.

Staff are supportive of changing the designation from Utility to Neighbourhoods because:

- the total area of the Utility designation appears to be less than 4 hectares in size;
- the location of the Utility designation does not align with the actual utility location on the ground;
- the location of the existing pipeline will be maintained as part of the Binbrook Village Secondary Plan - Land Use Map;
- the change in designation allows the area to be used for residential purposes which aligns with the current designation for the lands north of the existing utility; and,
- the change in designation is appropriate given that the Binbrook Village Secondary Plan – Land Use Plan designates the area low density residential.

“E.4.7.1 The range of retail uses are intended to serve the daily and weekly shopping needs of residents in the surrounding neighbourhoods. The District Commercial areas shall also serve as a focus for the adjacent neighbourhood(s) by creating a sense of place.

E.4.7.6 The preferred location of a new District Commercial designated area is at the intersection of a collector road and a major or minor arterial road.”

The area proposed to be redesignated to District Commercial will be connected and added to the existing District Commercial designation. The existing District Commercial property is located at an intersection of an arterial and collector road. The proposal will

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allow the lands to develop comprehensively with the existing District Commercial area for a range of daily and weekly uses meant to support the community. The lands being added to the District Commercial designation is minor and will not change the function of the commercial area but instead provides a logical separation between the residential area and commercial area with an existing gas pipeline running between the two uses. As a result, no buildings or major digging can be proposed within the pipeline right-of-way.

Noise

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

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

The applicant submitted a Noise Feasibility Study “Jackson Heights Extension” prepared by HGC Engineering on February 15, 2017. The original Noise Study was reviewed by Staff and determined to be generally acceptable. Although a Noise Study was reviewed as part of the application, the proposal has changed since the original submission. Staff have included a condition stating that the applicant is to update the Noise Study to reflect the most modified proposal. As part of the revised Study any noise warning clauses will need to be included within the registered Subdivision and be included in any approved drawings for implementation of required Noise Mitigation (Condition No. 46 in Appendix “F” of Report PED19121).

Urban Design

As part of the proposal the applicants submitted an Urban Design Guideline for the residential subdivision. The Urban Design Guideline has been reviewed by Staff for conformity with the Residential Design Guidelines and other applicable design policies for the area. Staff are of the opinion that the proposed Urban Design Guideline meets the intent and complies with the policies in the Urban Hamilton Official Plan. Staff have included additional conditions in order to finalize the Urban Design Guideline and

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implement the proposed urban design measures (Condition No. 47 and 48 in Appendix “F” of Report PED19121). In addition, portions of the residential subdivision are required to go through Site Plan Control where staff will review the details of the proposed developments.

Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

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

The proposed Plan of Subdivision has been identified in the City of Hamilton’s Staging of Development Plan and is consistent with the Criteria for Staging of Development.

There are existing utilities and municipal services available and Staff note that the 2018 Staging of Development Report identified the subject lands as an area of priority for receiving Draft Plan Approval in 2018.

The proposed Draft Plan can be adequately serviced using existing infrastructure, subject to the proposed Draft Plan conditions, and will not adversely impact the natural

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environment or transportation system, will be integrated with existing lands and roads, and will not adversely impact municipal finances.

Based on the above, the proposal conforms to the criteria relative to Plans of Subdivision in the Official Plan.

Binbrook Village Secondary Plan

The subject lands are designated “District Commercial”, “Low Density Residential 2e”, “Low Density Residential 2h”, “Utility”, “Parkette”, “Pipeline” and “Gateway” on the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1. In addition, the property is identified as “Local”, “Arterial”, “Drainage Channel / Public Walkeway”, “Pipeline Easement” and “Parkette” on the Binbrook Village Secondary Plan – Open Space Linkages Map B.5.1-2.

Accordingly, the following policies, amongst others, apply:

- “B.5.1.2.4 Develop Binbrook Village in a manner that is sensitive to and harmonious with the predominately rural character of the surrounding area, with particular sensitivity to the urban/rural edges.

- B.5.1.2.7 Provide an enhanced and integrated visual experience along Regional Road 56 and Binbrook Road by promoting an attractive, comfortable and safe streetscape and buildings in a well landscaped setting, as well as greater architectural interest in individual buildings.

- B.5.1.3.5 Design of new greenfield development or development/ redevelopment of large sites shall enable future public transit services to be within reasonable walking distances.

- B.5.1.4.1 The following goals shall apply to the Residential designations:
 - a) Establish residential neighbourhoods which are diverse in population, scaled for the pedestrian, can accommodate cars and transit, and have a well-defined public realm.

 - c) Create safe, efficient and attractive residential neighbourhoods consisting of a range and mix of housing types and densities.

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- d) Integrate residential neighbourhoods with parks and schools in order to provide a functional, efficient, practical, safe and visually pleasing living environment.
- g) Ensure new residential development considers and is sensitive to existing residential uses and other existing and permitted uses in Binbrook Village.
- h) Encourage the reuse of existing large residential lots to maximize the efficient use of urban land and services.

B.5.1.4.5 Low Density Residential

- a) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2d on Map B.5.1-1 – Binbrook Village – Land Use Plan:
 - i) The permitted uses shall be single and semi detached dwellings and street, block and stacked townhouses. Innovative forms of attached housing may also be permitted.
 - ii) The density range shall be from 26 to 40 units per net hectare.
- b) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2e on Map B.5.1-1 – Binbrook Village – Land Use Plan:
 - i) The permitted uses shall consist primarily of single detached dwellings. Semi-detached dwellings, duplexes and cluster homes may also be permitted.
 - ii) The density shall not exceed 30 units per net hectare.
- c) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 2h on Map B.5.1-1 – Binbrook Village – Land Use Plan:
 - i) The permitted uses shall consist primarily of multiple dwelling unit types including street, block and stacked townhouse dwellings. Duplexes and triplexes may also be permitted.

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- ii) The density range shall be from 26 to 40 units per net hectare.
- e) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3e on Map B.5.1-1 – Binbrook Village – Land Use Plan:
 - i) The permitted uses shall be low-rise apartments, stacked townhouse dwellings and quaterplexes.
 - ii) The density range shall be from 41 to 60 units per net hectare.
 - iii) In locating new Low Density Residential 3e development, consideration shall be given to the following criteria:
 - 1. Low Density Residential 3e uses shall generally be located on the periphery of the neighbourhood, in areas abutting commercial development, or fronting major or minor arterial or major collector Roads.
 - 2. Some Low Density Residential 3e development in proximity to the Mixed Use - Medium Density area is desirable.
 - 3. Low Density Residential 3e dwelling forms shall be sensitively integrated with and adequately buffered from adjacent land uses.
 - 4. Where Low Density Residential 3e areas are proposed adjacent to Low Density Residential 2e and 2h uses, consideration shall be given to appropriate integration and compatibility of the dwelling forms. Compatibility may be accomplished through attention to architectural massing, height, scale, buffering and landscaping.”

The current Official Plan designations permit single detached dwellings, semi-detached dwellings, townhouse dwellings (maisonettes, street and block), triplexes and duplexes with a maximum density. The application is proposing to amend the current designations to add maisonette townhouse dwellings on the subject lands and permit an increased maximum density range for a portion of the subject lands as part of one of the proposed site specifics. In addition, an amendment to the Secondary Plan is required to

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permit a multiple dwelling on a residential block abutting Regional Road 56 and Zoe Lane and permit an increased maximum density.

Staff are of the opinion that the proposed increase in density and additional townhouse forms is respectful of the surrounding area and maintains a ground level built form abutting the Urban / Rural edges. In addition, the applicants are proposing to develop single-detached dwellings abutting the rear of the existing single-detached dwellings, which respects the existing built form. Therefore, Staff are of the opinion that the proposed Official Plan Amendment can be supported.

Staff are of the opinion that the proposed amendment to the Secondary Plan to permit a multiple dwelling along Regional Road 56 can be supported as it satisfies the criteria for locating low-rise multiple dwellings fronting a major or minor arterial road and within walking distance of an existing commercial development. The applicant has included sufficient setbacks for the purposes of providing landscaping along Regional Road 56 and to be sensitive to the surrounding low density area. Therefore, Staff are of the opinion that the proposed Official Plan Amendment can be supported.

Zoning By-law

Glanbrook Zoning By-law No. 464

The property is currently zoned Deferred Development “DD” Zone, General Commercial “H-C3-176” Zone, Modified, Private Open Space “OS1-166” Zone, Modified, Public Open Space “OS2” Zone, Restricted Agricultural “A2-176” Zone, Modified, Residential “R2” Zone, Rural “A2” Zone and Existing Residential “ER” Zone in the Glanbrook Zoning By-law No. 464. In order for the applicant to develop the proposed Draft Plan of Subdivision, the property will need to be rezoned to permit the proposed uses on the property.

These applications propose the following changes in the Glanbrook Zoning By-law No. 464 (see Appendix “C” of Report PED19121):

- Blocks 1- 7 and 19: to be zoned Residential Multiple “RM2-313” Zone, Modified;
- Blocks 8, 9 and 18: to be zoned Residential Multiple “RM2-313(a)” Zone, Modified;
- Blocks 10 and 11: to be zoned Residential Multiple “RM4-314” Zone, Modified;
- Blocks 12 and 13: to be zoned Residential “R4-315” Zone, Modified; and,
- Blocks 14 and 15: to be zoned Residential Multiple “RM2-316” Zone, Modified.

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As part of the rezoning, the applicant is requesting to modify the parent zones to permit modifications to the rear yard setback, lot area, lot frontage, building height, parking requirements, landscape area, amenity area, planting strips and lot coverage. The proposed modifications are further discussed in Appendix “G” to Report PED19121.

Hamilton Zoning By-law No. 05-200

In order to comprehensively develop with the existing District Commercial area for a range of daily and weekly uses meant to support the community, the application proposes to change the zoning on a portion of the lands and add a portion of the lands to the Hamilton Zoning By-law No. 05-200.

These applications propose the following changes in Hamilton Zoning By-law No. 05-200 (see Appendix “D” of Report PED19121):

- Block 1: to be rezoned District Commercial (C6, 728) Zone;
- Block 2: to be rezoned District Commercial (C6, 728) Zone; and,
- Block 3: to be rezoned District Commercial (C6, 728, H113) Zone.

As part of the rezoning, the applicant is requesting to modify the parent zones to modify the Maximum Height of the building and minimum Setback from a Trans-Canada Pipeline. The proposed modifications are further discussed in Appendix “G” to Report PED19121.

RELEVANT CONSULTATION

The following Departments/Agencies have no comments or objections with respect to the proposed development:

- Recreation Planning, Community & Emergency Services Department.

The following Departments/Agencies have provided the following comments:

Union Gas requests that as a condition of final approval, the owner / developer provide to Union Gas the necessary easements and / or agreements in favour of Union Gas for the provision of gas services for this development, in a form satisfactory to Union Gas. This requirement has been addressed as a condition of Draft Plan of Subdivision Approval (Condition No. 54 of Appendix “F” to Report PED19121).

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Niagara Peninsula Conservation Authority (NPCA) identified in correspondence the Conservation Authority regulated watercourse, flood plains (up to the 100 year flood level), great lakes shorelines, hazardous land, valleylands and wetlands (Provincially Significant Wetlands and other wetlands over 2 hectares in size) under *Ontario Regulation 155/06 of the Conservation Authorities Act*. There is a watercourse that crosses the subject lands and eventually drains to Twenty Mile Creek. This is the only NPCA-regulated feature on the subject lands.

Due to the minor nature of the watercourse, NPCA staff have no objection to the watercourse being altered and incorporated into the stormwater management system for this subdivision. An NPCA Work Permit will not be required for this as NPCA concerns can be appropriately addressed through the stormwater management review. Accordingly, NPCA staff have no objections to the applications as they relate to NPCA policy.

Stormwater Management

The following comments pertain to stormwater management:

1. The NPCA is satisfied that the existing Jackson Heights stormwater management facility was designed to provide adequate quality and quantity controls for the proposed Jackson Heights Extension development.
2. Prior to construction, the NPCA will require that detailed grading, storm servicing, and construction sediment control plans be circulated to this office for review and approval.

The NPCA requests that the following conditions be incorporated into the conditions of Draft Plan Approval:

1. That the developer submit to the Niagara Peninsula Conservation Authority for review and approval detailed grading, storm servicing, and construction sediment control drawings (Condition No. 52 of Appendix “F” to Report PED19121).
2. That Condition 1 above is incorporated into the Subdivision Agreement between the Developer and the City of Hamilton to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Hamilton shall circulate the draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval (Condition No. 53 of Appendix “F” to Report PED19121).

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Public Works – Environmental Service Division advised that the proposed Draft Plan of Subdivision is eligible for weekly waste collection service subject to compliance with the City’s Solid Waste Management By-law 09-067, as amended.

Public Works – Health Protection advised that a pest control plan, focusing on rats and mice, shall be developed and implemented for the demolition, construction/development phase of the project and continue until the project is complete and that a dust mitigation plan be formulated for the proposal.

In addition, the applicants are advised that any proposed permanent or temporary irrigation / storm water management pond(s) or any existing oversized irrigation / stormwater management pond(s) should be designed, constructed, or modified and maintained to control mosquitoes / WNV and comply with all aspects of By-law No. 03-173, A By-law to prohibit and regulate the accumulation of standing water at specified times of the year.

Growth Planning advised that a number of documents are using the incorrect street names of Highway No. 56 or Highway 56, when the correct name is Regional Road 56. The submitted Draft Plan is correctly using Regional Road 56.

In addition, Staff have advised that the following note be added to the Draft Approval Conditions:

Notes: Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within three years. However, extensions will be considered if written request is received before the draft approval lapses (Note No. 1 on Appendix “F” to Report PED19121).

Finance advised that the applicant pay any outstanding Municipal Act / Best Effort Watermain and Sewer charges and the Outstanding Binbrook Stormwater Management Pond Charge of \$26,858.00 (Condition No. 55 on Appendix “F” to Report PED19121).

Enbridge Pipelines Inc. (Enbridge) advises the following:

Enbridge operates two high pressure petroleum pipelines contained in an 18.3 m wide right-of-way / easement through Blocks 27 and 23 on the Draft Plan of Jackson Heights Extension dated April 30, 2019. No permanent facilities are permitted within the limits of the pipeline easement.

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Enbridge has no objections to proposed development adjacent to the pipeline easement providing the following information for working on or near the Enbridge right-of-way are adhered to:

- Enbridge requests a permanent fence be added on both sides of the pipeline right-of way for the duration of construction to eliminate the risk of unauthorized activity over the pipeline. An Enbridge Inspector must be present during fence installation (Condition No. 56 of Appendix “F” to Report PED19121).
- Enbridge is regulated by the National Energy Board (NEB) Act. Section 112 of the Act states that “No person shall, unless leave is first obtained from the Board, construct a facility across, on, along or under a pipeline or excavate using power-operated equipment or explosives within 30 meters of a pipeline”.
- No grading or placing fill on Enbridge’s right-of-way without prior written approval of Enbridge.
- No work shall take place on Enbridge’s right-of-way without the presence of an Enbridge Inspector.
- No heavy machinery will be permitted to cross Enbridge’s right-of-way without the prior written approval of Enbridge.
- No Landscaping shall take place on Enbridge’s right-of-way without Enbridge’s written approval.

Transportation Planning, advises that the applicant will be required to design and install traffic calming at the intersection of Zoe Lane, Tanglewood Drive and Adi Crescent. Acceptable traffic calming measures include a raised intersection, bump-outs on the four corners or a mini traffic circle in addition to the traffic calming measures identified in the Traffic Impact Study.

Transportation Planning requested that prior to servicing, the applicant design traffic calming measures, fully at the applicants expense, for the intersection of Zoe Lane and Tanglewood Drive and Adi Crescent and the balance of the proposed residential subdivision as identified within the Traffic Impact Study. Acceptable traffic calming measures include a raised intersection, bump-outs on the four corners or a mini traffic circle (Condition Nos. 49 and 50 in Appendix “F” to Report PED19121). In addition, pavement marking drawings will be submitted and approved (Condition No. 51 in Appendix “F” to Report PED19121).

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Public Consultation

In accordance with the provisions of the *Planning Act* and the Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 251 property owners within 120 m of the subject lands on March 24, 2017. A Public Notice sign was also posted on the property on April 4, 2017, and updated on July 17, 2019, with the Public Meeting date. Finally, Notice of the Public Meeting was given to 251 property owners in accordance with the requirements of the *Planning Act* on July 26, 2019.

To date, three letters have been received by the City of Hamilton. The comments have been summarized in the Analysis and Recommendation Section and are attached as Appendix “H” to Report RED19121.

Public Consultation Strategy

The applicant’s Public Consultation Strategy stated that an Open House would be organized to provide information to the public and to generate valuable feedback from stakeholders. The applicant held a Public Open House on March 30, 2017 at the Glanbrook Municipal Service Centre. A Notice was mailed out to neighbouring properties inviting them to the Open House. Approximately 19 people attended the Public Open House. The proposal presented at the Public Open House has since been adjusted through the review process and the applicant has modified the proposal in response to Public concerns and Staff comments.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications have merit and can be supported for the following reasons:
 - i) They are consistent with the Provincial Policy Statement and conform to A Place to Grow (2019);
 - ii) They comply with the general intent of the Urban Hamilton Official Plan Amendment and secondary plan in that the development maintains a commercial component and proposes a built form and an increased density for the subject lands; and,

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- iii) The proposed development is an extension of an adjoining residential development that is compatible with the existing and planned development in the area.

2. Official Plan Amendment

The application proposes to change some of the schedules in Volume 1 of the Urban Hamilton Official Plan by removing the Parks and General Open Space Identification and redesignating from Utility to Neighbourhoods and Neighbourhoods to District Commercial for a portion of the subject lands located within Blocks 1 – 18, 20, 21, 22, 27 and 34 (as shown in Appendix “B” to Report PED19121). Staff are supportive of the modifications as the proposed removal of the “Parks and General Open Space (excluding parkettes)” identification is consistent with the Binbrook Village Secondary Plan, which identifies the area as a Parkette which is exempt from being identified within the Open Space Schedule. In addition, the existing Utility designation does not align with the location of the existing Enbridge Pipeline. Therefore, Staff are supportive of this adjustment as the proposed Neighbourhoods Designation would align with the proposed use of the subject lands, matches the Official Plan with what exists on the ground and aligns Schedule E-1 – Urban Land Use Designation Map with the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1.

The application also proposes to change the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1 to change the designation of Block 27 from Low Density Residential 2e and Low Density Residential 2h to District Commercial (as shown on Appendix “B” of Report PED19121) to add a portion of the lands to the District Commercial designation to allow for comprehensive development with the abutting District Commercial lands and prevent isolation of land uses divided by a utility easement.

The application is proposing to change the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1 designation of Blocks 1-26 from Low Density Residential 2e, Low Density Residential 2h, Utility and Parkette to Low Density 2d for the purposes of permitting townhouse dwellings on the subject lands (as shown on Appendix “B” of Report PED19121). Staff are of the opinion that the proposed change in designations for the property which proposes to increase the range of permitted uses on the subject lands is appropriate and meets the intent of the Official Plan since the proposed density still maintains opportunity for landscaping to be provided, efficiently uses the existing municipal infrastructure

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on the subject lands and is compatible with the built form existing surrounding the subject lands and the abutting Urban / Rural Boundary Cross Section.

The application also proposes to change the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1 designation of Block 29 from Low Density Residential 2h and Low Density Residential 2e to Low Density Residential 3e (as shown on Appendix “B” of Report PED19121). The proposed amendment is appropriate because it locates the multiple dwelling on the periphery of the proposed residential neighbourhood, and is located on an arterial Road (Regional Road 56). In addition, the proposed multiple dwelling has proposed setbacks that would buffer the adjacent low topology residential uses and is located within 500 metres of a commercial area.

Two Special Policy Areas are proposed to the Binbrook Village Secondary Plan – Land Use Plan Map B.5.1-1 as part of the Official Plan Amendment (as shown on Appendix “B” of Report PED19121). The first Special Policy Area proposes to permit a maximum density of 48 units per net residential hectare and add maisonette dwellings as an additional permitted use to the residential forms permitted within the Low Density Residential 2d designation for Blocks 1-26. The second Special Policy Area proposes to permit a maximum density of 85 units per net residential hectare for Block 29. While the Secondary Plan envisions residential on the subject lands, it allows for a different built form and density. The applicants have provided sufficient information through the submitted concept plan and studies demonstrating that the proposed increase in density meets the policies within the Binbrook Secondary Plan. The proposed increase in density still provides opportunities for landscaping within the front yards, is compatible with the Urban / Rural Boundary interface, is compatible with the current built form in the area, provides a range of housing options within the proposed residential subdivision, and proposes efficient use of both planned and existing municipal services.

The application is proposing to change the Binbrook Village Secondary Plan – Open Space and Linkages Map by removing the Parkette and Utility identifications from a portion of Blocks 20, 21 and 34 and extend a small portion of the planned local road layout to Regional Road 56, as identified within the Draft Plan of Subdivision (as shown on Appendix “B” of Report PED19121). The Utility identification removal is appropriate given that the existing identification does not match the proposed stormwater outlets identified through the engineering review for the Draft Plan of Subdivision. Instead, the lands are proposed to be used for residential purposes and the proposed residential

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designation is appropriate. The removal of the Parkette identification is appropriate given that the subject lands are located within half a kilometre of a neighbourhood park and with the exception of the maisonette dwellings the proposed units have an opportunity for private amenity areas. In addition, the Parkland Advisory Review Committee discussed the value of the existing Parkette designation within the subdivision at a April 26, 2016 meeting. At the meeting the working group determined that the new lots in the draft plan are approximately 200m from Jackson Heights Neighbourhood Park and Natural Open Space which would serve the needs of the community. In addition, they advise that parkettes are generally more expensive to develop and do not serve a wide range of recreational opportunities that neighbourhood or community parks provide. Finally, the applicant submitted a Traffic Impact Study in support of the local road network extension that has been reviewed by Transportation Planning Staff. The proposed amendment would implement the road layout, as identified in the submitted and approved Traffic Impact Study.

Therefore, Staff are supportive of the Official Plan Amendments.

3. Glanbrook Zoning By-law Amendment No. 464

The subject lands are currently zoned Residential “R2” Zone, Public Open Space (OS2) Zone, Deferred Development “DD” Zone, Existing Residential “ER” Zone, Rural “A2” Zone, Restricted Agricultural “A2-176”, Modified, General Commercial “H-C3-176” Zone, Modified, and Private Open Space “OS1-166” Zone, Modified.

In order to permit the proposed multiple dwelling, townhouses (street and maisonette), and single detached dwellings, the applicant has applied to change the zoning as follows:

- from Residential “R2” Zone and Private Open Space “OS1-166” Zone to Residential “R4-315” Zone (See Appendix “C” of Report PED19121);
- from Residential “R2” Zone, Public Open Space “OS2” Zone, Restricted Agricultural “A2-176” Zone, Restricted Agricultural “A2” Zone, Deferred Development “DD” Zone, Private Open Space “OS1-166” Zone, Modified, and Existing Residential “ER” Zone to Residential Multiple “RM2-313” Zone (See Appendix “C” of Report PED19121);

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- from Restricted Agricultural “A2-176” Zone, Restricted Agricultural “A2” Zone and Existing Residential “ER” Zone to Residential Multiple “RM2-313(a)” Zone (See Appendix “C” of Report PED19121);
- From Restricted Agricultural “A2-176” Zone and Restricted Agricultural “A2” Zone to Residential Multiple “RM2-316” Zone; and,
- from Restricted Agricultural “A2-176” Zone and Existing Residential “ER” Zone to Residential Multiple “RM4-314” Zone (See Appendix “C” of Report PED19121).

Staff are supportive of the requested changes in zoning as they will permit a variety of housing forms, compatible with existing housing forms in the surrounding area. The proposed multiple dwelling satisfies the criteria for locating low –rise multiple dwellings as per the UHOP, while including sufficient setbacks, parking and opportunities for landscaping. In addition to the change in the parent zoning, a number of site specific modifications are required to the proposed zoning; as outlined in detail in Appendix “G” to Report PED19121.

4. Hamilton Zoning By-Law No. 05-200

In order to align the commercial zoning with adjacent commercial lands, a portion of the lands currently zoned in the Glanbrook Zoning By-law are proposed to be added to the Hamilton Zoning By-law No. 05-200. In addition, the applicant proposes to rezone a portion of the lands already zoned District Commercial (C6) Zone within Hamilton Zoning By-law No. 05-200 to remove the existing site specific and add a new site specific. The proposed amendments to the Hamilton Zoning By-law are as follows:

- by changing the zoning to District Commercial (C6, 728) Zone (see Appendix “D” of Report PED19121);
- by changing the zoning from District Commercial (C6, 570) Zone to District Commercial (C6, 728) Zone (see Appendix “D” of Report PED19121); and,
- by changing the zoning to District Commercial (C6, 728, H113) Zone (See Appendix “D” of Report PED19121).

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The applicants are requesting to replace the existing site specific provision applying to the commercial lands to include the additional lands and apply revised modifications.

Staff are supportive of the proposed modifications to the zoning by-law because the maximum height regulation implements the height maximum policy identified with the Binbrook Secondary Plan. In addition, the proposed reduction in the setback to the existing utility pipeline can be supported because it promotes commercial development while allowing an appropriate setback.

5. One ‘H’ Holding Provision is proposed to require the applicant to obtain site plan approval for the subject lands prior to any development being permitted. Staff are supportive of the Holding because it requires the owner to confirm that the lands can be appropriately developed prior to any proposed building permits being issued.
6. Draft Plan of Subdivision

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 Provincial Policy Statement, the Growth Plan and the general intent of the Urban Hamilton Official Plan including the Binbrook Village Secondary Plan;
- (b) Through the subdivision staging plan the draft plan was identified as an area of priority and represents a logical and timely expansion of existing development;
- (c) The proposed roads will adequately service the proposed subdivision and can connect to the current road system;
- (d) The proposed Draft Plan of Subdivision can be appropriately subdivided and is determined to not negatively impact the existing road network;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood;
- (f) The dimensions and shape of the lots are appropriate;

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- (g) Adequate Municipal Services are available, the particulars of which will be determined as part of the conditions of Draft Approval and Subdivision Agreement;
- (h) Restrictions and regulations for the development of the Subdivision are included in the implementing Zoning By-law Amendment, conditions of Draft Approval and Subdivision Agreement; and,
- (i) The applications do not have any negative impact on the City’s finances.

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

6. Engineering Approvals

The Engineering Approvals section reviewed the applications and supporting studies from the most recent submission of May 2019 and are in support of the subject development applications. They have the following comments and conditions:

City Share of Servicing Cost

Stormwater management facility retrofit works shall be in accordance with the City’s current Comprehensive Development Guidelines and Financial Policies Manual and funding approved at the time of original pond construction.

The proposed storm sewers ≥ 1350 mm diameter (MH16 to pond inlet HW) are not eligible for Cost Sharing as they are proposed to convey 100-year flows from the external drainage areas.

Water Servicing

Existing watermains adjacent to the subject lands include:

- A 300 mm diameter watermain on Tanglewood Drive at the southern limit of the proposed subdivision; and,
- 400 mm diameter watermains on Regional Road 56 at the western limit of proposed Zoe Lane.

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Wastewater

Existing sanitary sewers adjacent to the subject lands include:

- A 375 mm diameter sanitary sewer on Tanglewood Drive, that drains south and increases to a 450 mm diameter south of DeGrow Crescent;
- A 900 mm diameter sanitary sewer on Regional Road 56 that drains north. The southern portion of this sewer will be connected to the trunk sanitary sewer which is currently being constructed to the south. The estimated completion is Summer 2019;
- Sanitary flows from the proposed development are proposed to drain south to Tanglewood Drive to the Binbrook Wastewater Pump Station;
- The pump station currently has no remaining capacity available for this subdivision;
- Upgrades to the pump station and forcemain are required and are presently estimated to be completed in the Winter of 2019/2020 but this may be subject to change without notice; and,
- The completion of the Regional Road 56 trunk sanitary sewer and pump station upgrades are required to permit this site to proceed.

Storm Drainage and Stormwater Management

There is an existing stormwater management pond at the northeast corner of the proposed subdivision. It is proposed that the pond will be modified to accommodate the proposed development. A revised stormwater management report addressing all concerns is required prior to preliminary grading. The current volume of the existing stormwater management pond shall be confirmed by a bathymetric survey ahead of the preliminary grading.

An existing 1200 mm diameter storm sewer, MH16 to the SWM pond headwall, is proposed to be replaced with elliptical pipes 1095 by 1730 mm & 1220 by 1920 mm. These pipes are to convey the 100-year flows from external drainage areas (#104 and #110, and Ex .1) and therefore would be solely at the Owner’s cost.

Roadways

The existing width of Regional Road 56 adjacent to the subject lands is 100 ft (30.48 m). The ultimate right of way width for Regional Road 56 adjacent to this property is 36.576 m, requiring a 3.048 m road widening to be dedicated along the east side of the road adjacent to the subject lands. Therefore, the final plan of

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subdivision shall identify separate blocks that shall be dedicated to the City of Hamilton for road widening purposes. Regional Road 56 was recently upgraded to an urbanized cross section.

In the previous phase of the subdivision existing Tanglewood Drive was built to the northern limit of DeGrow Crescent and will need to be extended north approximately 51 m to the southern limit of the subdivision. This outstanding work from Jackson Heights Phase 3A shall be included in the engineering cost estimate and be secured under this phase.

A proposed driveway access from Block 29 to Regional Road 56 is not permitted in accordance with comments received from Transportation Planning.

Engineering Approvals supports the application for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision subject the conditions included below:

The Engineering Approvals section has included conditions to address Stormwater Management and Grading as part of the Draft Plan of Subdivision which has been identified as Condition Nos. 1, 9, 20, 21, 22, 25, 26, 27, 33, 36, 41 in Appendix “F” of Report PED19121.

The Engineering Approvals section has included the Public Right-of-way requirements, including utilities that are impacted within the right-of way which have been identified as Condition Nos. 2, 3, 4 and 5 in Appendix “F” of Report PED19121.

The Engineering Approvals section has included conditions relating to municipal services and private services which have been identified as Conditions Nos. 6, 7 and 38 in Appendix “F” of Report PED19121.

The Engineering Approvals section has included warning clauses and permissions from neighbouring properties which have been identified as Condition Nos. 8, 12, 15, 16, 17 and 24 in Appendix “F” of Report PED19121.

The Engineering Approvals section has included conditions relating to easements for the purpose of access and maintenance which have been identified as Condition Nos. 10, 11, 13 and 14 in Appendix “F” of Report PED19121.

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The Engineering Approvals section has included general conditions which have been identified as Condition Nos. 18, 19, 23, 28, 29, 30, 31, 32, 34, 35, 37, 39, 40, 42, 43 and 44 in Appendix “F” of Report PED19121.

7. Staff circulated the applications for public comment. Concerns received included loss of greenspace, proposed building height, increase in the amount of commercial space and stormwater management.

Building Height

Staff note that concern from neighbouring property owners was for the proposed four storey building submitted as part of the initial application. The proposed multiple dwelling has been revised and has since been modified to be a maximum height of three storeys, which is in line with the maximum height identified within the Binbrook Village Secondary Plan. The proposed building is located adjacent to Regional Road 56 and requires a minimum setback of 7.5 m from any low density residential zone to minimize impacts on abutting properties. The proposed multiple dwelling will be required to go through site plan and staff will further review the details of the site, including the locating of the building, parking, and landscaping at that time.

Increase in Mixed Commercial Space

The original proposal included commercial permissions within the original proposal for a four storey building. The applicants have since removed the commercial permissions as part of the proposed building but have requested a portion of the lands to be redesignated and rezoned District Commercial. Staff are of the opinion that the proposed redesignation and rezoning for the commercial lands is appropriate since it is a minor addition of land to be added to the existing District Commercial designation that would otherwise function as an isolated piece of residential land divided from the remaining subdivision by a utility easement.

Loss of Greenspace

Neighbouring property owners expressed concerns with the loss of greenspace currently identified within the City of Hamilton Official Plan. Staff support the proposed modification to remove the open space designation and zoning given that the proposed low density residential built form still provides an appropriate Urban / Rural edge, provides the more intense built form along Regional Road 56

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and ground floor residential along the edges and maintains ground floor rear yard amenity area for the proposed residential development. In addition, the proposed subdivision is within 500 m of a neighbourhood park, built as part of a previous phase of the residential subdivision.

Stormwater Management

As part of this application, a Functional Servicing Study and Stormwater Management Report were provided and reviewed by Staff. The proposed stormwater management has been accepted by Staff and conditions are included as part of the development of the Subdivision to ensure implementation of the stormwater management scheme.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could not be developed for the proposed residential Plan of Subdivision. The lands however, could be developed in accordance with the Existing Residential, Public Open Space, Deferred Development, Existing Residential, Rural, Restricted Agricultural, General Commercial and Private Open Space Zones, which already permit a range of residential, open space and commercial uses.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

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

Built Environment and Infrastructure

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

Clean and Green

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Urban Hamilton Official Plan Amendment

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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” – Draft Plan of Subdivision Special Conditions

Appendix “G” – Zoning Modifications

Appendix “H” – Public Comments

Appendix “I” – Concept Plan

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