



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 4, 2020
SUBJECT/REPORT NO:	Application for Revised Draft Plan of Subdivision for Lands Located at 22 Green Mountain Road West (Stoney Creek) (PED20026) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	E. Tim Vrooman (905) 546-2424 Ext. 5277
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Revisions to Draft Approved Plan of Subdivision 25T-200803R, by Empire Communities (Stoney Creek) Ltd. (Owner)** to establish an extension of the subdivision known as "Victory Ridge Phase IV" for a 0.88 ha site located at the northwest corner of Green Mountain Road West and Upper Centennial Parkway, known as 22 Green Mountain Road West, as shown on Appendix "A" to Report PED20026, to develop residential blocks on an extension of a public road, be **APPROVED**, subject to the following:

- (i) That this approval apply to the Draft Plan of Subdivision "Victory Ridge Phase IV" 25T-200803R, prepared by Armstrong Hunter and Associates, and certified by Douglas E. Hunt, O.L.S., dated March 25, 2019, consisting of two blocks for a maximum of 27 freehold street townhouse dwellings (Blocks 'A30' and 'A31'), dedication of road right-of-way widening for Green Mountain Road West (Block 'H'), one Open Space block (Block 'J'), and the extension of a public road (Street 'L'), subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with Special Conditions attached as Appendix "E" to Report PED20026;

OUR Vision: To be the best place to raise a child and age successfully.

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

- (ii) In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision; and,
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-laws, as approved by Council.

EXECUTIVE SUMMARY

The application is for a revision to a Draft Approved Plan of Subdivision known as Victory Ridge Phase IV, to extend a public road (Street 'L') eastward, terminating as a cul-de-sac at the eastern end of the subject lands to accommodate two blocks for a maximum of 27 freehold street townhouse dwellings. A right-of-way widening dedication for Green Mountain Road West is provided as Block 'H'. An open space block is also proposed to provide a buffer between the Street 'L' cul-de-sac and the Upper Centennial Parkway right-of-way. Approval would be subject to the owner entering into a Standard Form Subdivision Agreement, with Special Conditions.

The proposed development provides for dwelling units in an area where full municipal services are available and will be compatible with the existing development in the immediate area with respect to use, size and scale. Minor variances to the Multiple Residential "RM3-38" Zone will be required to address minimum required front and rear yard setbacks and minimum required lot area for some of the units, and Part Lot Control applications will be required to create individual lots for each unit. The proposal has merit and can be supported as it is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 24

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 an application for a Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Empire Communities (Stoney Creek) Ltd.
Applicant/Agent:	Armstrong Planning (c/o Michael Auduong)
File Number:	25T-200803R
Type of Application:	Revisions to Draft Approved Plan of Subdivision
Proposal:	To extend a public road (Street 'L' to be locally known as Utter Place) eastward through the site, terminating as a cul-de-sac at the eastern end of the block to accommodate a maximum of 27 freehold street townhouse dwellings (Blocks 'A30' and 'A31'), a road widening (Block 'H'), and to establish an Open Space block (Block 'J').
Property Details	
Municipal Address:	22 Green Mountain Road West (see Appendix "A" to Report PED20026)
Lot Area:	± 0.88 ha (irregular)
Servicing:	Full municipal services
Existing Use:	The subject site is currently developed with a temporary cul-de-sac terminating at the existing Utter Place and is developed with a residential sales office associated with the surrounding Victory Ridge Phase IV subdivision.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
A Place to Grow:	The proposal conforms to A Place to Grow.

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Official Plan Existing:	<ul style="list-style-type: none"> Identified as “Neighbourhoods” on Schedule E – Urban Structure Designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	Nash Neighbourhood Secondary Plan: Low Density Residential 2h
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	Multiple Residential “RM3-38” Zone, Modified
Zoning Proposed:	No amendment proposed.
Processing Details	
Received:	August 20, 2018
Deemed Complete:	October 15, 2018
Notice of Complete Application:	Sent to 33 property owners within 120 m of the subject lands on October 31, 2018.
Public Notice Sign:	Posted November 7, 2018 and updated with Public Meeting date January 8, 2020.
Notice of Public Meeting:	Sent to 33 property owners within 120 m of the subject property on January 17, 2020.
Public Comments:	None received to date.
Processing Time:	477 days.

Previous Applications

The area was subject to a Zoning By-law Amendment Application (ZAC-08-026) and Draft Plan of Subdivision Application (25T-200803) in 2008 for the purpose of

developing the 23.36 ha site known as “Victory Ridge” to permit the phased and orderly development of the subject lands on “lot-less” blocks. A maximum of 129 street townhouse units, 204 single detached lots, and two medium density blocks for 90 maisonette units, for a total of 423 dwelling units was proposed. The medium density blocks were divided by the originally proposed alignment of Street ‘A’ (now known as Morrissey Boulevard). The lands subject to this Revised Draft Plan of Subdivision formed part of the medium density blocks.

Through a subsequent settlement at the Ontario Municipal Board (OMB) in 2010, the Draft Plan realigned Street ‘A’ (Morrissey Boulevard) to its present location and established two medium density blocks at the southeast end of the subdivision to permit street townhouses.

An application for a revision to the Draft Approved Plan of Subdivision Application File No. 25T-200803 to add new public roads within the western block was approved in 2017, introducing Street ‘L’ (Utter Place), which presently terminates as a temporary turning circle at the edge of the subject lands.

EXISTING LAND USE AND ZONING

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Residential sales centre	Multiple Residential “RM3-38” Zone, Modified
<u>Surrounding Land Uses:</u>		
North	Open Space (Archaeological site), Single detached dwelling	Conservation/Hazard Land “P5” Zone, Single Residential – One “R1” Zone
South	Terra Environmental Stoney Creek Landfill, vacant land	Neighbourhood Development “ND” Zone, Arterial Commercial (C7, 586) Zone
East	Agriculture (Greenhouse), Single Detached Dwellings	Single Residential – One “R1” Zone, Agriculture (A1) Zone
West	Street townhouse dwellings	Multiple Residential “RM2-20” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Planning Framework

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

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal (formerly known as the Ontario Municipal Board) approval of the City of Hamilton Official Plan, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of Provincial interest (i.e. efficiency of land use and balanced growth) are reviewed and discussed in the Official Plan analysis below.

Staff also note the UHOP has not been updated with respect to Cultural Heritage policies with the PPS. The following policy of the PPS applies:

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

The subject property meets four of the ten criteria used by the City of Hamilton and Ministry of Heritage, Sport, Tourism and Culture Industries for determining archaeological potential:

- 1) Within 250 metres of known archaeological sites;
- 2) Within 300 metres of a primary watercourse or permanent waterbody, 200 metres of a secondary watercourse or seasonal waterbody, or 300 metres of a prehistoric watercourse or permanent waterbody;
- 3) In areas of pioneer EuroCanadian settlement; and,
- 4) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application. Cultural Heritage Planning staff have taken note of the Open Space archaeological site buffer identified as Block ‘E’, shown on the Redline Revision Draft Plan of Subdivision (see Appendix “C” to Report PED20026). Given that the remainder of the site is disturbed, Staff require that an acknowledgement be added as a note to the Special Conditions of Draft Plan approval. With this acknowledgement,

which is being addressed as Note No. 2 in Appendix “E” to Report PED20026, the City’s archaeological concerns have been satisfactorily addressed.

As the application complies with the UHOP, it is staff’s opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS; and,
- Conforms to A Place to Grow (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are designated “Neighbourhoods” on Schedule E – Urban Structure and Schedule E-1 – Urban Land Use Designations. The subject lands are further designated “Low Density Residential 2h” on Map B.7.5-1 – Nash Neighbourhood Secondary Plan. The following policies, amongst others, apply to this proposal:

Noise, Vibration, and Other Emissions from Stationary Sources

- “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.3.6.3.18 The City shall ensure that all development or redevelopment with the potential to create conflicts between sensitive land uses and point source or fugitive air emissions such as noise, vibration, odour, dust, and other emissions complies with all applicable provincial legislation, provincial and municipal standards, and provincial guidelines, and shall have regard to municipal guidelines.”

The subject lands have direct frontage on Upper Centennial Parkway, which is a designated Major Arterial road, and is located across from Terra Environmental Stoney Creek Landfill to the south on Green Mountain Road West. Accordingly, HGC Engineering Limited has prepared a noise study “Noise Impact Study, Empire Communities Victory Phases 3 & 4, Ontario, prepared for Empire Communities (Stoney Creek Ltd.)” dated September 29, 2015, and an addendum noise impact study titled “Addendum #2 - Noise Impact Study, Empire Communities Victory Phase 4 Hamilton, Ontario” dated June 13, 2019, in support of this development. The study reviewed the acoustic requirements for this development with respect to Upper Centennial Parkway and the Terra Environmental Stoney Creek Landfill. Based on the results of the study, warning clauses, unit design for the provision of air conditioning units, and acoustical

barriers will be required for Phase IV. Staff are generally satisfied with the findings of these studies, subject to the requirements below:

Acoustical Barriers:

Acoustical barriers shall consist of a 2.2 m acoustical wall constructed along the easterly yard of unit 15 and extend westerly along the northerly rear of unit 15, as shown schematically in Figure 2 of the addendum noise impact study titled “Addendum #2 - Noise Impact Study, Empire Communities Victory Phase 4 Hamilton, Ontario” dated June 13, 2019, prepared by HGC Engineering Limited.

The wall and / or wall and berm combination of the acoustical barriers surrounding unit 15 shall have a minimum height of 2.2 metres and be constructed of a durisol type material with a minimum surface density of 20 kg/m² and be in a continuous line without openings or gaps.

The requirements for the acoustical barriers, warning clauses, and unit design for the provision of air conditioning units have been addressed through Condition Nos. 121, 122, and 125 in Appendix “E” to Report PED20026.

The Terra Environmental Stoney Creek Landfill is located to the south of the subject site. Warning clauses advising all potential purchasers / tenants of the site’s proximity to the landfill are included through Condition No. 123 in Appendix “E” to Report PED20026.

Low Density Residential

“E.3.4.6 *Development* in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
- b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.”

The proposed development will extend the local road network with lot access via the local road, and lots facing Green Mountain Road West will have dual frontage for an enhanced streetscape. For those units, a balcony will be located on the second storey facing Street ‘L’ to provide residents with private amenity space in lieu of having two front yards and no rear yard. To ensure that the yards facing Green Mountain Road

West function as dual fronting units, restrictions on fencing and the provision of walkways leading from the building entrances to the public sidewalk will be required, which has been addressed through Condition No. 126 in Appendix “E” to Report PED20026. Easements will also be required to allow interior units to have external access to their yards for general maintenance and upkeep for both residential blocks, which will be addressed through future Part Lot Control application(s) required to create individual lots for each unit.

Residential Greenfield Design

- “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.”

The proposed extension of the local road will provide a logical and cohesive continuation of the streetscape and built form. The built form will follow the direction of the Urban Design Guidelines for Victory Ridge (dated February, 2013) submitted and approved for this subdivision. Specific design considerations will be further addressed in the Nash Neighbourhood Secondary Plan section of this report.

Road Widening

- “C.4.5.2 The road network shall be planned and implemented according to the following functional classifications and right-of-way-widths:
- e) Collector roads, subject to the following policies:
- iii) The basic maximum right-of-way widths for minor arterial roads shall be 26.213 metres...;”

Green Mountain Road West is classified as a Collector road on Schedule C – Urban Road Classification of the UHOP. Accordingly, a 3.05 m right-of-way widening along Green Mountain Road West, as well as a 12.19 m x 12.19 m daylighting triangle at the intersection of Green Mountain Road West and Upper Centennial Parkway in accordance with Policy C.4.5.7 c), have been identified as Block ‘H’ on the Redline Revision Draft Plan of Subdivision (see Appendix “C” to Report PED20026). The right-

of-way and daylight triangle dedications have been secured as an existing condition of Draft Plan of Subdivision approval as Condition No. 34 of Appendix “D” to Report PED20026.

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*.”

As has been previously discussed, the proposed Draft Plan of Subdivision complies with the Urban Hamilton Official Plan and meets all requirements of the *Planning Act*. It is consistent with the Criteria for Staging of Development as the site can be adequately serviced using existing infrastructure, subject to the proposed Draft Plan conditions. The development will not adversely impact the transportation system or natural environment, will be integrated with existing lands and roads, and will not adversely impact municipal finances.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Urban Hamilton Official Plan.

Nash Neighbourhood Secondary Plan

The subject lands are designated “Low Density Residential 2h” on Map B.7.5-1 – Nash Neighbourhood Secondary Plan. The following policies, amongst others, apply:

“B.7.5.4.1 In addition to Section E.3.4 – Low Density Residential of Volume 1, the following policies shall apply to lands designated Low Density Residential 2 and 2h on Map B.7.5-1 – Nash Neighbourhood – Land Use Plan:

- b) Low Density Residential 2h Designation:
 - i) Notwithstanding Policy E.3.4.3 of Volume 1, multiple dwellings such as street and block townhouses, duplexes, triplexes and quadraplexes shall be permitted.
 - ii) Notwithstanding Policy E.3.4.4 of Volume 1, the density shall be in the range of 30 to 49 units per net residential hectare.
 - iii) The maximum height of dwelling units shall be three storeys.

B.7.5.9.5 Gateways

- a) To promote and enhance community identity, two Gateways shall be provided in the following locations:
 - ii) the existing or realigned Green Mountain Road West, West of the intersection with Upper Centennial Parkway.
- b) Gateways shall be designed to express the distinct character of the neighbourhood and signal entrance into a pedestrian-friendly area. They shall incorporate enhanced landscaping which may include a central landscape median and/or architectural feature.

B.7.5.10.6 Local roads shall be designed within a 20 metre right-of-way width. Smaller right of way widths may be considered subject to the approval of the City.”

The proposed development is for a maximum of 27 street townhouses on 0.502 net residential hectares. This translates to 47.7 and 62.3 units per net residential hectare for Blocks ‘A30’ and ‘A31’, respectively. The UHOP recognizes that there are some previously existing land uses that do not comply with the goals and objectives set out in the Plan, and the following relevant policies for existing, non-complying and non-conforming uses apply to the proposed development:

“F.1.12.7 Legally existing land uses which do not comply with the land use designations shown on Schedule E-1 - Urban Land Use Designations or

their related policies should cease to exist over time. Accordingly, such uses shall be deemed as legal non-complying.

F.1.12.8 Where appropriate, the City may amend the Zoning By-law to recognize the legal non-complying use as an existing use provided that all the following criteria shall be met:

- a) the Zoning By-law shall permit only the existing use and the associated performance standards;
- b) the use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and,
- c) the use is in compliance with appropriate provincial and municipal regulations.

F.1.12.9 The expansion or enlargement or change in legal non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan and the Zoning By-law.”

The existing Multiple Residential “RM3-38” Zone, Modified that applies to the site permits townhouse dwellings. The site-specific Zoning By-law was approved December 9, 2010, prior to the adoption of the UHOP. As stated above, a maximum density of 62.3 units per net residential hectare is proposed for Block ‘A31’ which exceeds the 49 units per net residential hectare maximum density for lands designated “Low Density Residential 2h” in the Nash Neighbourhood Secondary Plan.

In this regard, Section F.1.12.8 of the UHOP provides an opportunity to carry forward and recognize these existing non-complying zoning permissions. The proposed uses are supported by the general policies for the “Low Density Residential 2h” in the Nash Neighbourhood Secondary Plan and are supported by the objectives of the PPS (2014) and A Place to Grow (2019) which encourage compact form in settlement areas. These uses are compatible with the character of surrounding development in the neighbourhood. The surrounding subdivision pattern and street network has been designed specifically to accommodate this form of development and, as such, it will not introduce any safety issues with respect to traffic. For lands designated “Low Density Residential 2h” for all phases of the Victory Ridge subdivision, a total of 163 dwelling units are existing/proposed on 4.16 net residential hectares, which translates to 39.2 units per net residential hectare. Therefore, the overall density meets the general intent of the policies of the Nash Neighbourhood Secondary Plan. Required variances to the development regulations for Block ‘A31’ to accommodate the proposed form and

density are further discussed below and in the Analysis and Rationale for Recommendation section of this Report.

The dwelling units are intended to be three storeys in height and in conformity with the maximum building height of 12.5 metres allowed in the Multiple Residential “RM3-38” Zone, Modified.

A 3.0 m buffer between the Street ‘L’ cul-de-sac and Upper Centennial Parkway right-of-way has been provided as part of Open Space Block ‘J’, as shown on the Redline Revised Draft Plan of Subdivision (see Appendix “C” to Report PED20026), to establish an appropriate gateway treatment at the Upper Centennial Parkway / Green Mountain Road intersection. The gateway buffer will be sodded and landscaped by the Applicant with landscape elements and a guardrail that will provide a physical barrier as well as a visual buffer and screening of the cul-de-sac from the intersection to enhance aesthetics of the corner, prevent unauthorized vehicle shortcutting maneuvers between the two roadways, and minimize visual distractions for drivers at the busy intersection. This Open Space Block will be owned and maintained by the City, and cash payment and securities will be required to be put in place respectively for long term maintenance and full replacement cost contingency of the enhanced landscape treatment. These matters have been addressed as Condition Nos. 118 and 126 of Appendix “E” to Report PED20026.

The proposed Street ‘L’ (Utter Place) is classified as a local road with an 18.0 m right-of-way width. The proposed permanent cul-de-sac will also provide an opportunity for a future road access for adjacent lands located at 403, 405, 407, 411, and 413 Upper Centennial Parkway. This frontage provides a preferable option over having direct road access to Upper Centennial Parkway should these lots redevelop. These requirements are being addressed as Condition No. 124 of Appendix “E” to Report PED20026.

Based on the foregoing, staff are of the opinion that the proposed development complies with the policies of the Nash Neighbourhood Secondary Plan.

Stoney Creek Zoning Bylaw No. 3692-92

The subject property is currently zoned Multiple Residential “RM3-38” Zone, Modified, in Stoney Creek Zoning By-law No. 3692-92, as shown on Appendix “A” to Report PED20026.

The Multiple Residential “RM3-38” Zone, Modified permits maisonettes, street townhouses, townhouses, and apartment dwellings. The intended use of the site for 27 street townhouses is permitted in the RM3-38” Zone. The proposed development has been reviewed and compared to the standards of the “RM3-38” Zone. Based on the

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concept plan, as shown on Appendix “B” to Report PED20026, the following minor variances to the “RM3-38” Zone will be required:

- A minimum rear yard setback of 6.0 m for Lots 15 – 27, where 7.0 m is required;
- A minimum required lot area of not less than 180 m² for end units (Lots 15, 21, 22 and 27), where 195 m² is required for end units; and,
- A minimum front yard setback of not less than 4.1 m for Lots 1 – 13 and 2.88 m for Lot 14 for the balconies/support columns, where 4.5 m is required.

The Applicant had indicated their intention to submit a minor variance application for the above modifications upon approval of the revised draft plan of subdivision. These modifications are further discussed in the Analysis and Rationale for Recommendation section of this report. The applicant will be required to apply for and receive final approval of a Minor Variance application from the Committee of Adjustment prior to the approval of a subsequent Part Lot Control application to create the individual lots for each townhouse unit and prior to the issuance of any building permits. Street townhouse dwellings in a registered plan of subdivision are exempt from Site Plan Control.

RELEVANT CONSULTATION

Departments and Agencies		
<ul style="list-style-type: none">• Asset Management, Strategic Planning Division, Public Works Department;• Construction, Strategic Planning Division, Public Works Department; and,• Hydro One Networks Inc.		No Comment
	Comment	Staff Response
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none">• There are no municipal tree assets on site, and therefore a Tree Management Plan will not be required.• A Landscape Plan, prepared and signed by a certified Landscape Architect, will be required.	The Landscape Plan must be submitted for review by the Forestry & Horticulture Section, which is addressed as Condition 2.8 of the City’s Standard Conditions of Subdivision Approval. The condition of Street Tree Planting will be cleared upon receipt of a plan depicting

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		new trees and a cash payment.
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<p><u>Roadways</u></p> <ul style="list-style-type: none"> The proposal identifies the removal of the existing cul-de-sac turnaround, extension of the 18.0 m municipal right-of-way (Street 'L'), and a cul-de-sac at the east limit with a minimum asphalt radius of 13.0 m and minimum outside radius of 18.0 m. The current local road standard width is 20.0 m with 1.5 m sidewalk along both sides; however, the existing Street 'L' in the "Victory Ridge Phase III" subdivision – to the immediate west of the subject site – was approved and constructed with an 18.0 m municipal right-of-way, with the existing sidewalk constructed on the south side of Street 'L' only. Thus, because of this existing condition a sidewalk shall only be required to be constructed along the south side of Street 'L' in Phase IV. The sidewalk will continue partway around the turning circle and turn south through Open Space Block 'J' to connect to the existing sidewalk along Green Mountain Road West. In addition, the Owner will provide cash-in-lieu for the sidewalk on the north side of Street 'L'. The Geotechnical Investigation, prepared by Urbantech West, dated March 25, 2019, will need to be revised to reflect City standards with respect to road 	<ul style="list-style-type: none"> The roadway standard matters are being addressed as revised Condition Nos. 104, 113 and 114 of Appendix "E" to Report PED20026, and cash-in-lieu for the sidewalk will be addressed through the standard form Subdivision Agreement. The Geotechnical Investigation is addressed as revised Condition No. 38 of Appendix "E" to Report PED20026. The requirement for an on-street Parking Plan is addressed as existing Condition No. 101 of Appendix "D" to Report PED20026. The right-of-way widening has been dedicated through existing Condition No. 34 of Appendix "D" to Report PED20026.

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	<p>construction.</p> <ul style="list-style-type: none">• The on-street Parking Plan, prepared by Urbantech West, dated January 2019, has been reviewed and is deemed satisfactory.• A road widening along Green Mountain Road West has been identified as Block 'H' as shown on the Redline Revision Draft Plan of Subdivision (see Appendix "C" to Report PED20026).	
	<p><u>Water</u></p> <p>There are existing watermain stubs at the existing east limit of Utter Place (Street 'L') as well as on Green Mountain Road West at the intersection of Upper Centennial Parkway. A watermain loop connecting these stubs through Block 'J' is proposed, as shown on the Redline Revision Draft Plan of Subdivision (see Appendix "C" to Report PED20026).</p>	Noted.
	<p><u>Wastewater</u></p> <p>Sanitary flows from the proposed development will drain to the existing sewer at the existing east limit of Utter Place (Street 'L'), ultimately discharging to the existing sanitary trunk sewer on Upper Centennial Parkway. As part of the detailed engineering design, the Owner shall provide a revised Functional Servicing Brief to account for external sanitary flows and construct a sanitary sewer along the frontage within the Upper Centennial Parkway</p>	Noted.

	road allowance.	
	<p><u>Adjacent Lands</u></p> <p>Municipal services from this proposal shall be sized and extended to the perimeter of the site to the north to allow a watermain and sanitary sewer to be extended to the existing properties on Upper Centennial Parkway to the north of the subject lands.</p>	<p>This is addressed as revised Condition No. 28 of Appendix “E” to Report PED20026. The detailed engineering design shall also consider a future driveway connection to the properties on Upper Centennial Parkway.</p>
	<p><u>Grading and Drainage</u></p> <p>The proposed grading shall match existing elevations at the property line, and storm drainage from the proposed lots and blocks shall be directed to Street ‘L’ while Block ‘H’ will drain towards Green Mountain Road. Minor drainage from the proposed rear yards shall be directed to Street ‘L’, while major drainage and emergency overland flow for Block ‘A30’ shall be directed to Street ‘L’. In coordination with Heritage Planning staff, grading work shall be permitted within Block ‘E’ – Archaeological Site to provide a major overland flow route for the rear yards of Block ‘A31’. Approved grading works within Block ‘E’ shall be located outside of the designated archaeological limit and the archaeological feature shall remain undisturbed at all times. The proposed grading design at Lot 27 shall ensure that no storm drainage is directed to Block ‘A28’. These, amongst other detailed design matters, will be addressed through the detailed engineering design of the storm system. The detailed design shall also ensure that there are</p>	<p>These matters are being addressed as Condition Nos. 116 and 117 of Appendix “E” to Report PED20026.</p>

	<p>sufficient side and rear yard setbacks on Blocks 'A30' and 'A31' to satisfy grading requirements and facilitate a rear yard catchbasin connection along the west property line of Block 'A31' within the subject lands.</p>	
	<p><u>General</u></p> <p>As part of the detailed engineering design and review, the Owner will also be required to:</p> <ul style="list-style-type: none"> • Provide a hydrogeological study and well water survey; • Implement the recommendations in the revised Redhill Landfill Impact Assessment regarding lands located to the south; and, • Provide a dust mitigation plan and conduct surveys and submit protocols and plans where services are to be constructed in rock. <p>The proposed watermain must satisfy Form 1 requirements. An Environmental Compliance Approval application will be required for the proposed sewers.</p> <p>The Owner will also be required to demolish the existing sales office prior to pre-grading of the site.</p> <p>In accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual (2017) there will be no cost sharing for this subdivision.</p>	<ul style="list-style-type: none"> • Hydrogeological study and well water survey are addressed as revised Condition Nos. 26 and 27 of Appendix "E" to Report PED20026. • Landfill Impact Assessment implementation addressed through existing Condition Nos. 81 – 84 of Appendix "D" to Report PED20026, and an additional condition is included as Condition No. 120 of Appendix "E" to Report PED20026. • Dust mitigation plan and surveys are addressed through existing Condition Nos. 106 – 108 of Appendix "D" to Report PED20026. • Form 1 and ECA requirements are addressed as Condition 1.10 of the City's Standard Conditions of Subdivision Approval. • Demolition is addressed as Condition No. 112 of Appendix "E" to Report PED20026.
Growth Planning	<ul style="list-style-type: none"> • Conditions of Draft Plan of 	<ul style="list-style-type: none"> • Existing conditions are

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Section, Growth Management Division, Planning and Economic Development Department	<p>Subdivision approval must take into account both the original Draft Approval Conditions, dated December 9, 2010 as well as the revised Draft Approval conditions for Phase 3, dated October 23, 2017.</p> <ul style="list-style-type: none"> • Easements for access to the rear yards may be required. • Restrictions on fencing in front yards may be required. • Requested that a note be included on the draft plan conditions indicating that draft plan approval shall lapse if the plan is not given final approval within three years or an extension has been granted. 	<p>attached as Appendix “D” to Report PED20026. The revisions have been considered through the revised Special Conditions attached as Appendix “E” to Report PED20026.</p> <ul style="list-style-type: none"> • Easements will be addressed through future Part Lot Control application(s) required to create individual lots for each unit. • Fencing has been addressed through Condition No. 126 of Appendix “E” to Report PED20026. • Approval limitation has been added as Note No. 1 in the condition of Draft Plan of Subdivision approval (See Appendix “E” to Report PED20026).
Hamilton Conservation Authority (HCA)	<p>Advises that the location of the proposed Revised Draft Plan does not contain lands that are regulated by HCA and has no objection to the proposed red line revisions. However, staff advise that their relevant draft plan conditions will be applicable to this future phase.</p>	<p>Relevant conditions of original Draft Plan approval, dated December 9, 2010, as well as conditions of revised Draft Plan approval for Phase 3, dated October 23, 2017, are attached as Appendix “D” to Report PED20026.</p>
Landscape Architectural Services, Strategic Planning Division, Public Works Department (LAS)	<ul style="list-style-type: none"> • Requested cash-in-lieu of parkland dedication. • The Owner will be required to provide fencing along the adjacent Block ‘E’ – Archaeological Site, as shown on the Redline Revision 	<ul style="list-style-type: none"> • Cash-in-lieu of parkland will be addressed through the standard form Subdivision Agreement and as part of the building permit process.

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	<p>Draft Plan of Subdivision (see Appendix “C” to Report PED20026).</p> <ul style="list-style-type: none"> • The Owner shall include a clause in all Purchase and Sales agreements advising that the Archaeological Site is intended to remain in a natural state and maintenance of this block will be kept at a minimum. • The City will assume ownership and maintenance of Open Space Block ‘J’, provided that the gateway feature consist of vegetation only and not architectural features (i.e. decorative walls, etc.). LAS has requested cash payment and securities be put in place respectively for maintenance and replacement cost contingency of the enhanced landscape treatment, including any necessary irrigation systems. 	<ul style="list-style-type: none"> • Fencing is addressed as revised Condition No. 103 of Appendix “E” to Report PED20026. • Warning clause is included as existing Condition No. 14 of Appendix “D” to Report PED20026. • Open Space Block ‘J’ matters are addressed as Condition Nos. 118, 119 and 127 of Appendix “E” to Report PED20026.
Public Health Services, Healthy Environments Division, Healthy and Safe Communities Department	Requested a Pest Control Plan during the construction/development phase of the project.	This requirement is being addressed as Condition No. 115 of Appendix “E” to Report PED20026.
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	Development is eligible for municipal waste collection service subject to meeting the City’s requirements. The property owner must contact the City to request waste collection service to complete a site visit to determine if the property complies with the City’s waste collection requirements.	This requirement is being addressed as Note No. 3 in the conditions of Draft Plan of Subdivision approval (See Appendix “E” to Report PED20026).

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Transit Planning and Infrastructure, Public Works Department	<ul style="list-style-type: none">• Advised that the site is adjacent to the S-Line, a future Rapid Transit Corridor, on Upper Centennial Road.• There is existing local transit on Upper Centennial Parkway (Route 44), including a bus stop adjacent to the subject site.• Their preference is to see transit oriented design, including direct pedestrian connections between front entrances and Upper Centennial Road.	The applicant is proposing to extend the sidewalk along the proposed cul-de-sac through the open space block to connect to the existing sidewalk along Green Mountain Road West, which continues eastwards to the existing bus stop.
Transportation Planning Section, Planning and Economic Development Department	<ul style="list-style-type: none">• Reviewed and approved the Transportation Impact Study (TIS) with no revisions required.• Require 1.5 metre wide sidewalks on both sides of Street 'L'.	Sidewalks are proposed to be constructed on the south side of the street and the Owner will provide cash-in-lieu for the sidewalk on the north side, and the provision of sidewalks are being addressed as Condition Nos. 113 and 114 of Appendix "E" to Report PED20026.
Union Gas	Requested that as a condition of final approval, the Owner is required to provide the necessary easements and/or agreements required for the provision of gas services for this project.	This requirement is being addressed as Condition No. 128 of Appendix "E" to Report PED20026.

Public Consultation

As the proposal is for revisions to an approved Draft Plan of Subdivision that implements the 2008 zoning approvals, no public consultation strategy was required.

In accordance with the provisions of the *Planning Act*, the Public Notice Sign was updated on January 8, 2020, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on January 17, 2020.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The application is for Revisions to a Draft Plan of Subdivision to provide for up to 27 street townhouse units on the extension of a public road. The proposal has merit and can be supported for the following reasons:
 - i) It is consistent with the PPS and conforms to A Place to Grow (2019);
 - ii) It provides for dwelling units in an area where full municipal services are available, making efficient use of the land and infrastructure; and,
 - iii) The proposed development is compatible with the existing development in the immediate area with respect to use, size and scale.
2. The subject lands are part of Phase IV of the subdivision known as Victory Ridge, located on the northwest corner of Green Mountain Road West and Upper Centennial Parkway, with access and frontage from an extension of Utter Place. The subject application (25T-200803R) is to extend a public road (Street 'L' to be locally known as Utter Place) eastward through the site, terminating as a cul-de-sac at the eastern end of the block to accommodate a maximum of 27 freehold street townhouse dwellings.

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 and conforms to A Place to Grow (2019);
- (b) Through the phasing of development within the Nash Neighbourhood Secondary Plan, the proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (c) It complies with the applicable policies of the Urban Hamilton Official Plan and the Nash Neighbourhood Secondary Plan;
- (d) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features, and flood control will be addressed through stormwater management plans that will be required as standard conditions of draft plan approval;
- (e) The proposed subdivision will be compatible with the existing road network and block pattern of the surrounding neighbourhood;

- (f) The proposed road will adequately service the proposed subdivision and is a logical extension the current road network;
- (g) The dimensions and shapes of the proposed lots conform to the Zoning By-law and are sufficient to accommodate the proposed development of street townhouse dwellings, subject to the applicant applying for and receiving approval of minor variances;
- (h) Restrictions and regulations for the development of the subdivision are included in the conditions of draft plan approval and Subdivision Agreement;
- (i) Adequate utilities and municipal services are available to service the proposed lots within the subdivision, the particulars of which will be determined as part of the conditions of draft approval and Subdivision Agreement; and,
- (j) The application will not have any negative impact on the City's finances.

Further to (g) above, based on the concept plan, as shown on Appendix "B" to Report PED20026, the following minor variances to the "RM3-38" Zone will be required:

- A minimum rear yard setback of 6.0 m for Lots 15 – 27, where 7.0 m is required;
- A minimum required lot area of not less than 180 m² for end units (Lots 15, 21, 22 and 27), where 195 m² is required for end units; and,
- A minimum front yard setback of not less than 4.1 m for Lots 1 – 13 and 2.88 m for Lot 14 for the balconies/support columns, where 4.5 m is required.

With respect to the first two minor variances, these are specific to Block 'A31' and are due to the shallow depth of this Block (18.7 to 19.1 m) as a result of the fixed road location at the western limit of the site (Utter Place) and the Open Space archaeological site buffer identified as Block 'E', shown on the Redline Revision Draft Plan of Subdivision (see Appendix "C" to Report PED20026). Based on this and as the archaeological site buffer is located at the rear of the units and no other dwellings or structures would back onto the units, a reduced rear yard setback can be supported, provided that the rear yards can be graded at a maximum slope of 5% in accordance with City of Hamilton grading requirements which would be addressed as part of detailed engineering design and review. With respect to the lot area, it is noted that the internal units comply

with the lot area requirements, and the end units comply with the side yard setbacks. With the exception of the additional lot area required for the side yards, the lots are otherwise identical and therefore the minor variances are technical in nature.

With respect to the front yard setback of the lots in Block 'A30', these non-conformities are a result of the foundation and support columns for the second storey balconies and are subject to the principal building front yard setback (4.5 m). If the balconies were cantilevered, then the front yard setback would be measured to the partition walls, which would comply as they are setback no less than 7.0 m which is greater than the minimum required 4.5 m. Cantilevered balconies may be as close as 3.0 m to the front lot line. With the exception of Lot 14, the balconies would conform as shown if they were cantilevered. The balcony and column of Lot 14 are shown to be 2.88 m from the street line which would not conform.

The applicant will be required to apply for and receive final approval of a Minor Variance application from the Committee of Adjustment in support of this proposed development prior to the approval of a subsequent Part Lot Control application to create the individual lots for each townhouse unit and prior to the issuance of any building permits.

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

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the lands could be developed in accordance with the Multiple Residential "RM3-38" Zone, Modified, which permits uses including, but not limited to, townhouse dwellings as a single block with private internal roads, for rental tenure or a plan of condominium application could be made for condominium tenure.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

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” – Concept Plan
- Appendix “C” – Redline Revision Draft Plan of Subdivision
- Appendix “D” – Original and Revised Conditions of Draft Plan of Subdivision Approval
(File Nos. 25T-200803 and 25T-200803(r))
- Appendix “E” – Draft Plan of Subdivision Special Conditions

TV:mo