



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 18, 2018
SUBJECT/REPORT NO:	Applications to Amend the Urban Hamilton Official Plan, the Township of Glanbrook Zoning By-law No. 464 and the City of Hamilton Zoning By-law No. 05-200, for Lands Located at 3331 Homestead Drive, Glanbrook (PED18197) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Jennifer Roth (905) 546-2424 Ext. 2058
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-18-03 by Michael Pejic, (Owner)**, to create Site Specific Policy Area “X” in the Mount Hope Secondary Plan, to permit the creation of four lots for single detached dwellings for the lands located at 3331 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED18197 be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED18197 be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That **Amended Zoning By-law Amendment Application ZAC-18-007 by Michael Pejic, (Owner)**, for a change in zoning from the General Commercial “H-C3-050” Zone, Modified to Single Residential (R3-311) Zone in the Glanbrook Zoning By-law No. 464 in order to permit the creation of four lots for single detached dwellings for lands located at 3331 Homestead Drive (Glanbrook), as shown on Appendix “A” to Report PED18197 be **APPROVED**, on the following basis:

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- (i) That the draft By-law, attached as Appendix “C” to Report PED18197, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XXX.
- (c) That approval be given to remove the lands located at 3331 Homestead Drive from Zoning By-law No. 05-200, subject to the following:
- (i) That the draft By-law, attached as Appendix “D” to Report PED18197, be held in abeyance until such time as By-law No. 17-240, being a By-law to establish the Commercial and Mixed Use Zones in Zoning By-law No. 05-200 is in force and effect;
 - (ii) That staff be directed to bring forward the draft By-law, attached as Appendix “D” to PED18197, for enactment by City Council, once By-law No. 17-240 is in force and effect.

EXECUTIVE SUMMARY

The applicant has applied for approval of an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 3331 Homestead Drive in Glanbrook. The original proposal was to permit the development of five lots for single detached dwellings. After reviewing the application, staff are recommending approval of an amended application to permit the development of four lots for single detached dwellings, as illustrated on Appendix “E” to Report PED18197. The applicant is in agreement with the amended application.

The applicant is proposing to re-designate the lands from “District Commercial” to “Neighbourhoods” in Volume 1 of the Urban Hamilton Official Plan (UHOP) and to re-designate from “District Commercial” to “Low Density Residential 2” and remove it from Special Policy Area “D” in the Mount Hope Secondary Plan in order to permit the creation of four lots for single detached dwellings. Special Policy Area “D” (OPA 69) is currently under appeal to the Local Planning Appeals Tribunal (LPAT) which prevents further modifications. Staff have amended the UHOPA application to create a new Special Policy Area “X” in the Mount Hope Secondary to permit the creation of 4 lots for single detached dwellings. Once the appeals have been resolved, a future Housekeeping Amendment will be completed to re-designate the lands from “District

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Commercial” to “Neighbourhoods” in Volume 1 of the Urban Hamilton Official Plan (UHOP) and to re-designate from “District Commercial” to “Low Density Residential 2”.

The site has previously been included as Mixed Use Medium Density (C5, 652, H102) Zone as part of the new Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200. The implementing Zoning By-law No. 17-240 has been appealed to the LPAT, formerly known as the Ontario Municipal Board (OMB). In anticipation of resolution of LPAT appeals pertaining to the CMU Zones, a draft by-law has been prepared with this Report (attached as Appendix “D” to Report PED18197), to remove the lands from Zoning By-law No. 05-200. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment.

The applicant is proposing a site specific Single Residential “R3” Zone, in the Town of Glanbrook Zoning By-law No. 484. The proposed site specific Single Residential “R3” Zone includes modifications to increase the minimum lot frontage from 18 m to 20 m, increase the minimum lot area from 450 sq m to 950 sq m, increase the front yard from 7.5 m to 9 m and to increase the rear yard from 7.5 m to 22 m.

To facilitate the development as proposed, severance applications will be required to create the four lots.

The proposal has merit and can be supported since the application is consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan for the Greater Golden Horseshoe, complies with the Urban Hamilton Official Plan (UHOP) and complies with the Mount Hope Secondary Plan, subject to the recommended amendments. The proposed development is considered to be compatible with, and complementary to, the existing and planned development in the immediate area.

Alternatives for Consideration – See Page 26

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 amendments to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Proposal:

The subject lands are located on the east side of Homestead Drive, west of Upper James Street and south of Airport Road. The site is a through lot, and has frontage on both Homestead Drive and Upper James Street. The lands are currently vacant, are irregular in shape, comprising an area of approximately 0.43 ha, and are legally described as Part of Lot 6, Concession 5, Township of Glanford. They are municipally known as 3331 Homestead Drive (see location map attached as Appendix “A” to Report PED18197).

Through the development of Commercial and Mixed Use (CMU) Zones, the subject property was rezoned as Mixed Use Medium Density (C5, 652, H102) Zone to implement the applicable policies and designations of the UHOP that applied to the subject lands.

The proposal was originally for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment to permit the development of five lots for single detached dwellings. Staff amended the application with the applicant’s agreement and as result the applicant has submitted a revised site plan demonstrating the development of four lots for single detached dwellings.

Official Plan Amendment:

The applicant submitted an Urban Hamilton Official Plan to permit the creation of four lots for single detached dwellings. Staff amended the application to create a new Special Policy Area “X” in the Mount Hope Secondary to permit the creation of four lots for single detached dwellings. A future Housekeeping Amendment will be required to re-designate the lands from “District Commercial” to “Neighbourhoods” in Volume 1 of the Urban Hamilton Official Plan (UHOP) and to re-designate from “District Commercial” to “Low Density Residential 2” and to amend Site Specific Policy Area “D” to remove 3331 Homestead Drive, once the appeal related to Special Policy Area “D” is resolved.

Zoning By-law Amendment:

The applicant applied for a Zoning By-law Amendment to rezone the subject lands from General Commercial “H-C3-050” Zone, Modified with a Holding to a site specific Residential (R3) Zone to permit the development of four lots for single detached dwellings.

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New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been Council adopted, however the implementing Zoning By-law No. 17-240 has been appealed to the Local Planning Appeals Tribunal (LPAT), formerly known as the Ontario Municipal Board (OMB). The site has previously been included as Mixed Use Medium Density (C5, 652, H102) Zone. In anticipation of resolution of LPAT appeals pertaining to the CMU Zones a draft by-law has been prepared with this Report (attached as Appendix “D” to Report PED18197), to remove the lands from Zoning By-law No. 05-200. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment.

Access to the proposed development will be via Homestead Drive as identified in Appendix “E” to Report PED18197.

Chronology

December 19, 2017: Urban Hamilton Official Plan Amendment Application UHOPA-18-03 and Zoning By-law Amendment Application ZAC-18-007 received.

January 16, 2018: Urban Hamilton Official Plan Amendment Application UHOPA-18-03 and Zoning By-law Amendment Application ZAC-18-007 deemed complete.

January 23, 2018: Notice of Complete Application and Preliminary Circulation mailed to 32 property owners within 120 m of the subject lands.

February 2, 2018: Public Notice Sign posted on site.

August 22, 2018: Public Notice Sign updated with Public Meeting Information.

August 27, 2018: Circulation of the Notice of Public Meeting to 32 property owners within 120 m of the subject lands.

Details of submitted applications:

Location: Part of Lot 6, Concession 5, Township of Glanford (Glanbrook) City of Hamilton (3331 Homestead Drive)

Owner: Michael Pejic

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Agent: IBI Group Inc. (c/o Angela Buonamici and John Ariens)

Property Description: Lot Area: approx. 0.43 ha

Lot Frontage: approx. 84 m

Lot Depth: approx. 57 m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	General Commercial “H-C3-050” Zone in Glanbrook Zoning By-law No. 464 and Mixed Use-Medium Density (C5, 652, H102) Zone in Hamilton Zoning By-law No. 05-200

Surrounding Land Uses:

North:	Single Detached Dwelling	Existing Residential “ER” Zone
South:	Sewage Pumping Station	General Commercial “H-C3-050” Zone
East:	Southern Pines Golf and Country Club	Open Space (P4) Zone
West:	Single Detached Dwellings	Existing Residential “ER” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

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The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Municipal Board (OMB), now known as the Local Planning Appeals Tribunal (LPAT) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

Staff note that the current Cultural Heritage policies of the UHOP have not yet been updated in accordance with the PPS (2014). As such, the following policy of the PPS also (2014) applies:

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

A Stage 1-2 Archaeological Assessment (P038-0948-2018) was submitted as part of the subject applications and to the Ministry of Tourism, Culture, and Sport. The Report concluded that no further archaeological assessment is required and that the Provincial interest in archaeological resources with respect to the proposal have been addressed. Staff agree with the findings of the Archaeological Assessment and all municipal interests in the site from an archaeological perspective have been addressed.

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

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

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

The proposal is consistent with the Land Use Compatibility and Airport, Rail and Marine policies of the Provincial Policy Statement. The PPS protects airports and their long term operation and economic role and requires that sensitive land uses such as

residential development are appropriately separated. An Environmental Noise Impact Study was prepared by dBA Acoustical Consultants Inc., dated November, 2017, and it concludes that the proposed residential development, being a sensitive land use, has been appropriately located to provide adequate separation from the John C. Munro International Airport, being a major facility. Further, the site is located adjacent to a Major Arterial Road and a Collector Road, however the proposed single detached dwellings have been set back 30 m from the Major Arterial Road and do not require the construction of a berm or a noise wall. The site is located within the 25-28 NEF noise contours, which permits sensitive land uses to be constructed, provided appropriate Warning Clauses are included in the Agreements of Purchase and Sale, air conditioners are provided, and all construction meets the recommendations within the Noise Impact Study. Staff agree with the findings of the Environmental Noise Impact Study.

Therefore the proposal is consistent with the Provincial Policy Statement.

Growth Plan for the Greater Golden Horseshoe (2017)

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

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

The subject lands are within the delineated built boundary of the City of Hamilton and the proposal will contribute to the achievement of complete communities and supporting local infrastructure while contributing to a range of housing forms and tenures.

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

- “3.2.4.2 The Province and municipalities will work with agencies and transportation service providers to:
- a) co-ordinate, optimise, and ensure the long-term viability of major goods movement facilities and corridors.
- 3.2.5.1 In planning for development, optimization, or expansion of existing and *planned corridors* and supporting facilities, the Province, other public agencies and upper- and single-tier municipalities will:
- b) ensure that existing and *planned corridors* are protected to meet current and projected needs in accordance with the transportation and *infrastructure* corridor protection policies in the PPS;
- 3.2.5.2 The planning, location, and design of *planned corridors* and the land use designations along these corridors will support the policies of this Plan, in particular that development is directed to *settlement areas*.”

The proposed development for single detached dwellings is located within the 25-28 NEF noise contours, which subject to the implementation of the appropriate mitigation measures, permits residential and other sensitive land uses without hindering the development or expansion of the airport.

It is staff’s opinion that the proposal conforms with the applicable policies of the Growth Plan for the Greater Golden Horseshoe (2017).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure, designated as “District Commercial” on Schedule “E-1” – Urban Land Use Designations, is located with 25 – 28 Noise Exposure Forecast (NEF) contours on Appendix “D”, and is within the Urban Boundary on Appendix “G” – Boundaries Map. The subject lands are further designated “District Commercial” and are located within “Special Policy Area D” on Map B.5.4-1 – Mount Hope Secondary Plan Land Use Plan.

The following policies, amongst others, apply to the proposal:

- “E.4.7.2 The following uses shall be permitted on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses including retail stores, personal services, financial, establishments, live work units, restaurants, including gas bars, car washes, and service stations;
 - b) medical clinics and offices provided they are located above the first storey; (OPA 64)
 - c) residential uses provided they are located above the first storey of a mixed use building; and,
 - d) accessory uses.
- E.4.7.3 Notwithstanding Policy E.4.7.2, the following uses shall be prohibited on lands designated District Commercial on Schedule E-1 – Urban Land Use Designations:
- a) vehicle dealerships;
 - b) garden centres as a primary use; and,
 - c) a single use over 10,000 square metres in floor area.”

The site was designated “General Commercial” in the Township of Glanbrook Official Plan and was subsequently brought forward into the current Urban Hamilton Official Plan as “District Commercial”. The lands to the north of the site, located in noise contours that prevent new residential development, are also designated “District Commercial” and can only be developed for non-sensitive land uses. While commercial uses of this nature serve an important function in the commercial landscape, the type and function of commercial uses is undergoing significant change due to changes in consumer preferences and shopping patterns. With the redirection of traffic from Upper James Street along the Highway 6 extension, the need for a large portion of commercial lands at the intersection of Airport Road and Upper James Street has been reduced. Further, the abutting and surrounding residential uses make a residential use on the subject site, a compatible use. Accordingly, in evaluating the merits of this application, staff are satisfied that sufficient and appropriate “District Commercial” designated lands will continue to be provided within the broader community, including the vicinity of the subject lands. Likewise, the proposed residential development is compatible with the surrounding residential development. On this basis, staff support the creation of a new Site Specific Policy Area “X” to permit four lots for single detached dwellings and the subsequent Housekeeping Amendment to re-designate the site to “Neighbourhoods” to permit residential development, being four single detached dwellings.

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

Primary Corridor

Upper James Street is identified as a Primary Corridor on Schedule “E” of the UHOP. The following policies, amongst others, apply.

- “E.2.4.3 Urban Corridors shall be the location for a range of higher density land uses along the corridor, including mixed use where feasible, supported by higher order transit on the Primary Corridors.
- E.2.4.6 Urban Corridors shall function as the commercial spines providing retail stores and commercial services that cater primarily to the weekly and daily needs of residents within the surrounding neighbourhoods. Small scale retail stores that cater to broader regional market may also be permitted.
- E.2.4.10 The built form along the *Urban Corridors* shall generally consist of low to mid rise forms, but will vary along the length of the corridors with some areas permitted to accommodate high density and high rise built form. The Primary Corridors shall have a greater proportion of the corridor length in retail and mixed use forms, while the Secondary Corridors shall generally accommodate retail and mixed use forms in small clusters along the corridors with medium density housing located between the clusters.”

Despite being located on Upper James Street, the site cannot obtain direct access onto Upper James Street, and due to Homestead Drive being a one way road at the southern intersection of Homestead Drive and Upper James Street, the site’s function for a commercial development is limited. The challenging site design from an access perspective limits the retail and mixed use development form that is characteristic of Primary Corridors. The development of the site with four single detached dwellings is compatible with the adjacent single detached dwellings.

Archaeology

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

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

- b) zoning by-law amendments unless the development proposed in the application in question or other applications on the same property does not involve any site alteration or soil disturbance; and,
- c) plans of subdivision.

B.3.4.4.4 Archaeological assessments shall be prepared in accordance with any applicable guidelines and Policy F.3.2.4 - Archaeological Assessments.”

As noted previously, Provincial and City of Hamilton interests have been addressed from an archaeological perspective.

Noise

- “C.4.8.1 It is the objective of this Plan to support John C. Munro International Airport as a 24 hour, seven day a week operation. The Airport and the adjacent Airport Business Park is one of the City’s major economic nodes and a valued transportation facility which links the movement of goods and people.
- C.4.8.2 The lands identified as John C. Munro International Airport on Schedule E-1 – Urban Land Use Designations are recognized as the City’s major airport facility, which includes both airport uses and complementary uses supporting the primary function of the Airport. These lands are intended to have full municipal services.
- C.4.8.3 The City shall support the Federal Government and airline companies in the provision of adequate airline and airport service to the residents and businesses of the City.
- C.4.8.4 The City shall maintain Noise Exposure Forecast (NEF) contours and the Primary Airport Zoning Regulation, as amended from time to time, and formulate guidelines for development in the vicinity of John C. Munro International Airport.
- C.4.8.5 The City shall minimize future conflicts between operation of the Airport and surrounding land uses to ensure:
 - a) there shall be no negative impact on the long-term operations of the Airport;

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

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

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

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

Table C.4.8.1

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

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

The site is located between 25 and 28 NEF contours which permits residential development subject to a detailed noise study being completed. As previously discussed, staff agree with the findings of the Environmental Noise Impact Study and therefore, municipal interest as it relates to noise has been addressed, subject to the implementation of the appropriate mitigation measures.

Road Widening

“C.4.5.6 The City shall reserve or obtain road widenings for rights-of-way as described in Schedule C-2 – Future Road Widenings. Where a road right-of-way is not described in Schedule C-2 – Future Road Widenings, the City shall reserve or obtain road widenings for rights-of-way as described in Section C.4.5.2. The aforesaid road widenings shall be reserved or obtained through subdivision approval, condominium approval, land severance consent, site plan approval or by gift, bequeathment, purchase or through expropriation where necessary and feasible.”

A ROW widening along Upper James Street is required to meet the ultimate width of 45 m. As part of the forthcoming land severance applications, the ROW widening will be secured through the consent agreement.

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Mount Hope Secondary Plan

The subject lands are being re-designated from “District Commercial” to “Low Density Residential 2” as identified on Map B.5.4-1 – Mount Hope Secondary Plan Land Use Plan.

The following policies, amongst others, apply to the proposal:

“B.5.4.4.1 In addition to Section E.4.7 – District Commercial of Volume 1, the following policies shall apply to the lands designated District Commercial on Map B.5.4-1 – Mount Hope – Land Use Plan:

- a) Existing and future commercial uses within the District Commercial designation are intended to serve the existing and future residents of the Mount Hope Secondary Plan area as well as the surrounding rural area, the Hamilton Airport and the Airport Industrial-Business Park.
- b) In addition to the uses permitted in Policy E.4.7.2 of Volume 1, permitted uses in the District Commercial designation shall include retail and service commercial, personal and business services, recreational and entertainment facilities, restaurants, taverns, hotels, and motels. Cultural facilities, community facilities/services, and institutional uses may also be permitted provided they do not interfere or conflict with the satisfactory development and operation of the District Commercial designation for the predominant general commercial uses.
- c) Lands with District Commercial designation shall be encouraged to be redeveloped for District Commercial uses. It is recognized that the redevelopment of the existing residential lots for commercial uses will occur over a relatively lengthy period of time.
- d) Development of commercial uses shall be planned and coordinated to limit the establishment of a continuous strip of individual developments.
- e) Redevelopment shall consider and be sensitive to existing residential development and ensure that the bulk, scale, height and design of commercial developments and other permitted uses are compatible with adjacent residential uses.
- f) The District Commercial designation adjacent to Airport Road West and Homestead Drive enjoys a high degree of visibility and provides a gateway to the John C. Munro International Airport. To ensure this area

develops in a coordinated, well-designed and aesthetically-pleasing manner with adequate infrastructure and amenities, and to provide funding eligibility, the City shall investigate the designation of these lands as a Community Improvement Project Area.

- g) All outdoor lighting shall be oriented away from residential areas and adjacent public roads, and shall not interfere with airport operations.”

The site is located within the “District Commercial” designation of the secondary plan which does not permit single detached dwellings. Therefore, an amendment to the plan to create a Site Specific Policy Area “X” is required to permit the creation of four lots for single detached dwellings and a subsequent Housekeeping Amendment will be required to re-designate the site from “District Commercial” to “Low Density Residential 2” upon the resolution of the LPAT appeals associated with Special Policy Area “D”.

The following Residential General Policies, amongst others, apply.

- “B.5.4.2.1 In addition to Section E.3.0 – Neighbourhoods Designation of Volume 1, the following policies shall apply to the lands designated for residential uses on Map B.5.4-1 – Mount Hope – Land Use Plan:
- a) Development of the residential area within the Mount Hope Urban Settlement Area shall proceed in a generally north to south pattern and in an orderly, efficient, economical, and well-planned manner.
 - b) Residential development shall be sensitive to existing residential uses, and redevelopment of the vacant portions of existing large lot residential development shall be encouraged.
 - c) Residential areas should be integrated with parkland in order to provide a convenient, safe and visually pleasing living environment.
 - d) Permitted residential uses shall include single detached dwellings, semi-detached dwellings, townhouses, apartments and housing with supports.”

The proposed development for four lots has been designed to be sensitive to the existing residential character and is for the development of single detached dwellings consistent with the surrounding residential development. As a result, the proposed development complies with the General Policies.

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Furthermore, the “Low Density Residential” policies of Section B.5.4.2.2 of Volume 2 apply.

“B.5.4.2.2 Low Density Residential

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

The proposed amendment to the UHOP is to permit four single detached dwellings. The subject application consists exclusively of single detached dwellings at a density of 9 units per hectare which complies with the “Low Density Residential 2” policies. Residential development can be supported in this location because of the adjacent residential development, adequate setbacks and noise attenuation from Upper James Street and being outside of restrictive NEF contours in relation to future airport expansion plans.

Therefore, the proposal complies with the above policies and can be supported.

The site is also located within Special Policy Area “D” (OPA 69), which is currently under appeal to the LPAT.

“B.5.4.11.4 The following policies shall apply to lands located at 3239 to 3331 Homestead Drive and 3260 to 3300 Homestead Drive, designated “Mixed Use – Medium Density” on Map B.5.4-1 – Mount Hope Secondary Plan Land Use Plan to allow for infill residential development in areas, where the noise contour is under 30 NEF, which will support a more balanced mix of land uses within the Mount Hope Community:

- a) In addition to the uses permitted in Policy E.4.6.5 of Volume 1, street townhouses, block townhouses, and existing single detached dwellings (including minor additions, porches, decks, etc.) shall also be permitted.
- b) Notwithstanding Policies E.4.6.7 and E.4.6.8 of Volume 1, maximum building heights shall be restricted to three storeys.

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- c) Policy B.5.4.9.1 of Volume 2 shall not apply to minor additions, porches, decks, etc. to existing single detached dwellings.”

Having regard for Special Policy Area “D” (OPA 69), additional residential uses beyond multiple dwellings are permitted, being street townhouses and block townhouses. Existing single detached dwellings are also permitted. As a result of the appeals associated with Special Policy Area “D”, staff have amended the application to create a new Special Policy Area “X” to permit single detached dwellings. As part of a future Housekeeping Amendment, 3331 Homestead Drive will be removed from Special Policy Area “D”.

Due to the site abutting a City sanitary sewage pumping station, the following policies apply, but do not impact the future development of the site.

“B.5.4.7.1 In addition to Section C.3.4 – Utility Designation of Volume 1, the following policies shall apply to the lands designated Utility on Map B.5.4-1 – Mount Hope – Land Use Plan:

- a) Development, grading and/or drainage of lands adjacent to, within or crossing of the lands designated Utility which are a transmission corridor for the Inter-provincial Pipeline Inc. oil pipeline as well as lands reserved for the construction of sanitary sewerage pumping stations, shall be subject to the approval of Inter-provincial Pipeline Inc. and/or the City.”

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

“B.5.4.9.1 Mount Hope Secondary Plan area is in the vicinity of John C. Munro International Airport, Highway 6, and the Airport Business Park. All of these uses have the potential to cause negative impacts on nearby sensitive land uses. To ensure that negative impacts on sensitive land uses are minimised and the operations of John C. Munro International Airport, Highway 6, and the Airport Business Park are not compromised:

- a) Sections B.3.6.3 – Noise, Vibration and Other Emissions and C.4.8 – Airport of Volume 1, shall apply to the Mount Hope Secondary Plan area;
- b) all new development and redevelopment shall conform to all relevant legislation, policies, standards and guidelines;

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- c) future residents of residential development shall be advised of the potential for noise nuisance through appropriate warning clauses included in lease or rental agreements, agreements of purchase and sale, and within required development agreements; and,
- d) Notwithstanding Policy C.4.8.8, Table C.4.8.1, Subsection 2) of Volume 1, for lands at or above the 28 NEF Contour and at or below the 30 NEF Contour, and designated Institutional or Residential, Residential or Mixed Use – Medium Density on Map B.5.4-1 – Mount Hope Secondary Plan – Land Use Plan, the provisions of Table C.4.8.1, Subsection 3) shall apply.”

As previously noted, staff agree with the findings of the Environmental Noise Impact Study and all municipal interests regarding noise have been addressed.

In review, the proposal complies with the policies of the Mount Hope Secondary Plan.

Town of Glanbrook Zoning By-law No. 484

The subject lands are currently zoned General Commercial “H-C3-050” Zone, Modified in the Town of Glanbrook Zoning By-law No. 464. The General Commercial “H-C3-050” Zone, Modified permits a range of commercial uses and ancillary residential uses, uses related to motor vehicles, urban farms, community gardens and urban farmers markets. The Holding is outdated, in that adequate services for sanitary sewage disposal and water supply must be demonstrated, access permits to the site must be obtained from the Ministry of Transportation and a Development, Maintenance and Use Agreement must be entered into with the local municipality. At this time, full municipal services are available and access from Upper James Street is not supported by Transportation Planning and cannot be obtained. The site specific provisions limits the use of the site to the sale of manufactured housing units until such a time as the holding can be removed, which would then permit all the General Commercial “C3” zone uses.

In order to implement the amended proposal for four single detached dwelling, the applicant has applied to change the zoning to the Residential “R3” Zone with site specific provisions to increase the minimum lot frontage from 15 m to 20 m, increase the minimum lot area from 450 sq m to 810 sq m for Lot 4 and to 950 sq m for Lots 1 - 3, increase the minimum front yard from 7.5 m to 9 m and increase the minimum rear yard from 7.5 m to 22 m. The proposed zoning for the subject lands will be discussed in greater detail in the Analysis and Rationale for Recommendation Section of this Report.

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

New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been Council adopted but are currently under appeal to the LPAT. The site has been included in this by-law as a Mixed Use-Medium Density (C5, 652, H102) Zone. To facilitate the proposed development, the site would need to be removed from Zoning By-law 05-200 and the CMU Zones. In anticipation of resolution of Ontario Municipal Board appeals pertaining to the CMU Zones, a draft by-law has been prepared with this Report (attached as Appendix "D" to Report PED18197) to remove 3331 Homestead Drive from Zoning By-law No. 05-200. The draft by-law will be held in abeyance until the CMU Zones are in force and effect, at which time the by-law will be brought forward to City Council for enactment.

RELEVANT CONSULTATION

The following Departments / Agencies had no comments or objections:

- Hydro One;
- Operations Support, Strategic Planning Section, Corporate Assets and Strategic Planning Division (Public Works Department);
- Recreation Planning (Healthy and Safe Communities Department); and,
- Niagara Peninsula Conservation Authority.

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

Forestry and Horticulture Section (Public Works Department) staff advise that they have approved the submitted Tree Management Plan and Landscape Plan subject to compensation for the street trees that will be removed. In accordance with the New Developments Tree Planting Policy, the City of Hamilton collects cash in lieu of Trees. Forestry and Horticulture Section can clear the standard condition for Street Tree Plantings upon receipt of a cash payment at a rate of \$613.84 plus HST per tree which will be obtained as a condition of the consent applications.

Transportation Planning (Planning and Economic Development Department) advised that Homestead Drive is a Collector Road with an ultimate width of 26.213 m and that Upper James Street is a Major Arterial Road that will be subject to a right of way widening requirement to allow future build out of a multi-use trail along Upper James Street. No widening is required along Homestead Drive. The right of way widening will be secured at the time of the consent applications.

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Public Health (Healthy and Safe Communities Department) advised that should the development proceed, a pest control plan will be required and will be secured as part of the consent applications.

Landscape Architectural Services (Public Works Department) advised cash-in-lieu of parkland dedication is required which will be secured at the time of the consent applications. Landscape Architectural Services staff also advised that the Recreational Trail Master Plan proposes a multi-use trail along the properties lot line along Upper James Street.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the proposal was sent to 32 property owners within 120 m of the subject lands on January 23, 2018. A Public Notice sign was posted on the property on February 2, 2018 and updated on August 8, 2018 with the details of the Public Meeting. Notice of the Public Meeting was given by mail that was circulated to 32 property owners within 120 m of the subject lands on August 17, 2018.

At the time of preparation of this Report, one letter was received inquiring about the development and the impacts on their property, including specific concern regarding impacts on mature trees on their property. The owner of the subject property contacted the concerned property owner and resolved the concern by providing substantial replacement trees which were secured through a letter of understanding between property owners. A second letter was received requesting a copy of the Notice of Complete Application. All public correspondence is attached as Appendix “F” to Report PED18197.

Public Consultation Strategy

The applicant prepared a Public Consultation Strategy in accordance with the Provisions of the *Planning Act*. In addition to the standard Public Notice Sign, the applicant was willing to host a neighbourhood meeting should the Ward Councillor request one. At the time of preparation of this Report, the Ward Councillor has not requested a neighbourhood meeting.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS and conforms to Growth Plan for the Greater Golden Horseshoe;
 - (ii) It complies with the UHOP and the Mount Hope Secondary Plan, subject to approval of the recommended UHOP amendment;
 - (iii) The proposed modifications to the site specific zoning are considered to be compatible with the existing development in the surrounding area and appropriate for the surrounding context; and,
 - (iii) The proposed development is compatible with existing residential land uses in the immediate area and represents good planning by, among other things, providing for the development of a complete community, while making efficient use of an underutilized parcel of land and existing infrastructure within the urban boundary.
2. The purpose of the proposed Official Plan Amendment is to create a new Site Specific Policy Area “X” on Map B.5.4-1 of the Mount Hope Secondary Plan. Upon the resolution of the appeals associated with Site Specific Policy Area “D”, a future Housekeeping Amendment will be required to re-designate the site from “District Commercial” to “Neighbourhoods” on Schedule “E-1” and to re-designate the site from “District Commercial” to “Low Density Residential 2” on Map B.5.4-1 and to amend Site Specific Policy Area “D” to remove 3331 Homestead Drive.

Staff are supportive of the proposed amendments, as the proposed single detached dwellings will provide additional housing types to complement the adjacent, existing residential development, thus contributing to the policy goals of the “Neighbourhoods” designation that promote a range of housing types and densities.

The subject lands were designated “General Commercial” in the previous Township of Glanbrook Official Plan and were subsequently carried forward into the current Official Plan as “District Commercial”. As discussed in the preceding policy analysis, while commercial uses of this nature serve an important function in the commercial landscape, the type and function of commercial uses is undergoing a significant change due to changes in consumer preferences and shopping patterns. As well, the planned function of the “General Commercial” lands from the Township of Glanbrook Official Plan were contemplated prior to the Highway No. 6

extension redirecting traffic from Upper James Street and reducing the viability of the large quantities of commercial land currently designated in the Mount Hope Secondary Plan. While the “District Commercial” uses still serve an important function in the daily and weekly shopping and commercial needs of residents, in evaluating the merits of these applications, staff are satisfied that there is sufficient land that will remain in the “District Commercial” designation as a result of the NEF noise contours not permitting residential development for the lands north of this site.

Residential development is considered to be appropriate in this location because the site has been designed to compatibly integrate with adjacent single detached residential development to the north and west, is comparable in size and scale and will not further enhance the residential character of the neighbourhood.

Therefore staff are in support of the proposed Official Plan Amendment.

3. The applicant has requested a change in zoning from General Commercial “H-C3-050” Zone, Modified to Residential “R3-311” Zone in the Former Town of Glanbrook Zoning By-law No. 464. The Holding Provision on the current zoning does not need to be carried forward to the proposed Residential “R3-311” Zone because the Holding Provisions have been resolved as part of this application, in that adequate sanitary and water services will be demonstrated as part of the consent agreement, access is from Homestead Drive instead of Upper James and a Development, Maintenance and Use Agreement is no longer required due to the residential nature of the development.

For the purposes of the by-law, Homestead Drive shall be deemed the front lot line.

Through the revised application, the applicant has requested a number of modifications to the Residential “R3” Zone. Staff have amended the application to eliminate two modifications, being an increase to side yard setbacks and an increase to the minimum building area.

Side Yard Setbacks

The applicant requested modifications to increase the side yard setbacks for Lots 1 – 3 from 1.2 m to 1.8 m. Staff do not feel this modification warrants approval given that the building area and lot coverage will permit compatible development with adjacent single detached dwellings. As a result, maintaining the parent zone setback of 1.2 m is considered to be adequate. The applicant is still

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able to provide the increased side yard setback without the site specific provision. The applicant is in agreement with excluding this modification.

Building Area

The applicant has requested modifications to increase the minimum building area from 135 sq m to 220 sq m for Lots 1 – 3. Staff do not support the requested increase in building area because it restricts future purchasers of the lots the option to construct dwellings of varying sizes. Again, the by-law will not preclude future individual lot owners from the option to construct the building areas as proposed since the regulation represents a minimum and there is no maximum within the by-law. The applicant is in agreement with excluding this modification.

The following modifications to the Residential “R3” Zone are proposed:

Minimum Lot Frontage

The applicant is seeking a modification to increase the minimum lot frontage from 15 m to 20 m, to be in keeping with adjacent single detached dwellings. The increased lot frontage is a result of staff discussions to reduce the proposed number of lots from five to four to eliminate the requirements for modifications to decrease lot frontage and increase lot coverage. As well, staff support the requested modification to increase minimum lot frontage because it will allow for the compatible integration with the adjacent residential lots.

Minimum Lot Area

The applicant is seeking a modification to increase the minimum lot area from 450 sq m to 810 sq m for Lot 4 and to 950 sq m for Lots 1 – 3. The requested modification will ensure compatible integration of the proposed lots with the adjacent lots zoned Existing Residential “ER” Zone. The larger lot area will contribute to providing larger separation distance from Upper James Street to meet the requirements of the Environmental Noise Impact Study. Further, it will prevent the possibility of the lots being divided without further review, should access along Upper James Street be granted in the future. Therefore, staff support the requested modification to increase the minimum lot area.

Minimum Front Yard Setback

The applicant is requesting a modification to increase the minimum front yard from 7.5 m to 9 m to contribute to the compatible integration of the proposed development with the adjacent residential development. The existing residential

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development to the north and west have generous front yards, and the applicant is seeking to be more in keeping with these setbacks, while balancing the required setback from Upper James Street for noise purposes. Staff support the requested modification because it will contribute to the compatible integration of the proposed development with the existing residential development.

Minimum Rear Yard Setback

The applicant is requesting a modification to increase the minimum rear yard from 7.5 m to 22 m which will allow the implementation of the findings of the Environmental Noise Impact Study. The increased rear yard setback meets Ministry requirements for setbacks to avoid construction of a noise barrier. The proposed modification creates a greater separation between Upper James Street and the rear façades of the proposed single detached dwellings and therefore, Staff support the modification.

3. New Commercial and Mixed Use (CMU) Zones in Zoning By-law No. 05-200 have been Council adopted. The site has been included in this by-law as Mixed Use Medium Density (C5, 652, H102) Zone which is currently under appeal at the LPAT. If the CMU zone is in effect at the time of Council decision, the site would need to be removed from Zoning By-law No. 05-200 and the CMU Zones. A by-law has been prepared that will remove the lands from By-law No. 05-200 and this removal by-law will be held in abeyance until such time as the Commercial and Mixed Use Zones are in force and effect (Appendix “D” to Report PED18197).
4. Development Engineering has reviewed the application and has determined that they are able to support the applications and that all requested clarifications and revisions to the Function Servicing Report (FSR), completed by IBI Group Inc. and dated December 19, 2017, can be addressed as conditions of the consent applications.

Staff require additional information to demonstrate stormwater capacity within the driveway culvert on Homestead Drive and suggested the use of Low Impact Development (LID) features such as permeable pavers on the proposed driveways to allow for additional area for infiltration purposes. Revisions to the wastewater assessment and required fire flow calculation are also required.

All outstanding revisions must be addressed and a revised FSR be submitted and approved to the satisfaction of the Manager Engineering Approvals, as part of the conditions of consent.

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5. Revisions are required to the Tree Protection Plan which can be secured as a condition of future severance applications.
6. Following the Notice of Complete Application, one letter was received inquiring about the development and the impacts on their property, including specific concern regarding impacts on mature trees on their property. The owner of the subject property contacted the concerned property owner and resolved the concern by providing substantial replacement trees which were secured through a letter of understanding and the adjacent property owners wrote a letter of support for the development. A third letter asking for a copy of the Notice of Complete Application was received with no subsequent communication (see Appendix “F” to Report PED18197).

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could be developed in accordance with the General Commercial “H-C3-050” Zone, Modified with a Holding. The site specific limits the use of the site to the sale of manufactured housing units until such a time as the holding can be removed, which would then permit all the General Commercial “C3” uses. The General Commercial “C3” Zone permits a range of commercial uses and ancillary residential uses, uses related to motor vehicles, urban farms, community gardens and urban farmers markets.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Urban Hamilton Official Plan Amendment

Appendix "C" – Zoning By-law Amendment to Zoning By-law No. 464

Appendix "D" – Zoning By-law Amendment to Zoning By-law No. 05-200

Appendix "E" – Concept Plan

Appendix "F" – Public Submissions

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