



Hamilton

CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 18, 2020
SUBJECT/REPORT NO:	Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Emily Bent (905) 546-2424 Ext. 2266
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That **Urban Hamilton Official Plan Amendment Application UHOPA-19-14, by Urban Solutions on behalf of Montelena Development Corporation (Owner)**, for an amendment to the Shaver Neighbourhood Secondary Plan for a Change in designation from “Medium Density Residential 2a” to “Medium Density Residential 2c”, with a site-specific policy to permit a block townhouse development with a density of 63 units per hectare for lands located at 527 Shaver Road and 629 Garner Road West, as shown on Appendix “A” to Report PED20132, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019).
- (b) That **Zoning By-law Amendment Application ZAC-19-010 by Urban Solutions on behalf of Montelena Development Corporation (Owner)**, for a change in

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 2 of 30

zoning from the Agricultural "A-216" Zone, Modified, to a Holding Residential Multiple (H-RM4-710) Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, to permit a maximum of 24 block townhouse units for lands located at 527 Shaver Road and 629 Garner Road (Ancaster), as shown on Appendix "A" to Report PED20132 be **APPROVED**, on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED20132, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding 'H' to the proposed Residential Multiple (RM4-710) Zone, as shown on Schedule 'A' to Appendix "C" to Report PED20132;

The Holding Residential Multiple "H-RM4-710" Zone, Modified, applicable to the lands shown on Schedule 'A' to Appendix 'C' to Report PED20132 be removed conditional upon the following:

- "a) Payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site is received, to the satisfaction of the Senior Director of Growth Management.
- b) That the applicant complete a Stage 1-2 Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries and the Director of Planning and Chief Planner."
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019); and,
- (iv) That the proposed change in zoning complies with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

EXECUTIVE SUMMARY

The subject lands are comprised of two properties municipally known as 527 Shaver Road and 629 Garner Road West (Ancaster). The Owner has applied for an Urban Hamilton Official Plan Amendment and a Zoning by-law Amendment to permit the development of 24 block townhouse units with 6 visitor parking spaces.

The Official Plan Amendment proposes to implement a "Medium Density Residential 2c" designation to permit the housing form of block townhouses, whereas the current

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 3 of 30

designation only permits low-rise apartment buildings. A site-specific policy is required to the Official Plan Amendment to increase the density from 62 to 63 units per hectare.

The Zoning By-law Amendment proposes a change in zoning from the Agricultural "A-216" Zone, Modified to a Holding Residential Multiple "H-RM4-710" Zone, Modified. Site-specific variances to the "RM4" Zone are proposed to accommodate the proposed development, which are discussed in detail in Appendix "D" to Report PED20132. Further, a Holding provision is being added to ensure payment is made of the outstanding servicing cost for the existing sanitary sewer on Garner Road, adjacent to the site, and to ensure that an archaeological assessment is completed for the site.

This application has merit and can be supported as the proposal is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019), and complies with the general intent of the policies of the Urban Hamilton Official Plan (UHOP). Given the existing scale and housing forms represented in the surrounding area, the proposal is compatible with and adds to a broader range and mix of housing types in the Shaver Neighbourhood Secondary Plan.

Alternatives for Consideration – See Page 29

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 an amendment to the Official Plan and Zoning By-law.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Montelena Development Corporation
Agent:	Urban Solutions LTD.
File Number:	UHOPA-19-14 ZAC-19-010

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 4 of 30

Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment
Proposal:	Block Townhouse development with a maximum of 24 three storey townhouse units with 6 visitor parking spaces.
Property Details	
Municipal Address:	527 Shaver Road and 629 Garner Road West, Ancaster
Lot Area Combined:	0.4016 ha
Lot Area – 527 Shaver Road:	0.2578 ha (2,578.982 m ²)
Lot Area – 629 Garner Road West:	0.1437 ha (1437.111 m ²)
Lot Area Combined less Daylighting Triangle/ Road Widening Dedication:	0.3802 ha (3820.156 m ²)
Servicing:	Existing full municipal services.
Existing Use	Single detached dwellings and accessory garages.
Documents	
Provincial Policy Statement (PPS)	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms with A Place to Grow (2019).
Official Plan Existing:	<p>“Neighbourhoods” on Schedule “E”– Urban Structure and Schedule “E-1”- Urban Land Use Designations</p> <ul style="list-style-type: none"> • Shaver Neighbourhood Secondary Plan - “Medium Density Residential 2a”
Official Plan Proposed:	A change in designation to “Medium Density Residential 2c”, with a site-specific to permit block townhouses with a density of up to 63 units per hectare.
Zoning Existing:	Agricultural “A-216” Zone, Modified Ancaster Zoning By-law No. 87-57

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 5 of 30

Zoning Proposed:	Holding Residential Multiple "H-RM4-710" Zone, Modified																
Modifications Proposed:	<ul style="list-style-type: none"> • Minimum Lot Area: 0.382 ha; • Maximum Density: 63 dwellings per hectare (uph); • Maximum Lot Coverage: 32.76%; • Minimum Front Yard: 2.2 metres to Garner Road W; • Minimum Side Yard: 1.25 metres – Easterly 1.80 metres – Westerly; • Minimum Rear Yard: 6.0 metres; • Maximum Building Height: 11.5 metres; • Minimum Landscaping: 29%; • Planting Strip: 1.8 metres; • Minimum Privacy Area: 20 square metres; • Children’s Play Area: None shall be required; • Building Separation: Any townhouse dwelling shall be no closer to another townhouse dwelling on the same lot in accordance with the following distance requirements: <table border="0" style="margin-left: 40px; margin-top: 10px;"> <thead> <tr> <th></th> <th style="text-align: center;">Façade</th> <th style="text-align: center;">Rear Wall</th> <th style="text-align: center;">End Wall</th> </tr> </thead> <tbody> <tr> <td style="text-align: right;">Façade</td> <td style="text-align: center;">19.70 m</td> <td style="text-align: center;">19.5m</td> <td style="text-align: center;">16.0 m</td> </tr> <tr> <td style="text-align: right;">Rear Wall</td> <td style="text-align: center;">19.5 m</td> <td style="text-align: center;">15.0m</td> <td style="text-align: center;">10.5m</td> </tr> <tr> <td style="text-align: right;">End Wall</td> <td style="text-align: center;">16.0m</td> <td style="text-align: center;">7.0 m</td> <td style="text-align: center;">2.4 m</td> </tr> </tbody> </table> • Yard Encroachments: That a balcony shall be permitted to encroach 1.55 m into any yard but shall not be closer than 4.45 m from any lot line; • Parking: No parking space shall be located closer to the street line than 3.5 m; • That visitor parking spaces shall be provided at a rate of 0.25 spaces per unit; and, 		Façade	Rear Wall	End Wall	Façade	19.70 m	19.5m	16.0 m	Rear Wall	19.5 m	15.0m	10.5m	End Wall	16.0m	7.0 m	2.4 m
	Façade	Rear Wall	End Wall														
Façade	19.70 m	19.5m	16.0 m														
Rear Wall	19.5 m	15.0m	10.5m														
End Wall	16.0m	7.0 m	2.4 m														

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 6 of 30

	<ul style="list-style-type: none"> Introduce a minimum setback to the hypotenuse of a daylighting triangle: 5.5 m.
Processing Details	
Received:	ZBA: December 21, 2018 UHOPA: August 19, 2019
Deemed Complete:	ZBA: January 10, 2019 UHOPA: September 13, 2019
Notice of Complete Application:	ZBA: January 25, 2019 – notice sent to 12 property owners within 120 m of the subject property UHOPA: October 9, 2019– notice sent to 12 property owners within 120 m of the subject property.
Public Notice Sign:	ZBA Posted: January 17, 2019 UHOPA Posted: September 16, 2019. Updated with Public Meeting date: July 22, 2020.
Notice of Public Meeting:	Sent to property owners within 120m of the subject property on July 31, 2020.
Public Consultation:	The applicant has posted relevant information related to the purpose and intent of the requested changes to the Urban Hamilton Official Plan and Zoning By-law on the subject lands and prepared a presentation for the statutory public meeting.
Public Comments:	One letter from neighbouring commercial use (see Appendix 'F' to Report PED20132).
Processing Time:	596 days from receipt of Zoning By-law Amendment.

Existing Land Use and Zoning:

<u>Subject Lands:</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	Single Detached Residential Dwellings	"A-216" Agricultural Zone

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 527 Shaver Road and 629 Garner
Road West (Ancaster) (PED20132) (Ward 12) - Page 7 of 30**

Surrounding Land Uses:

North:	City of Hamilton Operations Centre	Public "P" Zone
East:	Townhouse Dwellings and Multiple Dwelling	Residential Multiple "RM6-659" Zone, Modified
South:	Agricultural uses	Rural "A2" Zone
West:	Commercial Shopping Centre	District Commercial "C6" Zone, 320

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2020)

The application has been reviewed with respect to the Provincial Policy Statement (PPS) policies that contribute to the development of healthy, liveable, and safe communities as identified in Policy "1.1.1." In particular, the application is consistent with Policy 1.1.1. b), by accommodating a broader range and mix of uses to meet long term needs.

The application is also consistent with Policies "1.1.3.1" and "1.1.3.2 a) 1)" of the PPS, which focus on growth and development in settlement areas. The proposed development is located within a settlement area and proposes residential intensification on two residual parcels of land containing single detached dwellings.

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

"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*.

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 527 Shaver Road and 629 Garner
Road West (Ancaster) (PED20132) (Ward 12) - Page 8 of 30**

- 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.”

Staff have reviewed an environmental noise impact study entitled “Townhouse Blocks Residential Subdivision” prepared by dBA Acoustical Consultants Inc., dated January 2020 submitted in support of the development. The study demonstrates that while noise levels in the outdoor amenity area exceed recommended levels, it is feasible to mitigate noise impacts on this proposed development through inclusion of a 2.5m noise barrier and acoustical gates for the units where the outdoor living area abuts Shaver Road and Garner Road West. Staff are generally satisfied with the findings of the study, subject to the submission of a detailed noise study to identify specific building materials and confirm grading information which will be required at the Site Plan Control Stage. Noise mitigation measures indicated in this study will be implemented at the future Site Plan Control stage and condominium application.

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

- 1) 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;
- 2) In the vicinity of distinctive or unusual landforms; and,
- 3) Along historic transportation routes.

These criteria define the property as having archaeological potential. Accordingly, staff require that an Archaeological Assessment (Stage 1-2) be completed. A Holding provision has been added to require the completion of the Archaeological Assessment.

Based on the foregoing and subject to future site plan requirements, the proposal is consistent with Section 3 of the *Planning Act* and the PPS 2020.

A Place to Grow Plan (2019)

The policies of A Place to Grow (2019) apply to any Planning decision.

The proposal conforms to the Guiding Principles, Section 1.2.1 of A Place to Grow (2019), as it supports the *achievement of complete communities*, prioritizes residential intensification and higher densities in strategic growth areas to make efficient use of

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 527 Shaver Road and 629 Garner
Road West (Ancaster) (PED20132) (Ward 12) - Page 9 of 30**

land and infrastructure, supports transit viability and supports a range and mix of housing options, to serve all sizes, incomes, and ages of households. The following policies, amongst others, apply to this proposal:

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

a) the vast majority of growth will be directed to *settlement areas* that:

- i. have a *delineated built* boundary;
- ii. have existing or planned *municipal water and wastewater* systems; and
- iii. can support the achievement of *complete communities*;

c) within *settlement areas*, growth will be focused in:

- i. *delineated built-up* areas;
- ii. *strategic growth* areas;
- iii. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and iv. areas with existing or planned public service facilities;
- iv. areas with existing or planned *public service facilities*;

2.2.1.4 Applying the policies of this Plan will support the achievement of *complete communities* that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- c) provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are located within the Urban area where full municipal services are available. The proposal meets the intent for a complete community by providing 24 three storey townhouse dwellings, which are compact in design and add a mix of

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 527 Shaver Road and 629 Garner
Road West (Ancaster) (PED20132) (Ward 12) - Page 10 of 30**

housing options within close proximity to local commercial uses in the area. Residents in this development will have convenient access to pedestrian infrastructure along Shaver Road, providing strong connections to shopping at SmartCentres Ancaster and Trinity Wilson Common. Additionally, the site offers access to existing public transit at the northwest, northeast and southwest corners of the Garner Road West and Shaver Road intersection. Based on the foregoing, the proposal conforms to the Growth Plan (2019).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated as “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations. The subject lands are further designated “Medium Density Residential 2a”, on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan Land Use Plan.

The following policies, amongst others, are applicable to the proposal.

Neighbourhoods Designation

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents;
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and *housing with supports*.”

The proposal conforms to the above noted policies by providing an expanded housing form that is consistent with the surrounding housing stock. The proposed amendment is compatible with surrounding land uses and the concept design provides for a similar housing form and layout as an abutting development to the east. In addition, the subject property offers immediate pedestrian access to Shaver Road, which connects future residents to a variety of commercial shopping centres, contributing to a connected and complete community. Staff are of the opinion that the requested change is appropriate and consistent with the existing scale and character of the neighbourhood.

Medium Density Residential

- “E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities,

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 11 of 30

public transit, schools, active or passive recreational facilities, and local or District Commercial uses.

E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses.

E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low-density residential dwellings are located on that portion of the local road.
- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations.
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area.
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets.
- e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

The site is located opposite lands with a District Commercial designation, comprised of the SmartCentres Ancaster commercial development. Shaver Road offers safe and convenient pedestrian connections from the site to the aforementioned shopping centres.

Additionally, the proposal acts as a continuation of a use transitioned between the Site-Specific High Density Residential 1 designation to the east, containing block townhouses abutting Garner Road West and a multiple dwelling on the north side of the

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 527 Shaver Road and 629 Garner
Road West (Ancaster) (PED20132) (Ward 12) - Page 12 of 30**

site. The proposed block townhouses carry forward the abutting block townhouses on the neighbouring site, to complete the block and facilitate a stronger transition between the high density building at the northeast corner of the neighbouring site, as the built form decreases in height across both sites towards Shaver Road.

The proposal complements the neighbouring block townhouses in scale and mimics the height and design of similar sites in the area. The design incorporates connection of pedestrian routes through a combination of coordinated landscaping and walkways, allowing for safe access to commercial facilities in the area.

The subject lands have a proposed access from a Collector Road identified on Schedule 'C' of the Urban Hamilton Official Plan (Shaver Road). This access is proposed in order to minimize traffic conflicts which could occur if using a Major Arterial Road, such as Garner Road West. The proposed concept design integrates the subject site with the site layout of the neighbouring property, and offers a similar scale and design, which is consistent with policy E.3.5.9 b).

Natural Heritage

"C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests."

Trees have been identified on the subject property. Staff have reviewed the submitted Tree Protection Plan prepared by Adesso Design Inc. dated November 29, 2018 and note that the 33 trees on site are proposed to be removed. The decision to retain trees is based on vigour, condition and aesthetics. While at this time all of the trees are proposed to be removed, staff will be working with the applicant at the Site Plan Control Stage to explore whether any of the trees along the perimeter can be retained. Staff note that the City requires 1 for 1 compensation for any tree that is proposed to be removed from private property. Staff has also reviewed the Landscape Plan, prepared by Adesso Design Inc., dated November 29, 2018. Both the TPP and Landscape Plan will be reviewed in further detail at the Site Plan Control stage, including tree compensation.

Residential Intensification

"B.2.4.1.4 Residential intensification development shall be evaluated based on the following criteria:

a) A balanced evaluation of the criteria in b) through g), as follows;

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 13 of 30

- b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) The development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) The development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) Infrastructure and transportation capacity; and,
- g) The ability of the development to comply with all applicable policies.

B.2.4.2.2

When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) The matters listed in Policy B.2.4.1.4;
- b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 527 Shaver Road and 629 Garner
Road West (Ancaster) (PED20132) (Ward 12) - Page 14 of 30**

- g) The ability to respect and maintain or enhance the streetscape patterns of private and public amenity space;
- h) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- i) The ability to complement the existing functions of the neighbourhood;
- j) The conservation of cultural heritage resources; and,
- k) Infrastructure and transportation capacity and impacts”

In response to the above-mentioned policies, the proposed townhouses have been designed with consideration and compatibility with the surrounding residential uses. The buildings proposed are three storeys in height, being a low-profile built-form which mimics the three storey townhomes currently under construction to the east of the subject lands. As part of the Site Plan Approval process, a lighting plan will be required. Lighting plans ensure that spillover light is confined within the site while still maintaining a well-lit property for pedestrian and vehicular safety.

Although the proposal indicates an increased density on the site from the current 62 units per hectare to 63 units per hectare, Staff are of the opinion that the proposed increase is minor and appropriate, given that it falls between the current permitted density and the adjacent permitted density of 110 dwelling units per hectare of the “High Density Residential 1” designation. Since the proposal comprises a housing form that is contemplated in the Shaver Neighbourhood Secondary Plan, and a density that does not exceed existing standards, Staff are supportive of the proposed intensification. A detailed site plan at Site Plan Control Stage will review opportunities for enhanced landscaping and noise mitigation. Based on the above, staff are of the opinion that the proposed intensification, in conjunction with the proposed additional housing forms is compatible to the existing area.

Urban Design Policies

Principles:

“3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 527 Shaver Road and 629 Garner
Road West (Ancaster) (PED20132) (Ward 12) - Page 15 of 30**

- b) promoting quality design consistent with the locale and surrounding environment;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

3.3.2.4

Quality spaces physically and visually connect the public and private realms. Public and private development and redevelopment should create quality spaces by:

- a) organizing space in a logical manner through the design, placement, and construction of new buildings, streets, structures, and landscaping;
- b) recognizing that every new building or structure is part of a greater whole that contributes to the overall appearance and visual cohesiveness of the urban fabric;
- c) using materials that are consistent and compatible with the surrounding context in the design of new buildings;
- d) creating streets as public spaces that are accessible to all;
- e) creating a continuous animated street edge in urban environments;
- f) including transitional areas between the public and private spaces where possible through use of features such as landscaping, planters, porches, canopies, and/or stairs;

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 16 of 30

- g) creating public spaces that are human-scale, comfortable, and publicly visible with ample building openings and glazing;
- h) creating, reinforcing, and emphasizing important public vistas and view corridors;
- i) minimizing excessive street noise and stationary noise source levels through the design, placement, and construction of buildings and landscaping; and,
- j) creating places and spaces which are publicly visible and safe.

3.3.2.6 Where it has been determined through the policies of this Plan that compatibility with the surrounding areas is desirable, new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and compatible approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.”

In response to addressing above noted design policies, the applicant submitted the Supplemental Planning Rationale, dated January 15, 2020. The report identifies Official Plan policies relating to noise mitigation and evaluates the solutions applicable to this site context. Where all options have been exhausted, policies indicate that noise walls in combination with landscaped berms are preferred over walls alone. The report also refers to potential landscaping and other enhancements which would be addressed in detail at the Site Plan Control Stage. While back lotting and noise walls are never the preferred option, this property is a residual site that is mirroring the development to the east, currently under construction. However, with one frontage on to a major arterial road and a second frontage / flankage across from a major commercial facility, this site has limited options to avoid a noise attenuation barrier, regardless of the housing form. Given the constraints of the site, staff are willing to support a noise attenuation barrier, but will be seeking landscape strips having a minimum width of 1.5m to provide a sustainable pedestrian-oriented streetscape.

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

Shaver Neighbourhood Secondary Plan

The subject property is designated "Medium Density Residential 2a" on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan. The following General Policies, amongst others, apply:

"B.2.2.1.2 General Residential Policies

- a) Residential buildings shall have no more than three occupied storeys entirely above grade.
- b) Notwithstanding Section E.3.4 – Low Density Residential of Volume 1, a long term care facility shall be permitted in Low Density Residential 2c, 3a and 3f designated areas on sites that are adjacent to boundary roads for the Shaver Neighbourhood Secondary Plan area.

B.2.2.1.4 Notwithstanding Policies E.3.5.2 and E.3.5.7 of Volume 1, the following policies shall apply to the Medium Density Residential designations identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:

- a) In the Medium Density Residential 2a designation:
 - i) the permitted use shall be low rise apartment buildings."

As indicated earlier in this report, to facilitate this proposal, a change is required to the Official Plan designation to "Medium Density Residential 2c." The following policies would apply:

B.2.2.1.4 Notwithstanding Policies E.3.5.2 and E.3.5.7 of Volume 1, the following policies shall apply to the Medium Density Residential designations identified on Map B.2.2-1 – Shaver Neighbourhood – Land Use Plan:

- c) In the Medium Density Residential 2c designation:
 - i) the permitted uses shall be low rise apartment buildings, street and block townhouses, stacked townhouses."

The amendment would permit the built form of block townhouses, which are not a permitted typology in the current designation. To offer more flexibility, the proposed amendment introduces several housing forms that are permitted elsewhere within the Shaver Neighbourhood Secondary Plan. Staff are of the opinion that the proposal is compatible with the surrounding housing typologies and allows for adjustments to the

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 18 of 30

concept plan at the Site Plan Control Stage given the constraints in size and configuration of this remnant site.

A site-specific policy will be added to permit a maximum density of 63 units per hectare to permit up to 24 townhouse units.

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

The subject property is currently zoned Agricultural (A-216) Ancaster Zoning By-law 87-57, as shown on Appendix "A" to Report PED20132. The A-216 Zone permits single detached dwellings and agricultural uses.

The proposed Zoning By-law Amendment is for a change in zoning from the Agricultural "(A-216)" Zone, Modified in Ancaster Zoning By-law 87-57 to a Holding Residential Multiple "(H-RM4-710)" Zone, Modified for lands located at 527 Shaver Road and 629 Garner Road West, to permit 24 three storey block townhouses and 6 parking spaces. Site-specific modifications to the RM4 Zone have been requested to implement the subject proposal and are discussed in greater detail in Appendix "D" to Report PED20132.

The Holding provision will address concerns from Development Engineering and Cultural Heritage through the following conditions:

- a) Payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site is received, to the satisfaction of the Manager of Development Engineering.
- b) That the applicant complete an Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries.

Once both conditions have been addressed, the applicant can apply for the removal of the Holding provision through the passing of a by-law lifting the Hold.

RELEVANT CONSULTATION

Departments and Agencies	
Grand River Conservation Authority	No comment
Infrastructure Planning	No comment

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 19 of 30

	Comment	Staff Response
Development Engineering	<ul style="list-style-type: none"> • Public Works has noted that from a sewer servicing perspective they have no concerns with the applications approval; however, their water comments must be addressed prior to the application moving forward to approval. • The proponent is required to provide a servicing report, prepared by a licensed Professional Engineer, addressing: <ul style="list-style-type: none"> - how the proponent intends to provide water servicing. - intended occupancy and the anticipated water demands, including peak demand calculated using the fixture-unit approach. - the required fire flow (RFF) calculated per "Water Supply for Public Fire Protection, 1999, Fire Underwriters Survey" (FUS), and supplemented where appropriate by NFPA 13; Details to support the RFF calculation (e.g. floor area, type of construction, fire wall location and fire resistance rating, content fire hazard, sprinkler system credit and exposure charges, etc., as applicable) shall be clearly identified and properly documented. 	<ul style="list-style-type: none"> • Staff has no issue with the proposed Zoning By-law amendment subject to inclusion of 'H' provision that cannot be removed prior to payment of the outstanding. • An 11.91 m by 11.91 m daylighting triangle has been provided at the Garner Road West and Shaver Road intersection and satisfies the Engineering requirement. • Growth Management concerns can be addressed through a Functional Servicing Report to address sanitary drainage requirements. • Staff note that the following will be required for Development Engineering Approval at Site Plan Control Stage: <ul style="list-style-type: none"> - Erosion and Sediment Control Plan - Grading Plan - Storm Water Management Design - ROW or Daylighting Triangles as indicate on Site Plan - Servicing Plan - Waste Water assessment - Water Service Assessment - Storm Drainage Area Plan - Pay outstanding servicing costs associated with the subject lands fronting onto Shaver Road

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 20 of 30

	<ul style="list-style-type: none"> - if the proponent intends to install sprinkler systems to ensure fire protection of the proposed buildings, the hydraulic parameters (flow and pressure) required by this system will need to be provided for our records when available. - summary of the available fire flow in the area, based on two-hydrant flow tests, and a conclusion as to the adequacy of available flow from the municipal system for the proposal. - for information, the following hydrant test data is available in the vicinity of the development. • Notwithstanding Public Works approval of the sewer layout in principle, it must be noted that Growth Management, based on an approved drainage area plan for Monterey Heights Site Plan, have concerns about the entire site being discharged to Shaver Road, as the drainage area plan shows approximately 80 % of the site being discharged to the Garner Road system. This system on Garner Road was constructed in 2018. A revised Functional Servicing Report is therefore required to reflect the above noted 	<ul style="list-style-type: none"> - Functional Servicing Report
--	--	---

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 21 of 30

	<p>sanitary drainage requirements or alternatively justification to the satisfaction of the Manager of Development Engineering Approvals provided to allow outlet of the site entirely to the Shaver Road system.</p> <ul style="list-style-type: none"> • Infrastructure Planning has provided the following comments which must be addressed at the future applicable development stages as noted. <ol style="list-style-type: none"> 1) A detailed SWM report will be required during site plan application for the subject development. The SWM report shall demonstrate onsite SWM system and off site outlet including road culvert details on the site servicing plan. 2) The grading plan should show Basement Floor elevations (BFE) and Underside Footing Elevations (USF) on Servicing Plan. <ul style="list-style-type: none"> • Maintenance responsibilities of the OGS system should be included in the Condo agreement • The technical memorandum clarifies that the sanitary flows from the proposed development are going to be directed toward the existing 	
--	--	--

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 22 of 30

	<p>300mm dia. sanitary sewer on Garner Road in accordance with the approved servicing concept under previous development known as Monterey Heights.</p> <ul style="list-style-type: none"> • It appears that the proposed population on the site based on 3 persons per unit does not reflect the current City Guidelines considering the number of units and the size of the property. Notwithstanding the previous comment there is sufficient capacity in the existing 300mm sanitary sewer on Garner Road to support the proposed population density on the subject lands. • We would like to advise that the City has an obligation to recover the cost for installation of the existing sewer on behalf of the owner of the adjacent development. Therefore, A 'H' provision shall be included in the Zoning By-law amendment for the subject lands that may be removed upon payment of their share of the cost for installation of the existing sewer. 	
<p>Transportation</p>	<p>Based on a review of the TIS, Transportation Planning has no concerns with respect to the re-zoning of this site to permit the proposed uses. Initial comments</p>	<ul style="list-style-type: none"> • Transportation Planning staff may have further comments following a detailed review of the site plan.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 23 of 30

	with respect to reconfiguring the access are reflected in the proposed site plan. The TIS has also confirmed that site lines at the proposed access are acceptable.	<ul style="list-style-type: none"> Staff support the concept plan indicating the daylighting triangle of 11.91 m by 11.91 m.
Public Works	Requests cash in lieu of parkland dedication	This will be indicated as a condition of Site Plan.
Public Health	Pest Control Plan required	This will be a Special Condition of the Site Plan.
Finance	Pay the amount of \$25,047.69 for the Best Effort Municipal Act Sanitary Sewer, By-law 11-049, Shaver Estates and \$7,745.00 for the Best Effort Sanitary Sewer, By-law 18-039 for 527 Shaver Rd. and \$7,745.00 for 629 Garner Rd. W. as at Feb. 28/19. Please note these charges were noted on FC-18-082.	A Holding provision has been added in order to obtain outstanding fees prior to development.
Healthy Environments	<ul style="list-style-type: none"> This recommendation aligns with the Official Plan principle of a compact and healthy urban community that provides opportunities to live, work, play and learn as well as supports healthy, strong communities by providing quality built and natural environments. <ul style="list-style-type: none"> Provide safe, attractive, and direct pathways for pedestrian linking townhomes to public sidewalks and nearby destinations — where able provide shortened pedestrian routes using cut- 	<ul style="list-style-type: none"> This development is well situated and has access to a grocery store less than 500m away. Furthermore, this development is on a transit line, providing greater access to more food retailers. At Site Plan stage, the concept plan will be evaluated further to ensure the site is well connected to active travel opportunities for future residents.

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 24 of 30

	<p>throughs between townhomes to public sidewalks (e.g., onto Garner Road); sidewalks on both sides of the private roadway (i.e., sidewalks in front of townhomes on north side)</p> <ul style="list-style-type: none"> ○ Provide cycling connections from subdivision to cycling routes and multi-use trails⁶ — Note bike paths as per Hamilton Cycling Master Plan (e.g., Garner Rd., Shaver Rd.) 	
Forestry	<ul style="list-style-type: none"> • Forestry approves the Tree Protection Plan L-1, revision 2, dated 2018-11-29. As plan confirms that all the trees on site are private, no permit or fees are required. The tree management plan condition has been satisfied. • The landscape plan L-2, revision 2, dated 2018-12-19 is not approved requiring amendments. • Due to primary hydro conflicts, only small trees are permitted within the right of way on both the Shaver Road and Garner Road frontages. Smaller tree spacing requirements are 6-7m and shall be changed from the existing 10 m spacing as shown on plan. • Confirmation of property lines are required on plan. It appears there is a 3 m right of 	Forestry & Horticulture Staff require a detailed Landscape Planting Plan prepared by a Registered Landscape Architect, showing the placement of trees on internal/external City property be provided as a condition of Site Plan approval.

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 25 of 30

	<p>way widening on Garner Road, if correct, the street trees shall be adjusted 1.5 m from proposed property line.</p>	
<p>Growth Planning</p>	<ul style="list-style-type: none"> • It should be determined if the proposed development has sufficient space reserved for snow storage and garbage removal; • It should be determined if a road widening will be required along Shaver Road; • The proposed Site Plan seems to be deficient of barrier free and visitors parking; • The proposed Site Plan appears to indicate that the daylighting triangle is being taken from the existing property lines and not from the proposed widened limits; • Is there sufficient rear and east yard for maintenance or will an easement be required?; • Has there been any indication that the subject proposal will be Condominium tenure?; • The owner and agent should be made aware that the subject development will retain the 527 Shaver Road address and 629 Garner Road West will be retired when a Site Plan application is submitted; and, • At the Site Plan Approval Stage, we will require that the municipal address be affixed 	<p>An official address notice will be sent upon all Site Plan conditions being fulfilled and final approval of the Site Plan being granted. Staff will require that barrier free visitor parking, road widening, daylighting triangles and maintenance easements be indicated on an updated Site Plan and may require Special Conditions for site plan approval.</p>

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 26 of 30

	<p>to a sign near the entranceway and we will require a list of unit numbers through the letter of undertaking on the Site Plan.</p>	
<p>Environmental Services</p>	<ul style="list-style-type: none"> • Due to limited movement of Collections vehicles, units at the closed ends of the "T" will be required to place their waste in front of the neighbour's unit to accommodate the lack of movement. • Prior to Occupancy, An <i>Agreement for On-Site Collection of Municipal Solid Waste</i> must be executed and submitted to the City in order to receive waste collection on private property. A site visit by Public Works staff is required prior to the start of waste collection service. • Waste Management staff will complete a site visit to determine if the property complies with the City's waste collection requirements. 	<p>Staff note that if municipal requirements cannot be met on-site, municipal garbage collection will not be available. Revisions to the Site Plan are therefore required prior to determining eligibility.</p>

Public Consultation

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 12 property owners within 120 m of the subject property on January 25, 2019 for the Zoning By-law Amendment and on October 9, 2019 for the Official Plan Amendment.

A Public Notice Sign was posted on the property on January 17, 2019 for the Zoning By-law Amendment and September 16, 2019 for the Official Plan Amendment. The

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 527 Shaver Road and 629 Garner
Road West (Ancaster) (PED20132) (Ward 12) - Page 27 of 30**

Public Notice Sign was updated on July 22, 2020 with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on July 23, 2020.

One public comment was received from Calloway REIT, the company operating the shopping centre west of the proposed application (across Shaver Road) at 1051 Garner Road West, also known as SmartCentres Ancaster. Calloway REIT note that the loading bays for the existing Walmart are located in the northwest corner of Shaver Road and Garner Road West and should be considered as a pre-existing condition with respect to noise. They request that the City and Applicant assess potential of any noise impacts associated with this pre-existing condition prior to the approval of the proposed residential townhouse units and obtain acknowledgment from the Applicant of this pre-existing condition; ensure that the Applicant obtains acknowledgment from purchasers of his pre-existing condition and stipulate such in their Agreements of Purchase and Sale; and, should noise mitigations be required, that the Applicant agree to provide as required on the Applicant's property.

Staff have reviewed the noise mitigation strategies on site and do not believe the loading area opposite the site will have a negative impact on outdoor living areas. However, the noise study and its implementation will be addressed in detail at the Site Plan Control Stage.

To address the concern related to the purchaser acknowledgement, a clause will be added to the Undertaking at the Site Plan Control Stage.

Public Consultation Strategy

Pursuant to the City's Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which focused on following the City's notification and circulation process and preparing a presentation for the statutory public meeting. Property owners and residents within 120m of the subject lands received the Zoning By-law Amendment Circulation in January 2019 and returned no feedback. The Official Plan Amendment circulation was sent in September 2019, with feedback received only from SmartCentres, wanting to ensure that noise mitigation would be provided on site as loading bays from Walmart are located opposite the proposal. Based on the applicant's noise study, staff are of the opinion that sufficient noise mitigation can be provided on site and will be addressed in further detail at the site plan control stage. Since no other concerns or comments were received, no community meeting was required.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2019);
 - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan, subject to the recommended Official Plan Amendment;
 - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
 - (iv) The proposed development represents good planning by, among other things, providing a compatible housing typology for the area, which creates a good transition from the street and public realm between itself and neighbouring sites.

2. The purpose of the proposed Official Plan Amendment is to change the designation to a Site-specific "Medium Density Residential 2c" within the Shaver Neighbourhood Secondary Plan to allow for a block townhouse development with a density of 63 units per hectare.

The proposed development is consistent in height with the Shaver Neighbourhood Secondary Plan, being a maximum three storeys and is of a massing, character, scale and density similar to other block townhouse developments in the area. It is a residual parcel of land that proposes to extend development from 591 Garner Road West to this site to provide a similar and compatible development.

The proposed built form is supportable at this location and is similar in scale and function of a low-rise multiple dwelling that is currently permitted under the current Shaver Neighbourhood Secondary Plan designation. The intensification proposed for 63 units per hectare is minor in nature and comparable to existing "Medium Density Residential" designations permitted at 62 uph. Future noise mitigation measures will be required along the side yards abutting Shaver Road and future industrial development at the southwest corner of Garner Road West and Shaver Road to allow for noise attenuation for private amenity areas associated with the residential units. Based on the foregoing, staff support the requested amendment.

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

SUBJECT: Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster) (PED20132) (Ward 12) - Page 29 of 30

Since the proposal is abutting a major arterial road and a collector road, an 11.91m X 11.9m Daylighting Triangle is required. The Concept Plan (attached to Appendix "E" to Report PED20132) has been revised in order to demonstrate the provision of the required daylight triangle dedications. The applicant will be required to dedicate the road widening and daylighting triangle as part of the future Site Plan Control Application.

3. The subject lands are currently zoned Agricultural "A-216" Zone Modified under Ancaster Zoning By-law 87-57. The applicant has requested that the subject lands be changed from the existing zoning designation to a Holding Residential Multiple "H-RM4-710" Zone, Modified to permit the intended townhouse units.

Modifications to the development standards are required to facilitate the proposal and are discussed in detail in Appendix 'D' of report PED20132. The Applicant has requested a reduction in the width of visitor parking spaces from 2.6 m to 2.4m. It is the opinion of staff that the site can accommodate the typical parking space width and will not support the requested width reduction. Revisions to the parking space sizes can be addressed at the Site Plan Control stage.

4. A Holding 'H' Provision is required in order to ensure payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site and for the completion of an Archaeological Assessment.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could continue to be used in accordance with the Agricultural "A-216" Zone, which permits a single detached dwelling.

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.

Economic Prosperity and Growth

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

Healthy and Safe Communities

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

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

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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

**SUBJECT: Applications for an Official Plan Amendment and Zoning By-law
Amendment for Lands Located at 527 Shaver Road and 629 Garner
Road West (Ancaster) (PED20132) (Ward 12) - Page 30 of 30**

Clean and Green

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

Built Environment and Infrastructure

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

Culture and Diversity

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map

Appendix "B" – Draft Official Plan Amendment

Appendix "C" – Draft Zoning By-law Amendment

Appendix "D" – Zoning Analysis

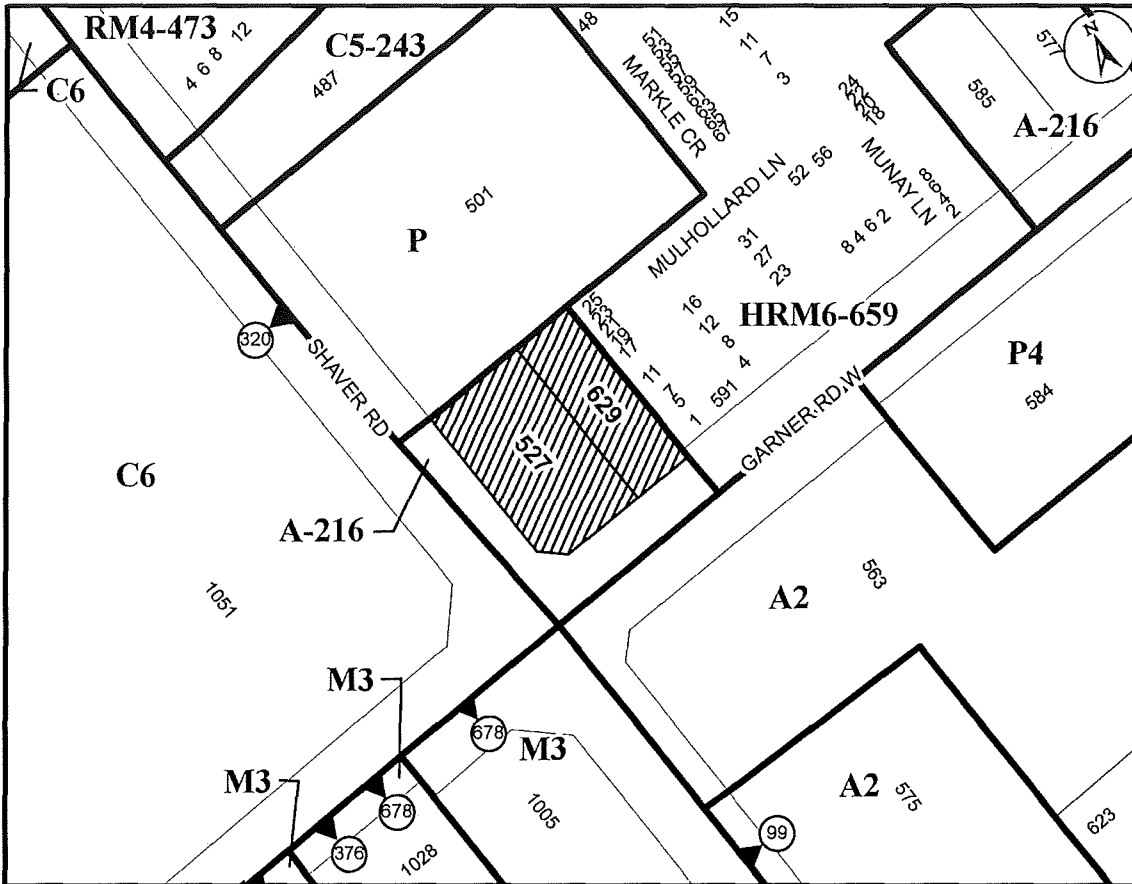
Appendix "E" – Concept Plan and Architectural Drawings

Appendix "F" – Public Submissions

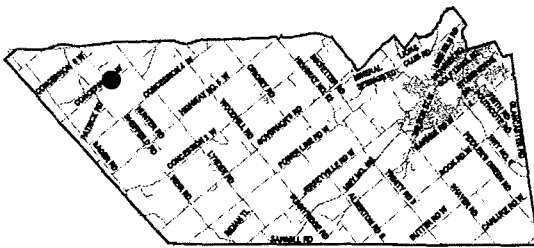
OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

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



● Site Location



Key Map - Ward 12

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-19-010

Date:
February 26, 2020


Appendix "A"

Scale:
N.T.S

Planner/Technician:
EB/VS

Subject Property

527 Shaver Road & 629 Garner Road West

 Change in zoning from the Agricultural "A-216" Zone to the Holding Residential Multiple "H-RM4-710" Zone, Modified

Schedule "1"

DRAFT Urban Hamilton Official Plan Amendment No. X

The following text, together with Appendix "A" – Volume 2, Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan, attached hereto, constitutes Official Plan Amendment No. X to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Shaver Neighbourhood Secondary Plan by redesignating the subject lands to permit additional forms of housing and by establishing a Site Specific Policy to increase the maximum density to 63 units per gross/net residential hectare.

2.0 Location:

The lands affected by this Amendment are known municipally as 527 Shaver Road and 629 Garner Road West, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed development is in keeping with the policies of the Urban Hamilton Official Plan and the Shaver Neighbourhood Secondary Plan, as it contributes to compact urban form, the provision of variety of housing forms, and the efficient use of land.
- The proposed development is compatible with existing and approved development in the immediate area.
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Text

4.1.1 Chapter B.2.0 – Ancaster Secondary Plans – Section B.2.2 – Shaver Neighbourhood Secondary Plan

- a. That Volume 2, Chapter B.2.0 – Ancaster Secondary Plans, Section B.2.2 – Shaver Neighbourhood Secondary Plan be amended by adding a new Site-Specific Policy, as follows:

"Site Specific Policy – Area "X"

B.2.2.5.X Notwithstanding Policy B.2.2.1.4 c) ii) of Volume 2, for the lands located at 527 Shaver Road and 629 Garner Road West, designated Medium Density Residential 2c and identified as Site Specific Policy – Area "X" on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan –, density shall be between 40 and 63 units per gross/net residential hectare."

Maps

4.1.2 Map

- a. That Volume 2, Map B.2.2-1 – Shaver Neighbourhood Secondary Plan – Land Use Plan be amended by:

- i) redesignating lands from "Medium Density Residential 2a" to "Medium Density Residential 2c"; and,
- ii) identifying the subject lands as Site Specific Policy – Area "X"

as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

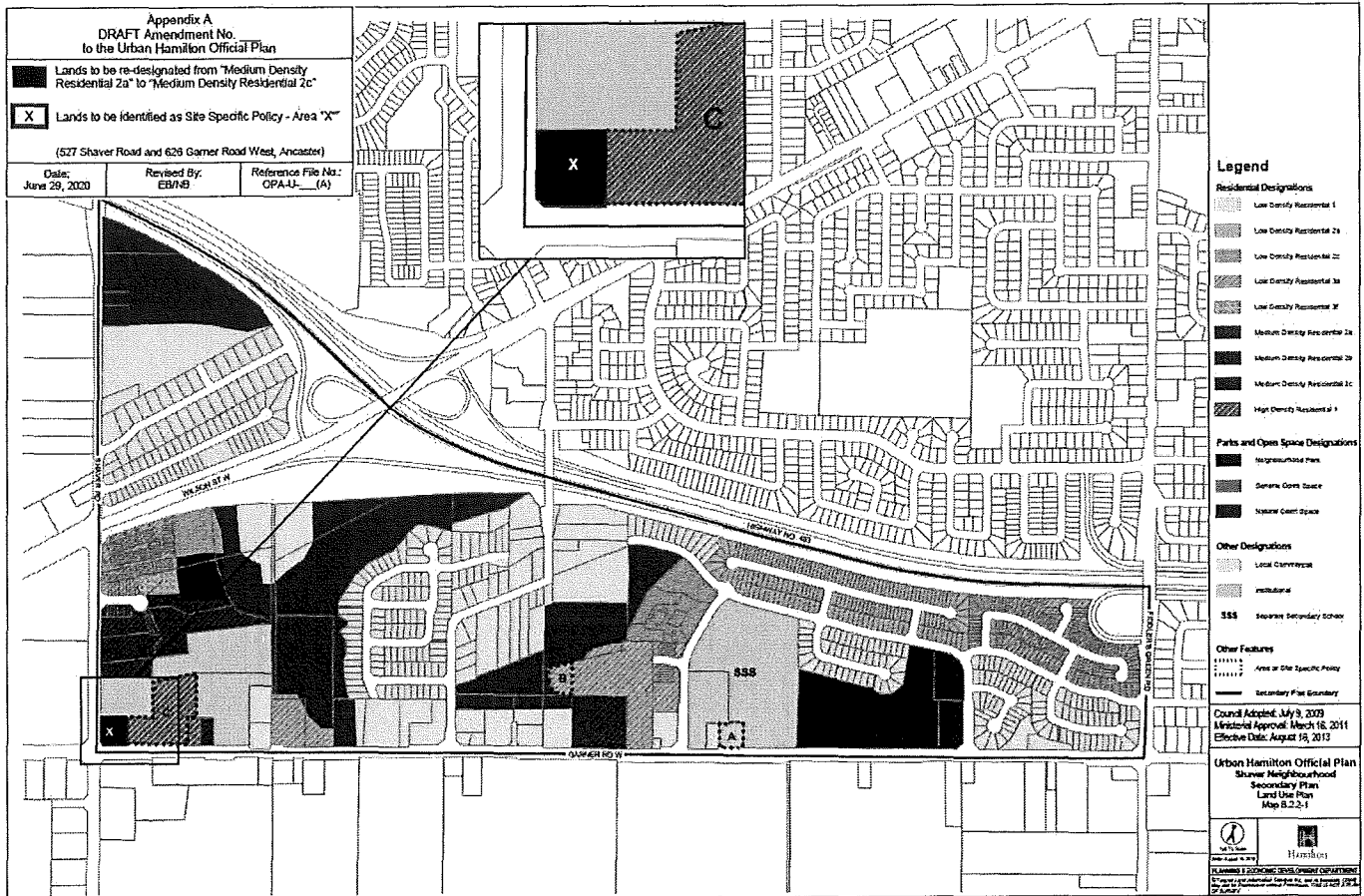
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. _____ passed on the
___th day of ___, 202X.

**The
City of Hamilton**

F. Eisenberger
MAYOR

A. Holland
CITY CLERK



Authority: Item XX, Planning Committee
Report PED20132
CM: XXXX
Ward: 12
Bill No. XXX

CITY OF HAMILTON

BY-LAW NO. 20-XXX

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 527 Shaver Road and 629 Garner Road West (Ancaster)

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June, 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item _____ of Report PED20132 of the Planning Committee at its meeting held on the 18th day of August 2020, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. XX;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 1-B to Schedule "B", appended to and forming part of By-law No. 87-57 (Ancaster) is amended by changing the zoning from the Agricultural "A-216"

Zone Modified to a Holding Residential Multiple "RM4" (H-RM4-710) Zone Modified on the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. The Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:

RM4 – XXX

That notwithstanding the provisions of Sections 7.11, 7.14 (a)(x), (b), 17.2 (a), (b), (e), (f), (g), (h), (i), (j), (k), (n) and (p) the following special provisions shall apply to the lands zoned "H-RM4-XXX":

PERMITTED USES

- (a) Block townhouse dwellings, back to back townhouse dwellings and uses, buildings and structures accessory thereto.

REGULATIONS

- | | | |
|-----|--------------------------|--|
| (a) | Minimum Lot Area | 0.382 ha |
| (b) | Maximum Density: | 63 dwelling units per hectare |
| (c) | Maximum Lot Coverage: | 32.76% |
| (d) | Minimum Front Yard: | 2.2 metres to Garner Road West |
| (e) | i. Minimum Side Yard: | 1.25 metres – Easterly
1.80 metres – Westerly |
| | ii. Minimum Rear Yard: | 6.0 metres |
| (f) | Maximum Building Height: | 11.5 metres |
| (g) | Minimum Landscaping: | 29 % |
| (h) | Planting Strip: | 1.8 metres width along each lot line |
| (i) | Minimum Privacy Area: | i. 20 square metres
ii. That the minimum depth for at grade privacy areas shall be 6m |
| (j) | Children's Play Area: | None shall be required |
| (k) | Building Separation: | Any townhouse dwelling shall be no closer to another townhouse dwelling on |

the same lot in accordance with the following distance requirements:

	Façade	Rear Wall	End Wall
Façade	19.70 m	19.5m	16.0 m
Rear Wall	19.5 m	15.0m	10.5m
End Wall	16.0m	7.0 m	2.4 m

- (l) Yard Encroachments: That a balcony shall be permitted to encroach 1.55m into any yard but shall not be closer than 4.45m from any lot line.
- (j) Parking: No parking space shall be located closer to the street line than 3.5m

That visitor parking spaces shall be provided at a rate of 0.25 spaces per unit.

4. In addition to the above noted modifications, notwithstanding any other provisions in this by-law, the following setback will also be required:

(a) Minimum Setback from a Daylighting Triangle: 5.5 m

3. That the amending By-law apply the Holding Provision of section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed zoning.

The Holding Provision Residential Multiple (Holding) "H-RM4-710" Zone, Modified, shall be removed conditional upon:

- a) Payment of the outstanding servicing cost for the existing sanitary sewer on Garner Road adjacent to the site is received to the satisfaction of the Manager of Development Engineering.
- b) That the applicant complete an Archaeological Assessment to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture.

4. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple "RM4" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.

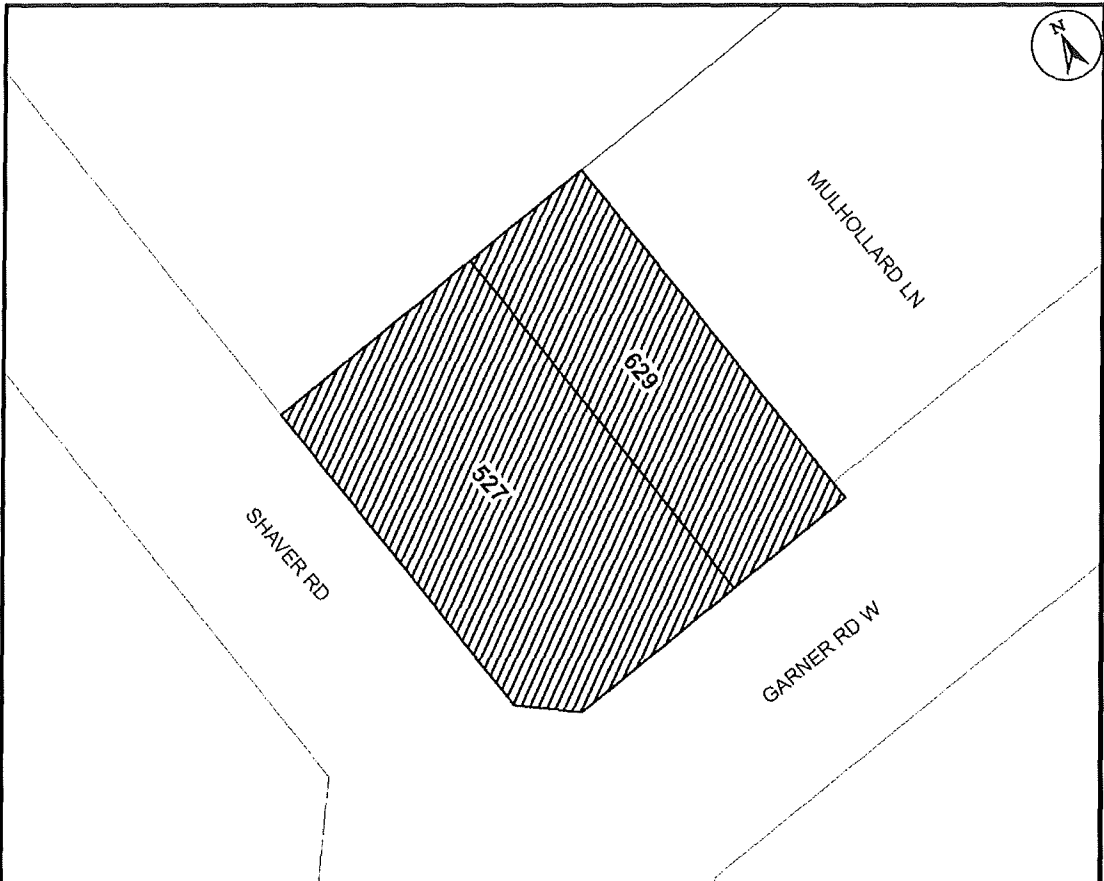
5. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this ____ day of _____, 2020.

Fred Eisenberger
Mayor

A. Holland
City Clerk

UHOPA-19-14
ZAC-19-010



This is Schedule "A" to By-law No. 20- Passed the day of, 2020	----- Mayor ----- Clerk
---	--------------------------------------

<h2>Schedule "A"</h2> <h3>Map forming Part of By-law No. 20-_____</h3> <h3>to Amend By-law No. 87-57</h3>	Subject Property 527 Shaver Road & 629 Garner Road West Change in zoning from the Agricultural "A-216" Zone to the Holding Residential Multiple "H-RM4-710" Zone, Modified
---	---

Scale: N.T.S	File Name/Number: ZAC-19-010	
Date: February 27, 2020	Planner/Technician: EB/VS	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? No

Committee: Chair and Members

Report No.: PEDXXX

Date:

Ward(s) or City Wide: Ward: 12

(MM/DD/YYYY)

Prepared by: Emily Bent

Phone No: 905-546-2424, ext. 2266

For Office Use Only, this doesn't appear in the by-law

Site Specific Modifications to the Residential Multiple (RM4) Zone Ancaster Zoning By-law 87-57

Regulation	Required	Modification	Analysis
<p>Minimum lot area Section 17.2 (a)</p>	<p>0.4 ha</p>	<p>0.3820 ha</p>	<p>The intent of the minimum lot size is to ensure the appropriate density and housing form can be accommodated. Staff note that the joining of two existing lots, while slightly undersized, still allows for development of an urbanized housing form. This modification will allow for site developed housing in a manner that complements the existing area and promotes compact urban form. Staff support the modification.</p>
<p>Maximum Density Section 17.2 (b)</p>	<p>30 dwelling units per hectare plus an additional 5 dwelling units per hectare where all parking spaces (excluding required visitor parking) are provided under landscaped grounds or inside a building, plus 2 additional dwelling units per hectare where the lot abuts lands zoned Public Open Space "O2" which lands are not less than 2 hectares in area, to a maximum density of 37 dwelling units per hectare.</p>	<p>63 dwelling units per hectare</p>	<p>The intent of a maximum density target is to allow for site design that reflects a compact urban form that is consistent with the regulations in the Official Plan Designation and Shaver Neighbourhood Secondary Plan. Since the maximum density in the Shaver Neighbourhood Secondary Plan is 62 units per hectare, staff are of the opinion that the proposed increase is minor and the result of the size of the daylighting triangle required at the intersection of an arterial and collector road. Additionally, staff note that the built form and configuration of the proposal complements the development currently under construction at 591 Garner Road East, comprised of block townhouses of a similar scale.</p>

Regulation	Required	Modification	Analysis
<p>Maximum Lot Coverage Section 17.2 (c)</p>	<p>30%</p>	<p>32.76%</p>	<p>The intent of the maximum lot coverage regulation is to provide enough area for stormwater infiltration and landscape amenity opportunities. The requested increase is minor in nature compared to existing regulations and staff are of the opinion that the intention of the regulation can be satisfied while still maintaining adequate stormwater infiltration through the SWM design at the Site Plan Control Stage.</p>
<p>Minimum Front Yard Section 17.2 (f)</p>	<p>7.5 m where the facade with a primary entrance faces the street or 10.5 m, plus any applicable distance as specified in Schedule "C."</p>	<p>2.2 m (Garner Road W)</p>	<p>The intent of the front yard set-back is to provide an attractive streetscape by regulating the distance between the principal building and the front lot line. The proposed minimum front yard modification is less than the required parent provision, however it is consistent with the front yard setbacks of the neighbouring development at 591 Garner Road W of 2.2m. The intent of the modification will allow the proposal to be setback a similar distance, providing a consistent streetscape and landscaped area to the easterly block townhouses at 591 Garner Road W.</p>

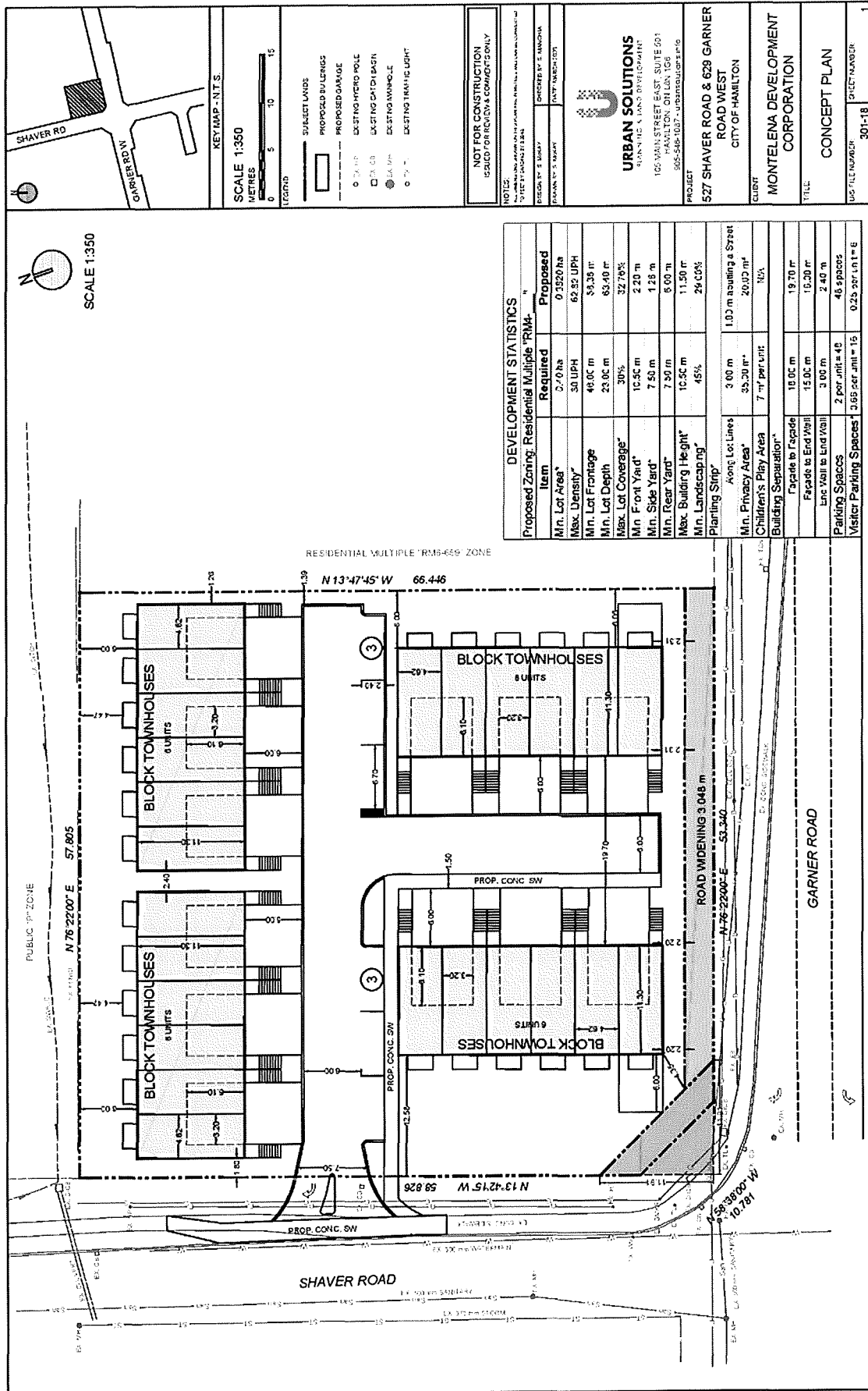
Regulation	Required	Modification	Analysis
<p>Minimum Side Yard Section 17.2 (g)</p>	<p>7.5 m</p>	<p>1.25 m Easterly 1.80 Westerly</p>	<p>The intent of the side yard set-back is to provide an appropriate transition between the built form and the abutting land use or street. The reduced easterly side yard is for the south facing block townhouses at the north side of the subject lands, which will abut the rear yards of the block townhouses on the neighboring site at 591 Garner Road W. This reduction is consistent with the existing setbacks of the abutting land use, which the proposal intends as a continuation of that development. As the neighbouring land use is the same, staff are of the opinion that the proximity of the two sites provide for a consistent lot pattern.</p> <p>The westerly side yard reduction abuts Shaver Road. This setback allows for more flexibility for placement of noise mitigation measures for the outdoor living areas. Therefore, staff are in support of this configuration with the reduction in side yards.</p>
<p>Minimum Rear yard Section 17.2 (g)</p>	<p>7.5 m</p>	<p>6 m</p>	<p>Staff note that the intent of the minimum rear yard is to provide for appropriate private outdoor living area and setback from neighbouring land uses. The proposed reduction will allow for a functional lot configuration for 24 townhouse units with a smaller minimum rear yard setback, which is suitable to promote compact urban form. The townhouse blocks at 591 Garner Road W also provide a depth of 6m, which the proposal intends to complement. As this 6m depth is already a standard existing in the Shaver Neighbourhood Secondary Plan, and will achieve a similar lot configuration, Staff can support this modification.</p>

Regulation	Required	Modification	Analysis
Maximum Height - Section 17.2 (h)	10.5 m	11.5 m	The purpose of the regulation is to maintain a consistent height throughout the area. To achieve a compatible design with the abutting block townhouses at 591 Garner Road W, a similar height modification is proposed. Staff are in support of this proposal, as it will provide a cohesive design between the two developments.
Minimum Landscaping Section 17.2 (i)	45%	29%	The intent of the landscaped area is to promote the inclusion of natural features and provide privacy areas that enhance the proposed development. The request to reduce the landscaped area will permit the establishment of a compact housing form while still providing adequate private amenity areas and common landscaped strips. Given that the proposed reduction to landscaping acts as a continuum of the development to the east, staff are in support of this modification.
Planting Strip Section 17.2 (j)	3.0m in width along the lot lines	1.8 m in width along the lot lines	The intent of the planting strip along lot lines is to act as a buffer between the proposed development and the road allowance. The intent of this modification is to allow for a similar setback from the neighbouring block townhouses and road allowance, allowing for continuity between both sides, as well as increasing the buildable area; Staff are in support of the modification.
Minimum Privacy Area Section 17.2 (k)	35 sq m per unit	i. 20 sq m per unit ii. That the minimum depth for at grade privacy areas shall be 6 m	Staff are supportive of the modifications to reduce side and rear yard, which results in a reduced minimum privacy area, in keeping with a compact urban housing form contemplated for this site. However, staff have requested a minimum 6m depth for at grade privacy areas. Since the intent of the side and rear yard setbacks is to provide for a 6m yard at the rear of each unit, this regulation will ensure that this space is utilized for outdoor amenity space for each unit.

Regulation	Required	Modification	Analysis
<p>Children's Play Area Section 17.2 (n)</p>	<p>7 sq m</p>	<p>None</p>	<p>The intent of this regulation is to provide a designated play area for children within a new residential development. In order to provide a safe area for children to play, an area at the centre of the site would be preferable, however, this is not possible due to the small size and configuration of the site. Given that the site is in the vicinity of Shaver Estates Park, staff are in support of the modification is supported.</p>
<p>Building Separation - End wall to End Wall Section 17.2 (p)</p>	<p>3 m</p>	<p>2.4 m</p>	<p>The intent of the modification is to provide adequate separation between buildings and to facilitate the current site configuration, which mimics the built form pattern established at 591 Garner Road W. This reduced building separation is minor and has little impact on the overall development. Therefore, Staff support the modification.</p>
<p>Yard Encroachments – balconies Section 7.12 (c)</p>	<p>Balconies or open stairways that project into any minimum front or minimum rear yard a distance of not more than 1.5 m, or into any minimum side yard a distance of not more than 45 cm.</p>	<p>1.55 m for balconies into any yard but shall not be closer than 4.45 m from any lot line.</p>	<p>The intent of the yard encroachment regulation is to minimize overlook issues to neighbouring sites. The proposed modification will allow for larger outdoor amenity areas in the form of balconies. Due to the similar orientation and height of the neighbouring townhouses to the east, and other proposed units backing on Shaver Road, there are not any perceived overlook issues. The additional 4.45 m setback will ensure that any revisions to the plan at Site Plan Control Stage will maintain an appropriate distance from lot liens to prevent any overlook issues not yet considered in the proposed configuration.</p> <p>Staff are in support of this modification which will provide larger outdoor living areas for future residents and allow for flexibility at the Site Plan Control Stage.</p>

Regulation	Required	Modification	Analysis
<p>Location of Parking Spaces Section 7.14 (a)(ix)1. Add intent – maintain streetscape</p>	<p>No parking space in an RM4 Zone shall be located closer to the street line than 6 m.</p>	<p>No parking space shall be located closer to the street line than 3.5 m.</p>	<p>The intent of this regulation is create a buffer between the parking area and the streetscape, allowing for increased maneuvering. This modification would permit the location of a visitor parking space near the easterly lot line abutting the townhouses at 591 Garner Road W. As the request will help facilitate an appropriate amount of visitor parking on site, staff are in support of this amendment.</p>
<p>Required Parking Section 7.14 (b) (i) (A)</p>	<p>Block Townhouses – based on 2 parking spaces per unit plus 0.66 spaces visitor parking spaces per unit. Parking 2.0 parking spaces / unit x 24 units = parking spaces. There are 2 parking spaces per unit provided. Visitors Parking 0.66 parking spaces / unit x 24 units = 63.8 parking spaces = 64 visitor parking spaces.</p>	<p>That visitor parking spaces shall be provided at a rate of 0.25 spaces per unit.</p>	<p>The intention of the required parking regulations is to ensure sufficient parking spaces for residents and visitors. The site is able to provide two parking spaces for each unit and is seeking a reduction in the rate to provide visitor spaces. There will still be 6 visitor parking spaces for this relatively small development, which is anticipated to be adequate, along with the two parking spaces per unit. In addition, there is on-street parking available in the near vicinity. Staff are of the opinion that the modification is reasonable to facilitate the development.</p>

Regulation	Required	Modification	Analysis
Minimum Setback from a Daylighting Triangle	N/A	5.5 m	The intent of introducing this modification is to allow for flexibility in site design at the Site Plan Control Stage to accommodate for the intended noise mitigation measures. Staff support the regulation to permit adequate protection of outdoor living areas.





SMARTCENTRES®

3200 HIGHWAY 7 | VAUGHAN, ON. CANADA L4K 5Z5
T 905 326 6400 F 905 326 0783

October 22, 2019

Emily Bent, City of Hamilton
Planning and Economic Development Department
Development Planning, Heritage and Design – Suburban Team
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5

**Subject: Notice of Official Plan Amendment
527 Shaver Road and 629 Garner Road West, Ancaster
Comments on UHOPA-19-14**

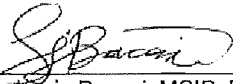
Dear Ms. Bent,

On behalf of Calloway Real Estate Investment Trust Inc. ("Calloway REIT"), SmartCentres REIT is writing to you regarding its concerns on the proposed Urban Hamilton Official Plan Amendment application (File No. UHOPA-19-14) located at 527 Shaver Road and 629 Garner Road West ("proposed application") submitted by Urban Solutions Planning & Development Consultants Inc. on behalf of Montelena Development Corp. ("Applicant").

Calloway REIT owns an operating shopping centre west of the proposed application (across Shaver Road) at 1051 Garner Road West, also known as SmartCentres Ancaster. Please take note that the loading bays for the existing Walmart are located in the northwest corner of Shaver Road and Garner Road West and should be considered as a pre-existing condition with respect to noise. We request that the City and Applicant assess potential of any noise impacts associated with this pre-existing condition prior to the approval of the proposed residential townhouse units and obtain acknowledgment from the Applicant of this pre-existing condition; ensure that the Applicant obtains acknowledgment from purchasers of his pre-existing condition and stipulate such in their Agreements of Purchase and Sale; and, should noise mitigations be required, that the Applicant agree to provided as required on the Applicant's property.

We request to be circulated on all notifications for the proposed application. Thank you.

Respectfully Submitted,
SmartCentres


Stéphanie Bacani, MCIP, RPP
Development Associate

cc: Allan Scully, SmartCentres