



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 6, 2021
SUBJECT/REPORT NO:	Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for lands located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Alaina Baldassarra (905) 546-2424 Ext. 7421
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That **Revised Zoning By-law Amendment application ZAC-19-039, by GSP Group Inc. on behalf of Eman Construction (Owner)** for a change in zoning from the Existing Residential “ER” Zone to Residential 4 – Holding “H-R4-320” Zone, Modified (Block 1) and Residential Multiple “RM3-321” Zone, Modified (Block 2) in the Township of Glanbrook Zoning By-law No. 464, to permit 24 townhouse units on a private road (condominium road) and three single detached dwellings on Valiant Crescent, for the lands located at 3140 and 3150 Binbrook Road, as shown on Appendix “A” to Report PED21111, be **APPROVED** on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED21111, 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 lands by introducing the Holding “H” as a prefix to the proposed zoning as shown on Schedule “A” of Appendix “B” to Report PED21111.

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 2 of 31

The Residential 4 – Holding “H-R4-320” Zone, Modified, applicable to lands shown on Schedule “A” to Appendix “B” to Report PED21111 be removed conditional upon the following:

That the “H” symbol applicable to the lands zoned “H-R4-320” shall not be removed until such time that the landowner demonstrate to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton, that land assembly has occurred to achieve the minimum lot area requirement and lot frontage requirement in accordance with the “R4” Zone; and,

The landowner pays all applicable outstanding costs associated with Valiant Circle to the satisfaction of the Senior Director, Growth Management;

- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan.
- (b) That **Revised Draft Plan of Condominium application 25CDM-202002, by GSP Group Inc. on behalf of Eman Construction (Owner)**, to establish a Draft Plan of Condominium (Vacant Land) on lands located at 3140 and 3150 Binbrook Road (Glanbrook), as shown as Block 2 on Appendix “A”, attached to Report PED21111, be **APPROVED** subject to the following:
- (i) That the approval for Draft Plan of Condominium (Vacant Land) application 25CDM-202002 prepared by GSP Group, certified by Bahram Aminezhad O.L.S., dated April 21, 2021, consisting of 24 vacant land units for townhouse dwellings, a private condominium road, sidewalks, 12 visitor parking spaces, and centralized mailboxes, attached as Appendix “C” to Report PED21111 subject to the owner entering into a standard form condominium approval agreement as approved by City Council and with special conditions attached as Appendix “D” to Report PED21111;
 - (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council.

EXECUTIVE SUMMARY

The purpose of the Zoning By-law Amendment is for a change in zoning from the Existing Residential “ER” Zone to the Residential 4 – Holding “H-R4-320” Zone, Modified (Block 1) and the Multiple Residential “RM3-321” Zone, Modified (Block 2) in order to facilitate the development of 24 vacant land units for townhouse dwellings fronting onto a private condominium road with 12 visitor parking spaces (Block 2 on Appendix “A” to PED21111) as well as three future single detached dwelling lots fronting Valiant Circle (Block 1 on Appendix “A” to PED21111).

A Holding Provision is required in order for the landowner to demonstrate that sufficient land assembly has occurred to achieve the minimum required lot area and minimum required lot frontage of the Residential 4 “R4” Zone for the single detached dwellings and pay all applicable outstanding costs associated with Valiant Circle.

The purpose of the Draft Plan of Condominium (Vacant Land) application is to establish a private condominium road, sidewalks, visitor parking, centralized mailboxes and 24 vacant land units for the proposed townhouse dwellings.

Through a future severance application, the northerly portion of the subject lands will be severed and merged with existing blocks within the subdivision to the north to create three single detached residential lots fronting Valiant Circle.

The applications have merit and can be supported as they are consistent with the Provincial Policy Statement (2020) (PPS), conform to A Place To Grow: Growth Plan for the Greater Golden Horseshoe, 2019 (as amended), comply with the Urban Hamilton Official Plan and are compatible with the existing land uses in the immediate area and provide additional housing options while making efficient use of existing infrastructure.

Alternatives for Consideration – See Page 31

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land).

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Eman Construction
Applicant/Agent:	GSP Group Inc. c/o Nancy Frieday
File Numbers:	ZAC-19-039 and 25CDM-202002
Type of Application:	Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land)
Proposal:	<p>Original Submission (April 15, 2019):</p> <ul style="list-style-type: none">• The proposal was for 36 Vacant Land units for townhouse dwellings fronting a condominium road with six visitor parking spaces including one barrier free parking space. Each proposed unit provided two parking spaces (one in the garage and one in the driveway). The proposal included one single detached dwelling lot fronting Valiant Crescent and a remnant portion of land to be added to another parcel within the existing subdivision in order to create a second single detached dwelling lot fronting onto Valiant Crescent. The proposed condominium road was to have full movement access onto Binbrook Road with an emergency access from Valiant Crescent into the proposed development.• An Official Plan Amendment was required to permit the townhouse use fronting onto Valiant Crescent and to permit the density for the proposed townhouse units on the subject lands. <p>Second Submission (October 4, 2019):</p> <ul style="list-style-type: none">• The proposal was similar to the original submission except that the emergency access onto Valiant Crescent was removed and three single detached dwelling lots fronting Valiant Crescent were proposed instead of one single detached dwelling lot. The number of townhouse dwellings was reduced to 31 units from 36 units and the number of

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 5 of 31

	<p>visitor parking spaces was increased to nine spaces. An amenity area was proposed at the rear of the development adjacent to the single detached dwelling lots.</p> <ul style="list-style-type: none"> • An Official Plan Amendment was required to permit an increased density for the proposed townhouse dwellings on the subject lands. <p>Third Submission (May 11, 2020):</p> <ul style="list-style-type: none"> • The proposal reduced the number of townhouse dwelling units to 27 from 31, increased the amount of visitor parking spaces to 14 spaces from nine spaces and decreased the size of the amenity area. Three single detached dwelling lots fronting on Valiant Crescent were still proposed. • An Official Plan Amendment was required to permit a portion of the townhouse development within a portion of the low density designation and permit an increased density for the townhouse dwellings. <p>Fourth (final) Submission (January 26, 2021):</p> <ul style="list-style-type: none"> • The proposal reduced the number of townhouse units to 24 townhouse units from 27 units. The number of visitor parking spaces decreased from 14 spaces to 12 spaces. The private amenity area was removed. Three single detached dwelling lots fronting on Valiant Crescent were proposed. • Because of the revisions, an Official Plan Amendment is no longer required because the concept complies with the permitted uses and density identified within the “Low Density Residential 2e” and “Low Density Residential 2h” designations in the Binbrook Village Secondary Plan.
Property Details	
Municipal Address:	3140 and 3150 Binbrook Road, Glanbrook
Lot Area:	±0.79 ha
Servicing:	Full municipal services.

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 6 of 31

Existing Use:	A single detached dwelling on each property.
Documents	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow (2019), as amended.
Official Plan Existing:	“Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment is proposed.
Secondary Plan Existing:	Designated “Low Density Residential 2e”, “Low Density Residential 2h”, and identified as a Gateway, on Map B.5.1-1 – Binbrook Village Secondary Plan: Land Use Plan.
Secondary Plan Proposed:	No amendment proposed.
Zoning Existing:	Existing Residential “ER” Zone
Zoning Proposed:	<ul style="list-style-type: none"> Residential 4 – Holding “H-R4-320” Zone, Modified (Block 1) Residential Multiple “RM3-321” Zone, Modified (Block 2)
Modifications Proposed:	<p>Residential 4 – Holding “H-R4-320” Zone, Modified (Block 1):</p> <ul style="list-style-type: none"> A Holding Provision will require firstly that the lands be merged with the adjacent remnant lands in order to meet the minimum lot frontage and lot area requirements of the “R4” Zone and secondly to require that the applicable outstanding servicing costs have been paid prior to the lifting of the Holding Provision. <p>Residential Multiple “RM3-321” Zone, Modified (Block 2) to facilitate the freehold tenure of the proposed units:</p> <ul style="list-style-type: none"> Reduced minimum Lot Frontage from 45 metres to 6.0 metres per unit;

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 7 of 31

	<ul style="list-style-type: none"> • Reduced minimum Lot Area from 0.4 hectares to 160 square metres per unit, except for an end unit which does not abut a flanking street, the minimum lot area shall be 205 square metres and on a corner lot flanking a street, the minimum lot area shall be 350 square metres; • Reduced minimum Front Yard from 9 metres to 7 metres; • Reduced minimum Side and Rear Yards from 7.5 metres except 10.7 metres where the abutting lands are zoned Existing Residential “ER” or Residential “R1”, “R2”, “R3”, “R4” or “RM1” to the following: <p>Minimum rear yard shall be 6.5 metres except 7.0 metres where the abutting lands are zoned Existing Residential “ER” or Residential “R1”, “R2”, “R3” “R4” or “RM1”.</p> <p>The minimum side yard shall be:</p> <p>(a) 2 metres where an end dwelling unit is not abutting a flanking street and;</p> <p>(b) 5 metres where an end dwelling unit is on a corner lot abutting a flanking street.</p> • Minimum Amenity Area of 5 m² per dwelling unit shall not apply; • Reduced minimum Landscape Area from 50 percent of the lot area, which may include the required privacy area to 40 percent of the lot area, which may include the required privacy area; • For the purposes of lot frontage, lot area, front yard, and side yard requirements only, a condominium road shall be deemed to be a public street; • Visitor parking and landscaping may be provided within the Vacant Land Condominium; and, • A minimum 1.5 metre planting strip shall be provided where a parking area abuts a Residential Zone or where the adjoining land is used for residential or institutional purposes instead of 3.0 metres.
Processing Details	
Received:	Zoning By-law Amendment application: May 8, 2019

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 8 of 31

	Draft Plan of Condominium application (Vacant Land): December 3, 2019.
Deemed Complete:	Zoning By-law Amendment application: June 13, 2019 Draft Plan of Condominium (Vacant Land) application: December 13, 2019
Notice of Complete Application:	Zoning By-law Amendment application: Sent to 118 property owners within 120 m of the subject lands on June 25, 2019. Draft Plan of Condominium (Vacant Land) application: Sent to 118 property owners within 120 m of the subject lands on December 20, 2019.
Public Notice Sign:	Zoning By-law Amendment application: July 2, 2019 and updated on June 9, 2021. Draft Plan of Condominium (Vacant Land) application: January 18, 2020 and updated on June 9, 2021.
Notice of Public Meeting:	Sent to 118 property owners within 120 m of the subject lands on June 18, 2021.
Public Comments:	Twelve comments were received.
Processing Time:	Zoning By-law Amendment: 776 days Draft Plan of Condominium (Vacant Land): 557 days Number of Days since fourth and final submission: 161 days

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Single Detached Residential Dwellings	Existing Residential “ER” Zone

Surrounding Land Uses:

North	Single Detached Dwellings	Residential “R4-161” Zone, Modified
South	Single Detached Dwellings	Existing “ER” Zone and Residential “R4-191” Zone, Modified
East	Single Detached Dwellings and Binbrook Park and Fairgrounds	Mixed-Use Medium Density – Pedestrian Predominant (C5a) Zone and Mixed Use Medium Density (C5) Zone
West	Single Detached Dwellings and Townhouse Dwellings	Existing Residential “ER” Zone, Residential Multiple “RM3-268” Zone, Modified and Residential “R4-161” Zone, Modified

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 (2020) (PPS). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS.

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Local Planning Appeal Tribunal 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 and balanced growth) are reviewed and discussed in the Official Plan analysis below.

One exception is that the UHOP has not been updated with the Cultural Heritage Policies of the PPS. The following policies, amongst others apply to the proposal.

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

- 2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.”

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

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

These criteria define the property as having archaeological potential. A Stage 1-2 archaeological report (P489-0003-2018) for the subject property was submitted to the City and the Ministry of Heritage, Sport, Tourism and Culture Industries. The Province signed off on the report for compliance with licensing requirements in a letter dated February 13, 2019. Staff are in concurrence with the archeological assessment and are satisfied that the municipal interest in the archaeology of the site has been satisfied.

Noise

- “1.2.6.1 *Major facilities and sensitive land uses* shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential *adverse effects* from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of *major facilities* in accordance with provincial guidelines, standards and procedures.”

A Noise Impact Study by Valcoustics Canada Ltd. dated October 23, 2020, prepared in support of the proposed residential development evaluated noise impacts from vehicular traffic along Binbrook Road and Highway No. 56 on the proposed future single detached dwelling lots and townhouse units. Based on the results of the study, noise warning clauses, the provision for future forced air ventilation and a 1.8 metre high noise fence will be required to shield the outdoor living areas of Unit 1 and Unit 24 within the development along Binbrook Road West. The location and details of the noise fence will be required to be shown on a future Site Plan Control application. Noise warning clauses will also be required in all purchase and sale and lease agreements and in the

undertaking on the final approved Site Plan and included as a clause in the registerable portion of the Condominium agreement (see Condition No. 3 of Appendix “E” to Report PED21111).

As the application for a Zoning By-law Amendment and a Draft Plan of Condominium (Vacant Land) complies with the Urban Hamilton Official Plan (UHOP), it is staff’s opinion that the applications are:

- Consistent with Section 3 of the *Planning Act*,
- Consistent with the Provincial Policy Statement (PPS) (2020); and,
- Conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. The subject lands are also designated “Low Density Residential 2e” and “Low Density Residential 2h” and identified as a “Gateway” in Volume 2: Binbrook Village Secondary Plan.

The area designated as “Low Density Residential 2e” is proposed to be rezoned to the Residential 4 - Holding “H-R4-320” Zone, within the amending Zoning By-law (see Appendix “B” to Report PED21111) to permit single detached dwellings. The remainder of the subject lands designated “Low Density Residential 2h” is proposed to be rezoned to the Residential Multiple “RM3-321” Zone (see Appendix “B” to Report PED21111) to permit townhouse dwellings.

The following Urban Hamilton Official Plan policies, amongst others, apply to the proposal.

Volume 1- Urban Hamilton Official Plan:

- “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.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.

- E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads.
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses.
- a) 100 metres of a minor arterial road, as identified on Schedule C – Functional Road Classification;”
- E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.”

The proposed single detached dwellings are considered Low Density Residential and the proposed townhouse dwellings are considered Medium Density Residential within the Neighbourhoods Designation of the UHOP. The area identified as Low Density Residential is proposed to be zoned Residential 4 - Holding “H-R4-320” Zone (refer to Appendix “B” to Report PED21111). The area identified as Medium Density Residential is proposed to be zoned Residential Multiple “RM3-321” Zone, Modified (refer to Appendix “B” to Report PED21111).

The proposal is to construct three single detached dwellings with frontage and access on Valiant Circle. The Low Density Residential policies permit single detached dwellings and the zoning limits the maximum height to three storeys. Therefore, the proposed single detached dwellings comply with the Neighbourhoods Designation.

The proposal to construct 24 townhouse dwellings on a condominium road with 12 associated visitor parking spaces complies with the policies of the Medium Density Residential designation as the lands:

- are located on the periphery of a residential neighbourhood;
- have frontage on an arterial road (known as Binbrook Road);
- are located within walking distance of the Mixed-Use Medium Density Neighbourhood, community park and a school; and,
- the maximum height of the proposed townhouse dwellings will be three storeys for the proposed townhouse dwellings which is permitted within the Binbrook Village Secondary Plan.

Natural Heritage

- “B.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.”

Natural Heritage staff reviewed the Tree Protection Plan (TPP) prepared by Kuntz Consulting, dated November 13, 2019 and the Landscape Plan by James McWilliam, dated April 2019. These plans have not yet been approved. The TPP shows that 27 private trees are to be removed on site. Where possible, existing healthy trees should be retained, to provide screening to adjacent properties, and to maintain existing canopy cover.

A revised Tree Protection Plan and an updated Landscape Plan are required as part of a future Site Plan application and will be implemented through the site plan process.

Volume 2 – Binbrook Village Secondary Plan:

- “B.5.1.4.1 The following goals shall apply to the Residential designations:

- g) Ensure new residential development considers and is sensitive to existing residential uses and other existing and permitted uses in Binbrook Village.
- h) Encourage the reuse of existing large residential lots to maximize the efficient use of urban land and services.

- B.5.1.4.3 In addition to Section E.3.0 – Neighbourhoods Designation of Volume 1, the following general policies apply to all residential land use designations identified in Map B.5.1-1 – Binbrook Village – Land Use Plan:

- a) Residential development in Binbrook Village shall have a compact urban form to enhance the livability of the community, provide for cost efficiencies, and support environmental sustainability.
- c) A range and mix of housing types shall be permitted, including single detached, semi-detached, duplexes, townhouses, quattroplexes, and apartment (multiple) dwellings, as well as housing with supports.
- e) The location and design of new residential areas shall be sensitive to the density and form of existing residential uses. To encourage

compatibility, new residential areas shall also be sensitive to the location and nature of existing and future non-residential uses.

B.5.1.4.5 Low Density Residential

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

B.5.1.10.1 In addition to Section B.3.3 – Urban Design Policies of Volume 1, the following policies shall apply to all Residential designations identified on Map B.5.1-1 – Binbrook Village – Land Use Plan:

- b) Direct access to individual dwelling units from major or minor arterial or collector roads should be limited by utilizing alternative development designs such as common driveways and rear laneways.
- i) The side façade of a residential building which abuts a street should be given an architectural design treatment to create a street presence.
- k) Pairing of driveways shall be encouraged where appropriate.”

The proposed single detached dwelling lots fronting onto Valiant Circle are within the “Low Density Residential 2e” designation and comply with the permitted uses and density in the Binbrook Village Secondary Plan. The density for the proposed single detached dwellings at 15 units per hectare is less than the maximum 30 units per hectare identified within the Secondary Plan.

The proposed 24 townhouse dwelling units on the remaining portion of the subject lands are designated as “Low Density Residential 2h”.

The proposed townhouses comply with the policies as follows:

- they are a compact built form located along an arterial road;
- they are within walking distance of neighbourhood parks (fairgrounds community park and the Binbrook fairgrounds);
- the proposed density is 40 units per net hectare which meets the Low Density Residential 2h designation;
- the proposed height of three storeys is within the maximum permitted height identified within the Official Plan;
- the driveways are paired within the proposed townhouse development; and,
- they are located within walking distance of a Mixed-Use Medium Density area.

Staff are of the opinion that the proposed townhouse dwellings have been designed to be sensitive to the existing residential neighbourhood on Valiant Circle.

The proposed visitor parking spaces will be centralized for the townhouse development and adequately screened from adjacent lands. The proposed visitor parking will be screened with landscaping on the east and west of the subject lands with a 1.8 metre tall fence surrounding the entire property and the parking will be screened from the future single detached dwellings to the north by the proposed townhouse dwellings. This will create a compatible height, massing and arrangement of buildings.

The proposed townhouses and single detached dwellings will have the same maximum height as permitted by the Glanbrook Zoning By-law. As a result, the required setback for the rear yards of both the townhouses and the single detached dwellings are compatible and minimize the impact of the proposed townhouses to the abutting low density residential neighbourhood.

The detailed landscape design and elevations will be reviewed at the Site Plan Control stage in order to ensure that enhanced elevations visible from Binbrook Road are implemented and that the landscaping for the condominium is provided in accordance with the requirements of the Zoning By-law and Site Plan Guidelines.

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 16 of 31

Therefore, the proposal complies with the Urban Hamilton Official Plan and Binbrook Village Secondary Plan.

Township of Glanbrook Zoning By-law No. 464

The subject lands are zoned Existing Residential “ER” Zone in the Township of Glanbrook Zoning By-law No. 464 which permits one single detached dwelling per lot and accessory structures to the principal use. Therefore, the applicant has requested a Zoning By-law Amendment is required to rezone to the Residential 4 - Holding “H-R4-320” Zone, Modified, and Residential Multiple “RM3-321” Zone, Modified, to permit the construction of the proposed 24 townhouse dwellings and three single detached dwellings fronting onto Valiant Crescent (see Appendix “B” to Report PED21111).

The portion of the residential lands fronting on Valiant Circle are proposed to be rezoned to Residential 4 - Holding “H-R4-320” Zone, Modified (Shown as Block 1 on Appendix “A” to Report PED21111). There are no modifications to the parent “R4” Zone proposed. A Holding Provision is required relating to the land assembly and the cost recoveries and is discussed further in the Analysis and Rationale for Recommendation section of this report.

The portion of the lands fronting on Binbrook Road are proposed to be rezoned to Residential Multiple “RM3-321” Zone (shown as Block 2 on Appendix “A” to Report PED21111), Modified.

The site specifics requested for the proposed Residential Multiple “RM3-321” zone include reductions in the minimum required front yard, minimum lot area, minimum side yard and minimum rear yard, minimum landscape area, removal of the required amenity area, reduction in the minimum planting strip, removal of the setback from the street line, addition of the definition of uses allowed in a common element condominium, and addition of a definition for the purpose of deeming the yard requirement setbacks from a condominium road.

A discussion of the merits of the proposed modifications is provided in the Analysis and Rationale for Recommendation Section of the Report and in the Zoning By-law Site Specific Modifications Table contained in Appendix “C” to Report PED21111.

RELEVANT CONSULTATION

Departments and Agencies	
• Asset Management, Strategic Planning Division, Public Works Department; and,	No Comment

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 17 of 31

<ul style="list-style-type: none"> Landscape Architectural Services, Strategic Planning Division, Public Works Department. 		
	Comment	Staff Response
Engineering Approvals Section, Growth Management Division	<p>Full municipal services including private sewer and water drain connections are available on Binbrook Road West and Valiant Circle to service the proposed condominium development and the single detached residential lots to be created.</p> <p>Binbrook Road West was reconstructed along this section of roadway in 2013 in conjunction with the Summerlea West Subdivision development. As a condition of future Site Plan approval, the applicant will be required to pay all required <i>Municipal Act By-Law</i> commutation costs for these works.</p> <p>This section of Binbrook Road West is to have an ultimate road allowance width of 26.21m (86 feet) in accordance with Schedule “C-2” of the City of Hamilton Urban Official Plan (UHOP). This roadway has a sufficient roadway setback of 13.12m (43 feet) from the original centreline of this roadway.</p> <p>The rear portion of the subject lands is adjacent to block(s) intended for future residential development, Block 73 on 62M-1078, that shall be merged with the property to provide for orderly development. Also, there is a 0.3m reserve, described as Block 71 and 73 on 62M-1078, adjacent to Valiant Circle. We note that the proponent will be required to provide payment for the outstanding servicing costs prior to lifting the reserve.</p>	<p>These requirements will be addressed through Condition Nos. 1 and 2 of Appendix “E” to Report PED21111.</p> <p>At the Site Plan Control Stage, engineering is requesting the following conditions:</p> <ul style="list-style-type: none"> Grading and Drainage Control Stormwater Management Design Site Servicing Plan Water and Wastewater Usage Water Service Assessment Storm Drainage Area Plan Watermain Hydraulic Analysis Door-to-Door Well Survey <p>A Holding Provision has been added to the lands proposed to be zoned Residential 4 – Holding “H-R4-320” Zone to require that those lands not be developed until such time that lot consolidation has occurred in order to meet the required minimum lot</p>

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 18 of 31

	<p>The Functional Servicing Report references a 150 mm diameter watermain on Valiant Circle to be used to service the single detached lots. Our records indicate that this watermain is actually 200 mm in diameter. Please clarify this information for future submissions.</p> <p>Public Works</p> <p>Given that the development is near the edge of the urban boundary and a small number of nearby properties rely on a private water well, if dewatering is anticipated for construction activities a water well survey will be required.</p> <p>This water well survey would include a door-to-door survey of wells within a 500 m radius of the site perimeter or the proposed area of influence from dewatering (whichever is greater) and should determine the condition and details of local wells, including the method of construction, static water level, pump intake, well depths, and water use.</p> <p>If dewatering is required to support construction activities, the applicant is reminded that dewatering discharge must comply with City of Hamilton Sewer Use Bylaw standards.</p> <p>If dewatering is not anticipated, as a condition of approval to the satisfaction of Director, Hamilton Water, the applicant shall provide a technical memorandum from a qualified professional (P.Eng, P.Geo) which provides justification as to why dewatering is not required.</p>	<p>area and lot frontage requirements.</p> <p>Engineering Approvals has requested Easements be added to the Draft Plan of Condominium for the purposes of entering, inspecting and undertaking, at any time, modifications to the surface drainage of the said Units and the Common Elements of the Condominium in accordance with the Detailed Grading Plan and the Overall Grading Plan approved by the City of Hamilton for the future townhouse dwellings only. The requirement for the registration of the easements on the lands is addressed as Condition No. 1b) of Appendix “E” to Report PED21111.</p>
--	---	--

	<p>The applicant will be required to provide a written record of their proposed Monitoring and Contingency plan that outlines their protocol for action. This contingency plan would include identification and monitoring of potential impacts, triggers, notification to the City, and mitigation plans in case impacts arise.</p> <p>Sanitary Sewer Servicing & Minor Storm Drainage System</p> <p>Based on the Conceptual Sanitary Servicing Plan of the revised FSR), dated July 17, 2020, a connection to the sanitary main directly in front of 3150 Binbrook is proposed which outlets south down Kaufman Drive and enters into the network at GP13A105 (MH15A per 06-S-35_D2 and drainage calculation).</p> <p>The local sewer pipes have the capacity to handle the proposed flows. The City will want to ensure that capacity is still maintained for future growth as well. Due the minimal impact the proposed flows have on the system Hamilton Water is satisfied with the application for the Sanitary Sewer System.</p> <p>The Stormwater Management Report, dated February 6, 2019, was previously deemed satisfactory for use.</p> <p>Water Servicing Review</p> <p>Water Demands:</p> <ul style="list-style-type: none">•Please provide domestic water usage calculations using the fixture unit method at the time of site plan approval.	
--	--	--

	<p>Required Fire Flow:</p> <ul style="list-style-type: none"> • The required fire flow (RFF) for the townhouse buildings has been calculated as 2700 L/min (45 L/s) using the Ontario Building Code (OBC) Fire Protection Water Supply Guideline for Part 3 of the OBC. • The City's hydrant testing at nearby municipal hydrants on Binbrook Road (GE05H020 and GF12H002, dated October 24, 2017) resulted in theoretical available flows of 5202 IGPM (394 L/s) and 6707 IGPM (508 L/s) at 20psi, respectively. The closest hydrant on Binbrook Road (GF12H003) has no recent available data. The City's hydrant testing at nearby municipal hydrants on Valiant Circle (GF12H009 and GF12H010, dated October 16, 2017) resulted in theoretical available flows of 5520 IGPM (418 L/s) and 4969 IGPM (376 L/s) at 20psi, respectively. <p>The provided information is satisfactory to support the Official Plan Amendment and Zoning Bylaw Amendment applications. Updated domestic water usage and RFF calculations, based on the final design of the proposed buildings, will be required at the time of detailed design and Site Plan Control.</p> <p>Infrastructure Planning:</p> <p>Stormwater quantity control underground storage facility design details along with design details of any proposed LID measures should be provided at the detailed design stage.</p>	
--	---	--

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 21 of 31

	<p>Please confirm that the proposed OGS unit (STC 300) is ETV Canada approved. Proposed OGS unit should be designed based on ETV particle size distribution (PSD).</p> <p>The existing municipal system adjacent to the subject lands has sufficient capacity to support the proposed development concept.</p>	
<p>Forestry and Horticulture Section, Environmental Services Division, Public Works Department</p>	<p>Forestry approves the Tree Inventory and Preservation Plan Report for street trees dated November 13, 2019 upon conditions and receipt of applicable fees outlined below.</p> <p>Payment of \$273.26 (permit fee) + \$35.52 (HST) = \$307.78 payable to the City of Hamilton will be required at Site Plan Stage.</p> <p>Forestry does not approve the Landscape Plan dated April 2019. Existing trees within the right of way along Valiant Circle and Binbrook Road must be incorporated into the plan and, spaced off existing right of way trees.</p>	<p>A Landscape Plan will be required as a condition of Site Plan Control.</p> <p>Payment for Street Trees will be required as a condition of site plan approval and/or any future consent applications.</p>
<p>Growth Planning, Growth Management Division</p>	<p>Municipal addresses will be finalized when a Site Plan application is submitted.</p> <p>It should be determined if the subject proposal will require access easements for rear yard maintenance.</p> <p>It should be noted that the subject proposal is incorporating remnant parcels from Woodview Estates Ph.1 (25T-200016).</p>	<p>Staff have added a note for the Draft Plan of Condominium advising of the lapsing date (see Note No. 1 of Appendix “E” of Report PED21111).</p>

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 22 of 31

	If final approval of the condominium is not provided within the three years, written request of the extension will be required prior to lapsing.	
Niagara Peninsula Conservation Authority	<p>The NPCA reviewed the 'Stormwater Management Report' (revised July 17, 2020) by Karugu Consulting Inc., and offers the following comments: All stormwater runoff will be captured and treated to a normal standard. The NPCA has no objection in principle to the installation of an appropriately sized oil/grit separator in order to achieve this criterion. All post development peak stormwater flows be attenuated to pre-development levels (for up to and including the 100 year design storm event). The NPCA has no objection in principle to the utilization of underground storage in order to achieve this criterion.</p> <p>Prior to construction, the NPCA will require that finalized grading, storm servicing, stormwater management, and construction erosion control drawings be circulated to this office for review and approval.</p> <p>This agency offers no objections to the approval of the applications.</p>	The request to receive the drawings has been address as a condition of Condominium (see Condition No. 6 of Appendix "E" to Report PED21111).
Capital Budgets & Development, Corporate Services Department	Payment of the Municipal Act Sanitary Mainline amount of \$6,204.96 and Sanitary Connection amount of \$2,921.63 under By-law 14-172; the Municipal Act Watermain Connection amount of \$2,359.68 under By-law 14-174 and the Municipal Act Watermain Frontage amount of \$7,169.00 under By-law 06-252 is required for each property, totalling \$37,310.54 at February 29,	The Municipal Act fee will be required to be paid as a condition of the Draft Plan of Condominium approval (see Condition No. 7 of Appendix "E" of Report PED21111).

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 23 of 31

	2020, to the satisfaction of the Capital Budget Section of Corporate Services.	
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	This development is eligible for municipal waste collection service subject to meeting the City's requirements. The property owner must contact the City to request waste collection service and a site visit to determine if the property complies with the City's waste collection requirements.	Details regarding eligibility for municipal waste collection will be addressed through the future Site Plan Control application and Note No. 2 of Appendix "E" to Report PED21111).
Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> Transportation Planning has no concerns with the Zoning By-law Amendment as the future traffic volumes from this site can be accommodated within the existing road network. Transportation Planning can support the Transportation Impact Study's approval as the existing road network can handle the additional traffic volumes generated from this development (24 a.m. and 25 p.m. peak hour trips). The Applicant has met the TDM requirement for this area and type of development. The existing right-of-way on Binbrook Road in this area is 26.213 metres. No further dedications are required. 	Noted
Alectra Utilities Corporation	<ul style="list-style-type: none"> Provided information for electrical service and facility requirements. 	<ul style="list-style-type: none"> Applicant will be required to contact Alectra Utilities for hydro facilities and services.
Rogers	<ul style="list-style-type: none"> Prior to Site Plan approval, the Developer/Owner will, at its own cost, 	<ul style="list-style-type: none"> This has been included as Condition

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: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 24 of 31

	<p>grant all necessary easements and maintenance agreements required by those CRTC-licensed telephone companies and broadcasting distribution companies intending to serve the Site Plan (collectively, the “Communications Service Providers”). Immediately following registration of the Site Plan, the Developer/Owner will cause these documents to be registered on title.</p> <ul style="list-style-type: none"> • Prior to Site Plan approval, the Developer/Owner will, with consultation with the applicable utilities and Communications Service Providers, prepare an overall utility distribution plan that shows the locations of all utility infrastructure for the Site Plan, as well as the timing and phasing of installation. • If there are any conflicts with existing Rogers facilities or easements, the owner shall be responsible for re-arrangements or relocation. 	<p>Nos. 8 and 9 of Appendix “E” to Report PED21111) and will be addressed through a future site plan application.</p>
Bell Canada	<ul style="list-style-type: none"> • At the time of writing the report, Bell Canada had not provided comments, however Staff have included their Standard Condition. 	<ul style="list-style-type: none"> • The Standard Condition has been included as Condition No. 11 to Appendix “E” to Report PED21111.
Canada Post	<ul style="list-style-type: none"> • At the time of writing the report, Canada Post had not provided comments, however Staff have included their Standard Condition. 	<ul style="list-style-type: none"> • The Standard Condition has been included as Condition No. 10 to Appendix “E” to Report PED21111.
Union Gas	<ul style="list-style-type: none"> • At the time of writing the report, Union Gas had not provided 	<ul style="list-style-type: none"> • The Standard Condition has been

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 25 of 31

	comments, however Staff have included their Standard Condition.	included as Condition No. 12 to Appendix “E” to Report PED21111.
Public Consultation		
	Comment	Staff Response
Emergency Access Proposed on Valiant Crescent	Concerns were raised possible traffic impacts due to the proposed emergency access on Valiant Crescent and the possible increase of on-street parking due to visitors to the Townhouse condominium unit parking on Valiant Crescent and walking to the townhouse.	The emergency access on Valiant Crescent has been removed.
Number of Visitor Parking Spaces	<ul style="list-style-type: none"> Concerns were raised that the amount of visitor parking spaces proposed for the townhouse dwellings was insufficient and would cause spillover into the surrounding residential neighbourhoods. Concerns with possible parking concerns in addition to already existing parking concerns in the neighbourhood. 	No modifications are required to the minimum number of proposed parking spaces for the townhouse development and parking will be provided in accordance with the Glanbrook Zoning By-law.
Maximum height of the proposed townhouses	A question was raised asking if the townhouses facing the rear of the single detached dwellings will be reduced to two storeys instead of three storeys because of concerns with aesthetics, visual impacts and overlook into the backyards and will the proposed townhouse dwellings include balconies facing the rear of the proposed single detached dwellings.	<p>Staff note that the proposal will conform to the height requirements of the Glanbrook Zoning By-law.</p> <p>The final design of the proposed elevations have not been approved at this time for the townhouse dwellings. The elevations will be reviewed as part of the</p>

SUBJECT: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 26 of 31

		Site Plan Control application.
Modifications to the approved Zoning	A question was raised asking if the proposed residential uses can change significantly from the proposal that is included in part of the Zoning By-law Application.	Any uses not permitted within the zoning would require a new Zoning By-law amendment application which includes a public process.
Design of Single Detached Dwellings	A question was raised asking if the single detached dwellings are similar to the design of the existing residential dwellings or would it be different.	The applicant is proposing to apply the zoning on a portion of the subject lands to be compatible with the existing single detached residential neighbourhood (Residential 4 “R4” Zone) to ensure consistency in regard to zoning permissions.
Traffic Concerns	A question was raised asking if a traffic study been submitted in order to review large design vehicles expected to use the site.	A Transportation Impact Study (TIS) was submitted in support of the applications. The study was reviewed and approved by the Transportation Planning Section. The truck turning movement will be reviewed at the Site Plan Control stage to ensure safe movement of garbage, emergency services and similar vehicles.
Access into the site From Binbrook Road	A question was raised asking if vehicles will be able to turn left onto Binbrook Road or will the median be extended to	A TIS was submitted in support of the proposed applications. The

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: Application for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for Lands Located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) – Page 27 of 31

	prevent left turns and will there be a turning lane proposed on Binbrook Road.	Transportation Planning Section has reviewed and approved the study in support of a full movement access on Binbrook Road.
Large Vehicles using Binbrook Road	A concern was raised regarding the continued use of large vehicles on Binbrook Road (such as logging trucks) even though there are signs on the road that say large trucks are not permitted on Binbrook Road.	Concerns regarding large trucks using Binbrook Road should be directed to Municipal Law Enforcement.
Current tenants for the single detached dwelling	Comments were received regarding concerns from the residents about the existing tenants on the subject lands.	These concerns are outside of the scope of the Zoning By-law amendment application. Property standard concerns were forwarded to Municipal Law Enforcement and the applicants agent was made aware of these concerns.
Construction timing	A question was raised asking of the timing of construction for the single detached dwellings on the subject lands.	The timing of the construction for the proposed development is at the discretion of the developer.
Application Process	A question was raised regarding the application process and the public meeting.	The notice of the Statutory Public meeting was sent to all property owners within 120 metres of the subject lands, in addition to anyone who requested to be advised of the meeting through the public circulation. In addition, the sign on the

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.

		property was updated to include the date of the Statutory Public meeting.
--	--	---

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 118 property owners within 120 m of the subject lands on June 25, 2019 for the Zoning By-law Amendment application and to 118 property owners within 120 m of the subject lands on December 20, 2019 for the Draft Plan of Condominium (Vacant Land). A Public Notice Sign was posted on the property for the Zoning By-law Amendment application on July 2, 2019 and January 18, 2020 for the Draft Plan of Condominium (Vacant) and updated on June 9, 2021 with the Public Meeting date. A Notice of Public Meeting was given in accordance with the requirements of the *Planning Act* to 118 property owners within 120 m of the subject lands on June 18, 2021.

Staff have received 12 comments in response to the applications to date which are summarized in the table above and attached as Appendix “G” to Report PED21111.

Public Consultation Strategy

In addition to the requirements of the *Planning Act*, a virtual community meeting was held on January 26, 2021 and was hosted by the applicant. The applicant presented the proposal to members of the public and addressed questions and concerns associated with the application. A notice advising of the meeting was mailed by the agent to surrounding property owners. An e-mail from the Ward Councillor’s office was sent advising residents to inform the community of the virtual meeting. The Ward Councillor, City staff, and their agent and 48 were individuals in attendance.

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 (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
 - (ii) It complies with the policies of the Urban Hamilton Official Plan and the Binbrook Village Secondary Plan; and,
 - (iii) It is compatible with existing and planned development in the immediate area and represents good planning by, among other things, providing

additional housing options and making efficient use of existing infrastructure within the urban boundary.

2. The proposed Zoning By-law Amendment will permit 24 townhouse dwelling units in a vacant land form of tenure on Block 2 (See Appendix “A” to Report PED21111).

The proposal is to change the zoning from the Existing Residential “ER” Zone to Residential 4 – Holding “H-R4-320” Zone, Modified, (Block 1) and Residential Multiple “RM3-321” Zone, Modified (Block 2) in the Township of Glanbrook Zoning By-law No. 464.

Site specific modifications to the “RM3” Zone are required to recognize the reductions in the minimum Lot Frontage, Minimum Lot Area, Minimum Landscape Area and Minimum Front, Side and Rear Yards. A general provision to the site specific will be added stating that for the purposes of the lot frontage, lot area, front yard, and side yard requirements only, a condominium road shall be deemed to be a public street. A general provision to the site specific will be added stating that the visitor parking and landscaping may be provided in a common element condominium and for a reduction for a planting strip where a parking area abuts a residential zone.

Staff are supportive of the requested zoning for the following reasons:

- The modifications for lot area and lot frontage recognize the minimum requirements for each individual lot which will become freehold units as a result of the Vacant Land Condominium approval;
- The proposed development is sensitive and compatible with the abutting low density residential neighbourhood along Valiant Crescent;
- The proposed development will provide opportunities for private outdoor amenity area with access to public greenspace within walking distance;
- The modification for the setbacks from the street is appropriate because the proposed road will be a private condominium road and not a municipal road; and,
- The proposed development complies with the design, density and use policies within the Urban Hamilton Official Plan and Binbrook Village Secondary Plan.

The applicants are proposing to rezone the portion of the residential lands fronting on Valiant Circle to Residential 4 - Holding “H-R4-320” Zone, Modified (see Appendix “B” to Report PED21111). Staff are supportive of the proposed change in zoning because it is compatible with the Binbrook Village Secondary

Plan designation and is compatible with the single detached dwellings in the surrounding low density neighbourhood. There are no modifications proposed to the “R4” Zone.

The details and discussion of the merits of the proposed modifications to the “RM3” Zone is in the Zoning By-law Site Specific Modifications Table contained in Appendix “C” to Report PED21111.

3. The proposed Draft Plan of Condominium (Vacant Land) is for 24 vacant land units for townhouse dwellings, a private condominium road, sidewalks, 12 visitor parking spaces, and centralized mailboxes, as shown on the attached plan, marked as Appendix “D” to Report PED21111. The private condominium road will provide access to Binbrook Road. All 24 units will be accessed from the private condominium road. Staff are supportive of the Draft Plan of Condominium (Vacant Land) and recommend its approval, subject to the conditions attached as Appendix “E” to Report PED21111.
4. An “H” Holding Provision is included in the amending Zoning By-law which applies only to the proposed Residential 4 – Holding “R4-320” Zone. The Holding Provision may be removed conditional upon the following:
 - The landowner demonstrates to the satisfaction of the Director of Planning and Chief Planner that land assembly has occurred to comply with the minimum required lot area and lot frontage requirements of the parent Residential 4 “H-R4” Zone; and,
 - The landowner pays the outstanding costs associated with Valiant Circle to the satisfac
 - tion of the Senior Director, Growth Management;

Staff are supportive of the Holding Provision as land assembly is required in order to ensure orderly development and as well as payment for outstanding costs. The lands currently only have approximately 7.7 metres of frontage which does not meet the minimum required frontage in the Residential 4 “R4” Zone and therefore development of the lots should not occur until such time that land assembly occurs, and they can meet the minimum zoning requirements. Staff note that there are some blocks that were identified as part of Registered Plan 62M-1078 for the residential subdivision on Valiant Circle (identified as Blocks 66 and 73 that could be consolidated with the subject lands (see Appendix “C” to Report PED21111).

5. Prior to registration of the Draft Plan of Condominium (Vacant Land), a Site Plan Control application will be required to address architectural design, landscaping, site lighting, stormwater management, preliminary grading, road design and water and wastewater servicing among other technical matters. Development cannot occur until the Vacant Land Condominium is registered and will ensure that the development will be consistent with the Zoning By-law and final Site Plan Control approval (see Condition Nos. 4 and 5 of Appendix “E” to Report PED21111).

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would remain zoned Existing Residential “ER” Zone, in the Township of Glanbrook Zoning By-law No. 464 which permits one single family dwelling per lot.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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

Healthy and Safe Communities

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report PED21111 – Location Map
Appendix “B” to Report PED21111 – Zoning By-law Amendment
Appendix “C” to Report PED21111 – Zoning By-law Site Specific Modification – Chart
Appendix “D” to Report PED21111 – Draft Plan of Condominium (Vacant)
Appendix “E” to Report PED21111 – Draft Plan of Condominium Conditions
Appendix “F” to Report PED21111 – Concept Plan
Appendix “G” to Report PED21111 – Public Submissions