



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 17, 2019
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 455 Springbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161 (Ancaster) (PED19169) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

That **Zoning By-law Amendment Application ZAC-19-032, by GSP Group on behalf of Rotuka Development Inc.**, for a change in zoning from the Agricultural “A” Zone and Residential “R4-563” Zone, Modified to Residential “R4-705” Zone, Modified and Residential “R4-706” Zone, Modified to permit the development of four single detached dwellings on lands located at 455 Springbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161 (Ancaster), as shown on Appendix “A” to Report PED19169, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED19169, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019), and complies with the Urban Hamilton Official Plan.

EXECUTIVE SUMMARY

The proposed Zoning By-law Amendment is for a change in zoning from the Agricultural “A” Zone and Residential “R4-563” Zone, Modified to Residential “R4-705” Zone, Modified

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.

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and Residential “R4-706” Zone, Modified to permit development of four single detached dwellings. A modification to the maximum lot coverage for the proposed lot fronting on Fair Street and modifications to the maximum lot coverage and minimum lot frontage for the lots fronting Springbrook Avenue are proposed to facilitate the development.

The Zoning By-law Amendment has merit and can be supported, as the proposal is consistent with the Provincial Policy Statement (2014), conforms to A Place to Grow (2019); and complies with the Urban Hamilton Official Plan.

Alternatives for Consideration – See Page 10

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.

HISTORICAL BACKGROUND

Background:

The subject property is located on the east side of Springbrook Avenue, west of Fair Street, north of Garner Road East and is municipally known as 455 Springbrook Avenue, 253 Fair Street and Block 14, Plan 62M-1161. The subject lands are 0.22 ha in size, consisting of a single detached dwelling which is proposed to be demolished. As a result of previous *Planning Act* applications, the applicant was required to purchase remnant parcels of the adjacent subdivisions from the City of Hamilton to comprehensively develop the property known as 455 Springbrook Avenue. The purchase is currently pending the approval of the Zoning By-law Amendment.

An appeal settlement for Consent Applications AN/B-12:76, AN/B-12:77 and AN/B-12:78 for the creation of four single detached dwellings fronting on Fair Street resulted in remnant lands being transferred to the City of Hamilton for future development. The applicant has been required to purchase and develop the remnant lands in conjunction with 455 Springbrook Avenue, resulting in the creation of an irregular shaped lot fronting on Fair Street, as opposed to a standard pie shaped lot.

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Zoning By-law Amendment

The lands are currently zoned Agricultural “A” Zone and Residential “R4-563” Zone, Modified in Ancaster Zoning By-law No. 87-57. The applicant has requested a zoning change to a site specific Residential “R4” Zone, with proposed modifications to the Zoning By-law including the following:

Lots fronting on Springbrook Avenue:

- Maximum lot coverage of 45% for a single detached dwelling instead of a maximum of 35%; and,
- Minimum lot frontage of 11.8 m for a single detached dwelling instead of a minimum 12 m.

Lot fronting on Fair Street:

- Maximum lot coverage of 45% for a single detached dwelling instead of a maximum of 35%.

Future Consent Applications will be required to create the lots.

Chronology:

<u>May 1, 2019:</u>	Application ZAC-19-032 received.
<u>May 15, 2019:</u>	Application ZAC-19-032 deemed complete.
<u>May 23, 2019:</u>	Notice of Complete Application and Pre-Circulation was mailed to 64 property owners within 120 m of the subject property.
<u>June 6, 2019:</u>	A Public Notice sign is installed on the property.
<u>August 21, 2019:</u>	Public Notice sign updated to reflect the date of Public Meeting.
<u>August 30, 2019:</u>	Circulation of Notice of Public Meeting to 64 property owners within 120 m of the subject property.

DETAILS OF SUBMITTED APPLICATION:

Owner: Rotuka Development Inc. (Divyang Patel, Owner)

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Agent: GSP Group

Location: 455 Springbrook Avenue, 253 Fair Street and Block 14 Plan 62M-1161 (Ancaster) (see Appendix “A” to Report PED19169)

Property Size:

Frontage	35.56 m (Springbrook Avenue)
Area	0.22 ha
Depth	60.96 m

Servicing: Partial Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Agricultural “A” Zone and Residential “R4-563” Zone, Modified
<u>Surrounding Lands:</u>		
North	Single detached dwellings	Residential “R4-692” Zone, Modified
East	Single detached dwellings	Residential “R4-563” Zone, Modified
South	Single detached dwellings	Residential “R4-605” Zone, Modified and Residential “R4-606” Zone, Modified
West	Single detached dwellings	Residential “R4-555” Zone, Modified and Residential “R4-562” 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 (PPS 2014). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS and conform to A Place to Grow Plan (2019).

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The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent 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, balanced growth, environmental protection and sensitive land uses) are reviewed and discussed in the Official Plan analysis that follows.

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

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

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

- 1) Within 250 metres of known archaeological sites; and,
- 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.

These criteria define the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the Provincial Policy Statement apply to the subject application.

A Stage 1-2 archaeological report (P244-0136-2018) has been submitted to the City of Hamilton and Ministry of Tourism, Culture and Sport. While the Provincial interest has yet to be signed off by the Ministry, Staff concur with the recommendations made in the report. As such, staff can confirm that the City's interest in the site's archaeological potential has been satisfied.

As the application for a change in zoning complies with the Official Plan and the relevant policies in the PPS, 2014, it is staff's opinion that the application is:

- consistent with Section 3 of the *Planning Act*,
- consistent with the Provincial Policy Statement (2014); and,
- conforms to A Place to Grow (2019).

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan. The lands are further designated “Low Density Residential 3b” in the Meadowlands Neighbourhood IV Secondary Plan. The following policies, amongst others, apply to the proposal.

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.”

The applicant has submitted a Tree Protection and Landscape Plan prepared by OMC Landscape Architecture dated November 7, 2018 which identifies several trees in conflict with the proposed development and additional trees that could potentially be saved. Staff are undertaking further consultation with the agent to ensure additional trees along the perimeter are being evaluated for protection. Minor modifications to the Landscape Plan may be required to reflect additional tree retention but will be finalized as part of the future Consent Applications.

Neighbourhoods

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.
- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
 - c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.”

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The subject lands are considered to be on the periphery of the neighbourhood, but are consistent with surrounding land uses which are dominated by low density residential uses. The proposed single detached dwellings will be restricted in height to three storeys under the implementing zoning by-law.

The proposed lot areas of 426 to 428 sq m and lot widths of 11.85 m along Springbrook Avenue and an area of 990 sq m and lot width of 13.3 metres for the proposed lot fronting on Fair Street are compatible with the surrounding developments along Springbrook Avenue and Fair Street, which range in size from 384 sq m to approximately 770 sq m and lot widths of 11 m to 25 m. The lands will be accessed from Springbrook Avenue and Fair Street, both identified as local roads and the proposal is comparable in scale and massing with the surrounding single detached developments.

Having regard for infrastructure, Engineering staff has stated the urbanization of Springbrook Avenue will commence in the near future and that the urbanization fees will apply for the roadway, watermain, stormwater and sanitary sewers as part of the future Consent Agreement, required as part of the severance applications to create the four proposed lots.

Meadowlands Neighbourhood IV Secondary Plan

The subject lands are identified as “Low Density Residential 2b” in the Meadowlands Neighbourhood IV Secondary Plan. The following policy, amongst others, applies to the proposal.

“2.6.1.4 Low Density Residential Designations

Notwithstanding Section E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the Low Density Residential designations identified on Map B.2.6-1 – Meadowlands Neighbourhood IV – Land Use Plan:

- a) In the Low Density Residential 2b designation:
 - i) the density shall be approximately 1 to 30 units per net residential hectare;
 - ii) predominantly single detached dwellings, duplex and semi-detached dwellings shall be permitted; and,
 - iii) generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.”

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The proposed single detached dwellings are a permitted form of development and have a density of 18 units per hectare. The proposed lots are accessed by local roads and although located at the periphery of the neighbourhood, the proposal continues the existing form of development.

Based on the foregoing, the proposal complies with the Meadowlands Neighbourhood IV Secondary Plan and the policies of the UHOP.

Ancaster Zoning By-law No. 87-57

The applicant proposes to change the current zoning from Agricultural “A” Zone and Residential “R4-563” Zone, Modified to a site specific Residential “R4” Zone, in support of the proposed development, which permits single detached dwellings. The proposed modifications are discussed in detail in Appendix “D” to Report PED19169.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections to the application:

- Corporate Assets & Strategic Planning Division, Public Works Department; and,
- Transit Strategy & Infrastructure Division, Public Works Department.

Forestry and Horticulture Section, Public Works Department have confirmed there are municipal trees on site that are to be demonstrated on the Tree Management Plan. A Tree Management Plan with related fee and a landscape plan depicting the quantity and location of municipal trees will be required as a condition of the future Consent Applications.

Hamilton Conservation Authority has noted that the development of the subject lands will not significantly increase the impervious surface, therefore Hamilton Conservation Authority has no concerns with the proposal.

Recycling and Waste Disposal, Environmental Services Division, Public Works Department has noted that the lands are eligible for curbside municipal waste collection. Design standards for waste collection have been provided to the applicant for their information.

Transportation Planning, Planning and Economic Development Department have confirmed that the access driveway for the proposed lot fronting Fair Street will be evaluated through the future Consent Applications.

PUBLIC CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the proposal was sent to 64 property owners within 120 m of the subject lands on May 23, 2019. A Public Notice Sign was posted on the property on June 6, 2019, and updated with the Public Meeting date on August 21, 2019. The Notice of Public Meeting was given in accordance with the provisions of the *Planning Act*. One submission was received as a result of the circulation and is discussed in the Analysis and Rationale for Recommendation Section and attached as Appendix “E” to Report PED19169.

Public Consultation Strategy

As part of the applicant’s Public Consultation Strategy, the applicant proposed to use the statutory Public Meeting as part of the public strategy, given the small scale of the proposal. However, if there were a significant number of concerned neighbours, a microsite for the application and future severances would have been prepared which would provide direct access for the Ward Councillor and public to the reports and information submitted as part of the application. Additionally, if there were numerous concerns raised by the public, a neighbourhood meeting would have been scheduled, including a concept plan for four single detached dwellings. As there was only one inquiry, from a consultant representing a landowner on Springbrook Avenue, the applicant utilized the standard circulation requirements set out by the *Planning Act* and initiated by Staff for providing sufficient notice to adjacent landowners.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement and conforms to A Place to Grow, which encourages compact development within built-up areas;
 - (ii) It complies with and implements the policies of the Urban Hamilton Official Plan and Meadowlands Neighbourhood IV Secondary Plan; and,
 - (iii) The proposal represents good planning by providing a compatible development that is in keeping with existing development in the surrounding area and uses existing infrastructure.
2. The proposal is for a change in zoning from the Agricultural “A” Zone and Residential “R4-563” Zone, Modified to a Residential “R4-705” Zone, Modified and Residential “R4-706” Zone, Modified, to permit the development of four single detached dwellings. The proposed lots are appropriate for the use of the lands which were

previously underutilized with a single detached dwelling that is proposed to be demolished. Due to the irregular shape of the subject lands, additional lots would not be appropriate beyond what is currently proposed. The site layout reflects the continued development pattern of the lands along Springbrook Avenue, Fair Street and Lockman Drive. The proposed development complies with the UHOP and staff support the proposed change in zoning. Two modifications are required to the Residential “R4” Zone for the three lots proposed along Springbrook Avenue and one modification to the Residential “R4” Zone for the proposed lot fronting on Fair Street, which are discussed in Appendix “D” to Report PED19169.

3. The applicant will be required to submit Consent Applications in order to facilitate the proposed future residential development. As conditions of approval, the applicant will be required to complete and finalize the associated Tree Protection Plan.
4. Urbanization works on Springbrook Avenue, including the sanitary sewer, from Regan Drive to Lockman Drive, are expected to commence in the near future. The applicant / owner is responsible for the cost of urbanization as well as sewer servicing. The development is required to proceed with a Consent Application to create the four lots. As a condition of the Consent Application, the applicant / owner will be required to enter into a Consent Agreement that will address the following but not limited to: grading and drainage, cash payment requirements and the lifting of the one foot reserve that currently runs along the frontage of Fair Street.
5. A one foot reserve will be required along the proposed lots fronting onto Springbrook Avenue to ensure that all upgrades to services and new services are completed prior to the creation of the three lots. The existing one foot reserve currently in place along the properties to the south of the subject lands will also continue in place. Through the future Consent Applications, the one foot reserves will be applied until the completion of the required services.
6. To date, one submission from the public has been received in response to the public circulation (see Appendix “E” to Report PED19169). The overall concern is with respect to the urbanization costs associated with Springbrook Avenue and a request to the City to ensure that the developer pays these costs prior to developing the outstanding lots. Staff are aware of these costs and will be using reserves and the consent process to ensure the costs are recovered.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment application be denied, the property would remain under the Agricultural “A” Zone and Residential “R4-563” Zone, Modified which would permit one 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.

Healthy and Safe Communities

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

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Draft Zoning By-law

Appendix “C” – Concept Plan

Appendix “D” – Zoning Modification Chart

Appendix “E” – Public Input