



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
Planning Division

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	June 13, 2023
<b>SUBJECT/REPORT NO:</b>	Application for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 487 Shaver Road, Ancaster (PED23089) (Ward 12)
<b>WARD(S) AFFECTED:</b>	Ward 12
<b>PREPARED BY:</b>	Mark Michniak (905) 546-2424 Ext. 1224
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Official Plan Amendment Application UHOPA-22-002, by GSP Group Inc. (c/o Brenda Khes) on behalf of Shaver Road M.D. Holdings Inc., Owner**, to amend the Shaver Neighbourhood Secondary Plan to redesignate the subject lands from “Medium Density Residential 2a” to “Medium Density Residential 2b” and to establish a Site Specific Policy to permit a 36 unit stacked townhouse development with a maximum density of 80 units per hectare and a maximum height of four storeys, for lands located at 487 Shaver Road, as shown on Appendix “A” attached to Report PED23089, be **APPROVED**, on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23089, 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, as amended);

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- (b) That **Zoning By-law Amendment Application ZAC-22-005, by GSP Group Inc. (c/o Brenda Khes) on behalf of Shaver Road M.D. Holdings Inc., Owner**, for a change in zoning from the Rural Commercial “C5-243” Zone, Modified to the Residential Multiple “RM5” Zone, Modified, to permit a 36 unit stacked townhouse development with 45 surface parking spaces, for lands located at 487 Shaver Road, as shown on Appendix “A” attached to Report PED23089, as submitted and proposed by the applicant be **DENIED**, on the following basis:
- (i) That the change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Shaver Neighbourhood Secondary Plan with respect to land use compatibility and building placement;
  - (ii) That the proposal does not meet the general intent of the Zoning By-law with regards to allowable setbacks, minimum side yard, minimum rear yard, and planting strip;
  - (iii) That the proposal is not considered to be good planning and is considered an overdevelopment of the site;
- (c) That the staff **Amended Zoning By-law Amendment Application ZAC-22-005, by GSP Group Inc. (c/o Brenda Khes) on behalf of Shaver Road M.D. Holdings Inc., Owner**, for a change in zoning from the Rural Commercial “C5-243” Zone, Modified to the Residential Multiple “RM5-716” Zone, Modified, to permit up to 36 stacked townhouse units and 45 surface parking spaces, for lands located at 487 Shaver Road, as shown on Appendix “A” attached to Report PED23089, be **APPROVED**, on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED23089, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020) and conform to A Place to Grow (2019, as amended);
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.

## **EXECUTIVE SUMMARY**

The subject lands are municipally known as 487 Shaver Road, Ancaster and are located on the east side of Shaver Road between Garner Road West and Wilson Street

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West. Applications have been submitted to amend both the Urban Hamilton Official Plan (UHOP) and the Town of Ancaster Zoning By-law No. 87-57 to permit a stacked townhouse development composed of 36 dwelling units with 45 surface parking spaces, shown on Appendix “E” attached to Report PED23089. The stacked townhouse dwellings as proposed by the applicant are oriented along the southern property line, immediately adjacent to a City of Hamilton Public Works yard, with a minimum 1.8 metre side and rear yard setbacks.

Staff do not support the applicant’s concept as it is not compatible with the surrounding area. Staff have prepared an amended Zoning By-law Amendment, shown in Appendix “C” attached to Report PED23089. The amended Zoning By-law Amendment proposes a minimum 6.0 side yard to the south, a minimum 5.5 metre side yard to the north and a minimum 5.5 metre rear yard to the east. In addition, the amended Zoning By-law Amendment provides a 3.0 metre landscape strip to the north and rear and a 1.5 metre planting strip to the south.

The purpose of the Official Plan Amendment application is to redesignate the subject lands from “Medium Density Residential 2a” to “Medium Density Residential 2b” and to establish a Site Specific Policy to permit four storey stacked townhouses with a maximum density of 80 units per hectare in the Shaver Neighbourhood Secondary Plan.

The purpose of the amended Zoning By-law Amendment application is for a change in zoning from the Rural Commercial “C5-243” Zone, Modified, to the Residential Multiple “RM5-716” Zone, Modified within the Town of Ancaster Zoning By-law No. 87-57. Site-specific modifications to the “RM5” Zone are proposed to accommodate the proposed development, which are discussed in detail in Appendix “D” attached to Report PED23089. Where staff’s recommended zoning modification differs from the applicant’s proposed zoning, the applicant’s proposed regulation is noted in the table.

The Official Plan Amendment (OPA) and staff proposed Zoning By-law Amendment have merit and can be supported for the following reasons:

- They are consistent with the Provincial Policy Statement (2020) (PPS);
- They conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- They comply with the UHOP and the Shaver Neighbourhood Secondary Plan, subject to the recommended OPA; and,
- The staff amended development is compatible with the existing land uses in the immediate area, represents good planning by, among other things, providing a compact and efficient urban form, and supports developing a complete community.

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**Alternatives for Consideration – See Page 20**

**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 OPA and a Zoning By-law Amendment.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	Shaver Road M.D. Holdings Inc.
Applicant/Agent:	GSP Group Inc. (c/o Brenda Khes)
File Number:	UHOPA-22-002 and ZAC-22-005.
Type of Application:	Urban Hamilton Official Plan Amendment and Zoning By-law Amendment.
Proposal:	To facilitate development of a stacked townhouse development, with up to 36 units and 45 surface parking spaces.
<b>Property Details</b>	
Municipal Address:	487 Shaver Road.
Lot Area:	0.44 ha (irregular).
Servicing:	Existing full municipal services.
Existing Use:	Single detached dwelling, commercial garage facility, telecommunications tower, and accessory building.
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

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<b>Documents</b>	
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure and “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Official Plan Proposed:	No amendment proposed.
Secondary Plan Existing:	“Medium Density Residential 2a” in the Shaver Neighbourhood Secondary Plan.
Secondary Plan Proposed:	“Medium Density Residential 2b” in the Shaver Neighbourhood Secondary Plan.
Zoning Existing:	Rural Commercial “C5-243” Zone, Modified.
Zoning Proposed:	Residential Multiple “RM5-716” Zone, Modified.
Modifications Proposed:	<p>Staff propose the following modifications to the Residential Multiple “RM5” Zone:</p> <ul style="list-style-type: none"> <li>• To modify the definition of multi-plex dwelling to allow for stacked townhouses;</li> <li>• To reduce the minimum lot area from 0.5 hectares to 0.44 hectares;</li> <li>• To increase the maximum density from 50 units per hectare to 80 units per hectare;</li> <li>• To reduce the minimum lot frontage from 45 metres to 30.0 metres;</li> <li>• To reduce the minimum front yard from 10.5 metres to 3.0 metres;</li> <li>• To reduce the minimum side yard from 9 metres to 5.5 metres and 6.0 metres;</li> <li>• To reduce the minimum rear yard from 9 metres to 5.5 metres;</li> <li>• To reduce the minimum planting strip from 3.0 metres to 1.5 metres on the southerly lot line;</li> <li>• To increase the maximum height from 10.5 metres to 14.5 metres;</li> <li>• To reduce the minimum landscaping from 50 percent to 41 percent including children’s play area;</li> <li>• To remove the requirement for enclosed or underground parking;</li> <li>• To reduce the minimum parking from 2 parking spaces per unit and 0.66 visitor parking spaces per unit to 1 parking space per unit and 0.25 visitor parking spaces per unit; and,</li> <li>• To reduce the accessory building setback from 1.5 metres to 1.0 metres on the southernly lot line.</li> </ul>

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<b>Processing Details</b>	
Received:	October 27, 2021.
Deemed Complete:	November 17, 2021.
Notice of Complete Application:	Sent to 254 property owners within 120 m of the subject property on December 3, 2021.
Public Notice Sign:	Posted December 7, 2021 and updated with Public Meeting date May 17, 2023.
Notice of Public Meeting:	Sent to 254 property owners within 120 m of the subject property on May 26, 2023.
Public Comments:	One public comment was received. Public comments are summarized in the public consultation section of this report and are provided in Appendix “F” attached to Report PED23089.
Processing Time:	594 days.

**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Single detached dwelling and accessory building for the repair of service station equipment.	Rural Commercial “C5-243” Zone.
<b>Surrounding Lands:</b>		
<b>North</b>	Block townhouses.	Residential Multiple “RM4-473” Zone, Modified.
<b>South</b>	City of Hamilton Operations Centre	Public “P” Zone.
<b>East</b>	City of Hamilton Operations Centre	Public “P-326” Zone.
<b>West</b>	Retail centre	District Commercial (C6, 320) Zone.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

### **Provincial Policy Statement (2020)**

The following policies, amongst others, apply to the proposed development.

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
  - c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns;
  - e) Promoting the integration of land use planning, growth management, *transit-supportive* development, *intensification* and *infrastructure* planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- 1.1.3.1 *Settlement areas* shall be the focus of growth and development.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on densities and a mix of land uses which:
- a) Efficiently use land and resources;
  - b) Are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
  - e) Support *active transportation*;
  - f) Are *transit-supportive*, where transit is planned, exists or may be developed;

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- 1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

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 and 1.1.3.4. In particular, the application is consistent with Policy 1.1.1 b), by accommodating a broader range and mix of residential types to meeting long-term needs. The applicant’s Zoning By-law Amendment does not avoid risks to public health and safety as outlined in 1.1.3.4. Based on the proximity of the residential units, as proposed by the applicant, to the Public Works Yard the amended Zoning By-law Amendment ensures that the concerns outlined in 1.1.1 c) and 1.1.3.4 are addressed. The application is also consistent with Policies 1.1.3.1 and 1.1.3.2 of the PPS, which focus on growth and development within settlement areas. The proposed development is located within a settlement area with appropriate infrastructure and public service facilities and can support active transportation and transit.

#### 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.”

The subject property fronts Shaver Road, which is identified as a minor arterial road on Schedule C – Functional Road Classification in the UHOP and is in proximity to commercial uses to the west and a City of Hamilton Public Works yard to the south.

An Environmental Noise Impact Study prepared by dBA Acoustical Consultants Inc. dated September 2021 and revised May 2022, submitted in support of the development, identified the acoustic mitigation requirements for the development with respect to road noise from Shaver Road and stationary noise sources from the City of Hamilton Public Works yard to the south. The applicant’s proposal locates the residential units in close proximity to the Public Works Yard and locates the outdoor amenity area in between the residential building and to the Public Works yard. Routine and normal activities in the yard will generate vehicular and associated noise. To avoid possible complaints and land use conflicts, staff are proposing that a revised Noise Impact Study based on the staff amended application will be required with the Site Plan Control application to determine appropriate control measures.



Therefore, the applications, as amended, are consistent with the PPS.

**A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended)**

The proposal conforms to the Guiding Principles, Section 1.2.1, as it supports the achievement of complete communities, prioritizes residential intensification to make efficient use of land and infrastructure and support transit, and supports a range and mix of housing options. The following policies, amongst others, apply to the proposed development.

- “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;
- 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 additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The proposed development is located within a delineated built boundary and has access to existing municipal services. The proposed development supports achievement of complete communities by providing residential dwellings with convenient access to local stores, services, and public service facilities and in a building form that expands the range and mix of housing options.

Based on the foregoing, the amended applications conform with the applicable policies of 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 as “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the UHOP. The subject lands are designated as “Medium Density Residential 2a” on Land Use Plan Map B.2.2-1 of the Shaver Neighbourhood Secondary Plan. The following policies, amongst others, apply.

#### Compatibility

**“Compatibility/compatible:** means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

B.2.4.1.4 Residential intensification developments within the built-up area shall be evaluated based on the following criteria:

- d) The compatible integration of the proposed 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;

B.3.3.1.5 Ensure that new development is compatible with and enhances the character of the existing environment and locale.”

The UHOP contains policies that requires compatible integration between new development and the surrounding area. The City of Hamilton operates a Public Works yard at 501 Shaver Road. The works yard is directly adjacent to the south and east property lines of the subject lands. The works yard is used for outdoor storage and maintenance of municipal vehicles and materials for snow clearance. The works yard is composed of two sections, the front section is rectangular and adjacent to Shaver Road

and the rear section is irregularly shaped and located away from Shaver Road. The rear section is where outdoor material storage occurs. These two sections are connected by a narrow gap approximately 12 metres wide. The northern extent of this gap is the southeast corner of the subject property. As this gap creates a bottleneck through which all vehicles must travel in order to load or unload materials in the storage area in the rear section it is anticipated to be heavily trafficked.

Land use compatibility is further informed by UHOP policies for residential intensification and urban design. Policy B.2.4.1.4 d) specifies that land uses shall be compatibility integrated. Policy B.3.3.1.5 specifies that new development be compatible with the existing environment and locale. The Zoning By-law Amendment proposed by the applicant, in staff's opinion, is not compatible integration with the adjacent land uses. Specifically, the proposed minimum side yard, minimum rear yard, and planting strip will not establish sufficient building setbacks and will result in an overdevelopment of the site. The amended Zoning By-law Amendment proposed by staff increases these requirements and limits the location of building envelopes and location of amenity area to ensure compatibility with adjacent land uses.

#### Urban Design

"B.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;
- b) Promoting quality design consistent with the locale and surrounding environment;
- 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; and,
- g) Contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

B.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:

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- 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.”

The applicant’s proposed development, shown on Appendix “E” attached to Report PED23089 and reflected in the applicant’s proposed Zoning By-law Amendment, does not comply with the Urban Design policies set out in the UHOP. The design does not foster a sense of community as it is not compatible with surrounding areas. The applicant’s proposal does not promote quality design consistent with the surrounding environment. The placement of buildings does not complement existing surroundings as it does not provide sufficient setbacks to surrounding land uses and does not demonstrate an understanding of the surrounding context. The reduction in setbacks has the added impact of restricting the amount of area available for planting strips to provide screening. The building facades facing both east and south are blank walls without any windows. This prevents overlook on the space and could result in neglected space between the buildings and the property line.

The amended Zoning By-law Amendment prepared by staff, shown on Appendix “C” attached to Report PED23089, ensures compatibility with surrounding uses. The amended Zoning By-law Amendment will complement the streetscape by reducing the front yard requirement. The side and rear yard requirements adjacent to the Public Works yard have been increased from the applicant’s proposal. This will ensure compatibility with surrounding uses by ensuring that building placement does not cause overlook or privacy impacts and will include a planting strip for screening and buffering. Staff are recommending an amended Zoning By-law Amendment which includes these design standards as regulations. The Zoning By-law Amendment includes a special figure which establishes the extent of the building envelope.

The applicant’s proposal does not comply with the UHOP urban design principals whereas the amended Zoning By-law Amendment meets the general urban design principles in the UHOP.

## Tree Management

“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.”

A Tree Inventory and Preservation Plan has been prepared by Kuntz Forestry Consulting Inc. dated April 9, 2021, and last revised February 6, 2023. A total of 79 trees have been inventoried (including 46 individual trees and two tree polygons which contains 31 trees). Approximately 20 trees are located within the City’s Public Works yard and there are none in the public right of way. Of the 79 trees, 46 individual trees and a portion of the two tree polygons (approximately 23 trees) are proposed to be removed. Staff have concerns with the removal of trees within the Public Works yard and request that additional trees be retained. When proposing to remove trees from neighbouring properties, consent from the land owner is required. The report notes that seven Maple trees located within the Public Works yard along the eastern property line are to be removed due to proximity to grading as a result of the applicant’s proposed development. Urban Forestry does not agree with the removal of these trees. The amended Zoning By-law proposed by staff may allow some of these trees to be protected due to the reconfiguration of building locations and greater building setback requirements.

To ensure existing tree cover is maintained, the City requires one for one compensation for any tree (10 cm diameter at breast height (DBH) or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan. The Tree Management Plan and Landscape Plan will be further reviewed at the Site Plan Control application stage.

## **Shaver Neighbourhood Secondary Plan**

The subject property is designated “Medium Density Residential 2a” on Map B.2.2-1 – Shaver Neighbourhood Secondary Plan. The proposed amendment is to re-designate the subject lands to “Medium Density Residential 2b”. The following policies, amongst others, apply to the proposal.

### “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 Medium Density Residential Designations**

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; and,
  - ii) The density shall not exceed 62 dwelling units per gross/net residential hectare.
  
- b) In the Medium Density Residential 2b designation:
  - i) The permitted uses shall be low rise apartment buildings and stacked townhouses; and,
  - ii) The density shall have a minimum density of 40 units and a maximum density of 62 dwelling units per gross/net residential hectare.”

The Secondary Plan amendment would permit the built form of stacked townhouses, which are not a permitted building type in the current designation. The building form is permitted elsewhere within the Shaver Neighbourhood Secondary Plan area and it is a form of housing that is similar to and compatible with adjacent developments. Staff support, in principle, the proposed Secondary Plan amendment subject to the proposed Zoning By-law Amendment as recommended by staff as medium density residential uses are currently permitted and the proposed built form is compatible with the surrounding area. However, staff do not support the Zoning By-law Amendment as proposed by the applicant due to concerns with the site layout, as discussed above. Further design details will be determined through a future Site Plan Control application.

A site specific policy is required to permit a maximum density of 80 units per hectare and a maximum building height of four storeys, which will permit up to a maximum of 36 units to be developed on the subject property.

As the staff amended concept meets the intent of the policies of Volume 1 of the UHOP regarding residential intensification and built form, the proposed re-designation can be

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supported. The UHOPA is discussed in greater detail in the Analysis and Rationale for Recommendation section of this Report.

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

The subject lands are zoned Rural Commercial “C5-243” Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” attached to Report PED23089. The applicant has proposed a change in zoning to a modified Residential Multiple “RM5” Zone to facilitate the development of a stacked townhouse development with 36 units (as shown on Appendix “E” attached to Report PED23089).

Staff are not in support of the proposal submitted by the applicant as the proposed side yard, rear yard, and planting strip regulations do not ensure compatible integration with the surrounding developments, amongst other site layout and design concerns identified above. Accordingly, staff are recommending an amended modified Residential Multiple “RM5” Zone, as shown on Appendix “C” attached to Report PED23089. The rationale for the Zoning By-law Amendment is discussed in the Analysis and Rationale for Recommendation section and the required modifications are discussed in greater detail in Appendix “D” attached to Report PED23089. **Where staff’s recommended zoning modification differs from the applicant’s proposed zoning, the applicant’s proposed regulation is noted in the table.**

**RELEVANT CONSULTATION**

Department and Agencies	Response
<ul style="list-style-type: none"><li>• Recreation Division, Healthy &amp; Safe Communities Department;</li><li>• Commercial Districts and Small Business Section, Economic Development Division, Planning and Economic Development Department;</li><li>• Grand River Conservation Authority;</li><li>• Alectra Utilities; and,</li><li>• Canada Post.</li></ul>	No Comment

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<b>Department</b>	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	The Development Engineering Section is able to support the rezoning application. The proponent has submitted a sanitary capacity analysis which meets City standards and adequately demonstrates available capacity in the municipal system to service the proposed development.  Further calculations based on the detailed design of the proposal will be required at the Site Plan Control stage.	Detailed servicing, grading, and stormwater management will be addressed at the Site Plan Control stage.
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	Confirmed that the municipal address of 487 Shaver Road will be retained.	Individual unit addresses for the proposed development will be addressed at the Site Plan Control stage.
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	Does not approve the Tree Management Plan and Landscape Plan.	The Landscape Plan and Tree Management Plan will be addressed at the Site Plan Control stage.
Waste Management Division, Public Works Department	This development is a multi-residential property with stacked townhouses which will require front-end garbage bin service and cart collection for recycling and organic material. An Agreement for On-Site Collection of Municipal Solid Waste must be executed and submitted to the City prior to the start of waste collection service for the units fronting the private roadway.	Waste collection requirements will be addressed at the Site Plan Control stage.
Transportation Planning, Planning and Economic Development Department	Supports the proposed development as it can be accommodated by the surrounding transportation network without significant concerns.	Off site upgrades to public transit infrastructure will be addressed at the Site Plan Control stage.



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<b>Department</b>	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning, Planning and Economic Development Department <b>Continued</b>	Supports a reduction in on-site parking requirements subject to provision of \$20,000 for the purposes of upgrading existing transit infrastructure in the surrounding area of the subject lands in order to promote sustainable modes of transportation.	
Landscape Architectural Services, Public Works Department	Requests cash in lieu of parkland dedication if applicable. Enclosed play area and landscape strip shall not count toward parkland dedication.	Cash in lieu of parkland dedication, if applicable, will be addressed at the building permit stage.
Corporate Real Estate Section, Planning and Economic Development Department	Reduced setback does not have a material impact on the current use of the Public Works yard, however, the reduced setback could have impact on the value of the City's lands.	Protection of individual land values is not a matter used in the evaluation of a development proposal.
Enbridge Gas	There is an active gas main fronting this property, as well as an active service to the existing home. This service would need to be abandoned prior to redevelopment.	To be addressed during the Building Permit process.
<b>Public Consultation</b>		
<b>Topic</b>	<b>Comment</b>	<b>Staff Response</b>
Compatibility with surrounding land uses.	Building D is located near to the existing development to the north.	The staff proposed 6.0 metre minimum side yard is expected to provide sufficient separation from existing dwellings to the north to avoid negative impacts to privacy and overlook. In addition, a 3.0 metre planting strip will provide additional screening to mitigate potential impacts.

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Topic	Comment	Staff Response
Compatibility with the Zoning By-law.	The proposal does not meet a number of zoning regulations.	The proposed modifications to the zoning by-law proposed by staff comply with the general intent of the Urban Hamilton Official Plan and can be supported. For detailed discussion on the proposed zoning modifications see Appendix “D” attached to Report PED23089.

**PUBLIC CONSULTATION**

In accordance with the provisions of the *Planning Act* and Council’s Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to property owners within 120 m of the subject property on December 3, 2021. A Public Notice Sign was posted on the property on December 7, 2021, and updated on May 17, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given on May 12, 2023, in accordance with the requirements of the *Planning Act*.

The applicants submitted a Public Consultation Strategy with the supporting materials. A micro-site for the project was created to provide project information and collect feedback. The applicant did not receive any feedback as a result of their consultation.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal, as amended by staff, has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) (PPS);
  - (ii) It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) It complies with the Urban Hamilton Official Plan and will comply with the Shaver Neighbourhood Secondary Plan upon approval of the proposed Official Plan Amendment;
  - (iv) It is considered to be compatible with the existing development in the immediate area; and,

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- (v) It represents good planning by, among other things, making efficient use of land, developing a complete community, and providing a variety of housing types.

2. Compatibility

The Zoning By-law Amendment proposed by the applicant will not result in a development that ensures compatible integration with the adjacent land uses. As discussed in the section above, the side yard, rear yard, and planting strip as proposed by the applicant are insufficient to provide adequate setbacks and would result in overdevelopment of the site. Staff have proposed an amended Zoning By-law Amendment with increased side yard, rear yard, and planting strip requirements and limits the location of building envelopes to ensure compatibility with adjacent land uses.

3. Shaver Neighbourhood Secondary Plan Amendment

The purpose of the proposed Official Plan Amendment is to redesignate the subject lands from “Medium Density Residential 2a” to “Medium Density Residential 2b” and create a Site Specific Policy within the Shaver Neighbourhood Secondary Plan to permit a stacked townhouse development with a maximum density of 80 units per hectare and a maximum height of four storeys.

As per the UHOP policies identified above, the proposed re-designation can be supported since the proposed development is similar to other townhouse developments in the surrounding area in character and function. The proposed development will provide individual entrances to each unit and parking at ground level. The proposed increase in density is acceptable as the shape of the site along with zoning regulations proposed by staff regarding minimum yards, planting strips, parking space requirement, and building separation distance, landscape area, and children’s play area will result in a number of dwellings comparable to surrounding developments. Based on the foregoing, staff supports the requested amendment.

4. Zoning By-law Amendment

The subject lands are currently zoned Rural Commercial “C5-243” Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57. Staff has requested that the subject lands be rezoned to the Residential Multiple “RM5-716” Zone, Modified, to permit a stacked townhouse development with up to 36 units and 45

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surface parking spaces. The proposed zone contains modifications to facilitate the proposal.

The applicant requested a minimum side yard of 3.0 metres to the northern lot line, a minimum side yard of 1.8 metres to the southern lot line, a minimum rear yard of 1.8 metres, and to eliminate the planting strip requirement for the easterly lot line. It is the opinion of staff that a greater side yard, rear yard, and planting strip requirement should be provided in order to ensure compatibility with adjacent land uses. Therefore, staff do not support the applicant's proposed Zoning By-law Amendment.

Staff recommend a minimum side yard of 5.5 metres to the northern lot line, a minimum side yard of 6.0 metres to the southern lot line, a minimum rear yard of 5.5 metres, and to maintain the minimum 3.0 metre planting strip requirement for the east lot line, as shown in Appendix "C" attached to Report PED23089.

The modifications to the Multiple Residential "RM5" Zone, as recommended for approval are identified on page 5 of Report PED23089 and discussed in detail in Appendix "D" attached to Report PED23089. Where staff's recommended zoning modification differs from the applicant's proposed zoning, the applicant's proposed regulation is noted in the table.

Given that the proposed development:

- Complies with the general intent of the UHOP and will comply with the Shaver Neighbourhood Secondary Plan upon approval of the proposed UHOPA;
- Will provide a built form that is compatible with existing development in the area and respects and enhances the character of the neighbourhood; and,
- Has adequate transportation systems available and existing servicing with capacity sufficient for the proposed development, ensuring efficient use of land and infrastructure.

Staff are in support of this change of zoning as recommended by staff.

## **ALTERNATIVES FOR CONSIDERATION**

Should the proposed Official Plan Amendment application not be approved, the lands will remain designated as "Medium Density Residential 2a", which only permits low rise

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apartment buildings, a maximum density of 62 dwelling units per net residential hectare, and a maximum height of three storeys.

Should the proposed Zoning By-law Amendment as proposed by staff not be approved, Council could direct staff to implement the development concept proposed by the applicant through the preparation of revised Official Plan Amendment and Zoning By-law Amendment. Should neither of the proposed Zoning By-law Amendments be approved, the lands will remain Rural Commercial “C5-243” Zone, Modified, which only permits the repair and open storage of service station equipment.

## **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 People and Performance**

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

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23089 – Location Map

Appendix “B” to Report PED23089 – Draft Official Plan Amendment

Appendix “C” to Report PED23089 – Draft Zoning By-law Amendment

Appendix “D” to Report PED23089 – Zoning Modification Chart

Appendix “E” to Report PED23089 – Concept Plan

Appendix “F” to Report PED23089 – Public Comments

MM:sd