



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 14, 2023
<b>SUBJECT/REPORT NO:</b>	Applications for Urban Official Plan Amendment UHOPA-21-001, Zoning By-law Amendment ZAC-21-001 and Draft Plan of Subdivision for Lands Located at 3169 Fletcher Road, Glanbrook (PED23210) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Charlie Toman (905) 546-2424 Ext. 5863
<b>SUBMITTED BY:</b>	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- (a) That **Official Plan Amendment Application UHOPA-21-001, by A.J. Clarke and Associates Ltd. (c/o Stephen Fraser), on behalf of Joe Sarto, Owner**, to re-designate the subject lands from “Low Density Residential 2h” to “Low Density Residential 3c” in the Binbrook Village Secondary Plan, to permit the development of block townhouse and back to back townhouse dwellings with a maximum density of 49 dwellings per net residential hectare, for lands located at 3169 Fletcher Road, as shown on Appendix “A” attached to Report PED23210, be **APPROVED** on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23210, 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: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That **Zoning By-law Amendment Application ZAC-21-001, by A.J. Clarke and Associates Ltd. (c/o Stephen Fraser), on behalf of Joe Sardo, Owner**, for a

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change in zoning from the Restricted Agricultural “A2” Zone to Residential Multiple – Holding “H-RM3-327” Zone, Modified, to permit 23 block townhouse units and 34 back to back townhouse dwellings with two parking spaces per unit and 14 visitor parking spaces, for lands located at 3169 Fletcher Road, as shown on Appendix “A” attached to Report PED23210, be **APPROVED** on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED23210, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
- (iii) 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 “C” attached to Report PED23210;

The Residential Multiple – Holding “H-RM4-327” Zone, Modified, applicable to lands shown on Schedule “A” to Appendix “C” attached to Report PED23210 be removed conditional upon the following:

That the “H” Holding Symbol may be removed by a further amendment to this By-law at such time that the landowner demonstrates to the satisfaction of the Director, Growth Management and Chief Engineer that:

- 1) Municipal services are available to the limits of the property, including but not limited to water, sanitary sewers, and storm sewers;
- 2) Street ‘B’ on the Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016 has been constructed;
- 3) The Stormwater Management Pond within the Draft Plan of Subdivision 25T-201405 as approved by the Ontario Land Tribunal on May 20, 2016, is constructed and fully operational;

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- (c) That **Draft Plan of Subdivision Application 25T-202101 by A.J. Clarke and Associates Ltd. (c/o Stephen Fraser), on behalf of Joe Sarto, Owner**, on lands located at 3169 Fletcher Road, Glanbrook, as shown on Appendix “A” attached to Report PED23210, be **APPROVED** in accordance with By-law No. 07-323 being the delegation of the City of Hamilton’s Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:
- (i) That this approval apply to the Draft Plan of Subdivision “3169 Fletcher Road” certified by Nicholas P. Muth, O.L.S., dated December 13, 2022, consisting of one development block for 23 block townhouses units and 34 back to back townhouse dwellings (Block 1) and one block for a road right of way dedication (Block 2), as shown on Appendix “E” attached to Report PED23210;
  - (ii) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix “F” attached to Report PED23210;
  - (iii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202101, as shown on Appendix “F” attached to Report PED23210, be received and endorsed by City Council;
  - (iii) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
  - (iv) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

## **EXECUTIVE SUMMARY**

The Applicant, A.J. Clarke and Associates Ltd. on behalf of owner Joe Sarto, has applied for an Urban Hamilton Official Plan Amendment, a Zoning By-law Amendment, and a Draft Plan of Subdivision to facilitate the development of 23 block townhouses and 34 back to back townhouse dwellings with a maximum density of 49 dwelling units per net residential hectare, one parking space per unit and 14 visitor parking spaces.

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The subject lands are located within the Binbrook Village Secondary Plan and currently contain one single detached dwelling.

The purpose of the Official Plan Amendment application is to amend the Binbrook Village Secondary Plan to re-designate the subject lands from “Low Density Residential 2h” to “Low Density Residential 3c” to permit block townhouse and back to back townhouse dwellings and to increase the maximum density range.

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from Restricted Agricultural “A2” Zone to Residential Multiple – Holding “H-RM3-327” Zone, Modified, under Glanbrook Zoning By-law No. 464 to allow the proposed development. There are site specific modifications to the “RM3” Zone proposed to accommodate the use of back to back townhouse dwellings which do not have existing development regulations under the Glanbrook Zoning By-law.

Development of the subject lands cannot occur until the lands to the north, east and south are developed through Draft Plan of Subdivision “Cachet Binbrook” 25T-201405 as shown on Appendix “H” attached to Report PED23210. The applicant for this development, Cachet Homes, are in the process of clearing Draft Plan Approval conditions. The proposed development would be accessed from and connect to municipal water, storm water and wastewater services via Street “B” within Draft Plan of Subdivision 25T-201405. A Holding Provision is recommended as part of the Zoning By-law Amendment to restrict development of the subject lands until Draft Plan of Subdivision 25T-201405 is registered and services are constructed.

The purpose of the Draft Plan of Subdivision application is to establish two blocks as shown on Appendix “E” attached to Report PED23210. Block 1 is intended for the development of 23 block townhouse and 34 back to back townhouse dwellings along with a private roadway, sidewalk and visitor parking. Block 2 is a road right of way dedication of 3.05 metres along Fletcher Road together with a daylight triangle dedication for Street “B” within Draft Plan of Subdivision 25T-201405. Approval of this application will be subject to the owner entering into a Standard Form Subdivision Agreement, with special conditions.

A Part Lot Control and Draft Plan of Condominium applications will be required to create the individual townhouse lots and the condominium (private) road and associated parking areas. A Site Plan Control application will be required to implement the proposed development.

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The proposal has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020):
- It conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- It complies with the general intent of the Urban Hamilton Official Plan and Binbrook Village Secondary Plan, in particular, the function, scale and design of the Low Density Residential policies as they relate to greenfield development in the “Neighbourhoods” designation; and,
- The proposed development represents good planning, as it will provide a built form that is compatible with the character of the area and provides a compact and efficient urban form.

**Alternatives for Consideration – See Page 27**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an Official Plan Amendment and Zoning By-law Amendment. *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	Joe Sardo
Applicant/Agent:	A.J. Clarke & Associates Ltd. (c/o Ryan Ferrari)
File Number:	UHOPA-21-001 ZAC-21-001 25T-202101

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<b>Application Details</b>	
Type of Application:	Urban Hamilton Official Plan Amendment Zoning By-law Amendment Draft Plan of Subdivision
Proposal:	To permit 23 block townhouse and 34 back to back townhouse dwellings on a private condominium road with a total of 72 parking spaces (one space per unit plus 14 visitor spaces) and a common amenity area, as shown on the Concept Plan and Building Elevations attached as Appendix “G” to Report PED23210.
<b>Property Details</b>	
Municipal Address:	3169 Fletcher Road
Lot Area:	±1.165 hectares (Rectangular)
Servicing:	Full municipal services upon the development of Plan of Subdivision “Cachet Binbrook” 25T-201405.
Existing Use:	A single detached dwelling.
<b>Documents</b>	
Provincial Policy Statement:	The proposal is consistent with the Provincial Policy Statement (2020).
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
Official Plan Existing:	“Neighbourhoods” on Schedule E – Urban Structure; and, “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations.
Secondary Plan Existing:	“Low Density Residential 2h” in the Binbrook Village Secondary Plan.
Secondary Plan Proposed:	“Low Density Residential 3c” in the Binbrook Village Secondary Plan.
Zoning Existing:	Restricted Agricultural “A2” Zone.
Zoning Proposed:	Residential Multiple – Holding “H-RM3-327” Zone, Modified.
Modifications Proposed:	<ul style="list-style-type: none"> <li>• To permit and define back-to-back townhouses;</li> <li>• To define the front, rear and flankage lot lines;</li> </ul>

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<b>Documents</b>	
<p>Modifications Proposed <b>(Continued):</b></p>	<ul style="list-style-type: none"> <li>• To increase the Minimum Lot Frontage from 45 metres to 100 metres;</li> <li>• To increase the Minimum Lot Area from 0.4 hectares to 1 hectare;</li> <li>• To increase the Maximum Lot Coverage from 30 percent to 32 percent;</li> <li>• To increase the Maximum Density from 35 dwelling units per hectare to 60 dwelling units per hectare;</li> <li>• To reduce the Minimum Front Yard from 9 metres to 3.5 metres;</li> <li>• To modify the Minimum Rear and Side Yard to remove the requirement for an increased setback of 10.7 metres where the abutting lands are zoned "Existing Residential "ER" or Residential "R1", "R2", "R3" "R4" or "RM1";</li> <li>• To not apply a Minimum Separation Distance;</li> <li>• To not apply a Minimum Floor Area per Dwelling Unit;</li> <li>• To modify the definition of Dwelling Unit Placement to include Maisonette Dwellings;</li> <li>• To increase the Maximum Height from 10.7 metres to 11.5 metres;</li> <li>• To reduce the Minimum Landscaped Area from 50% of the lot area to 30% of the lot area;</li> <li>• To modify the description of where the Minimum Landscape Strip / Fencing apply;</li> <li>• To not require a Minimum Privacy Area for Maisonette Dwellings;</li> <li>• To increase the amount of Minimum Amenity Area required per unit from 5 square metres to 8 square metres;</li> <li>• To reduce the parking space dimensions from 3 metres by 6 metres to 2.8 metres by 5.8 metres;</li> <li>• To reduce the parking ratio from 2.5 spaces for each dwelling unit to 2.20 spaces for each dwelling unit; and,</li> <li>• To reduce Visitor Parking Setback to 3 metres from the Front Yard and 1.5 metres of the Rear Yard.</li> </ul> <p>(See Appendix "D" attached to Report PED23210)</p>

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<b>Processing Details</b>	
Received:	December 14, 2020.
Deemed Complete:	January 12, 2021.
Notice of Complete Application:	Sent to seven property owners within 120 m of the subject lands on August 5, 2021.
Public Notice Sign:	Posted January 15, 2021 and updated with Public Meeting date October 18, 2023.
Notice of Public Meeting:	Sent to seven property owners within 120 m of the subject lands on October 27, 2023.
Public Comments:	No public comments received.
Revised Submissions Received:	<ul style="list-style-type: none"> <li>• July 15, 2021;</li> <li>• December 21, 2022;</li> <li>• May 10, 2023; and,</li> <li>• September 1, 2023.</li> </ul>
Processing Time:	962 days from receipt of initial application, 39 days from receipt of final application submission.

**Existing Land Use and Zoning**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Single Detached Dwelling	Restricted Agricultural “A2” Zone
<b>Surrounding Land Uses:</b>		
North	Vacant Land (preliminary grading for development)	Residential – Holding “H-R4-295” Zone, Modified
South	Vacant Land (preliminary grading for development)	Restricted Agricultural “A2” Zone
East	Vacant Land (preliminary grading for development)	Multiple Residential – Holding “H-RM3-298”, Zone Modified
West	Agricultural Land, Single Detached Dwellings	Agriculture (A1) Zone



## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

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

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Policy Statement (2020). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Policy Statement. 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; and,
  - 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, and their vitality and regeneration shall be promoted;
- 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*; and,

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- f) Are *transit-supportive*, where transit is planned, exists or may be developed.

Land use patterns within *settlement areas* shall also be based on a range of uses and opportunities for *intensification* and *redevelopment* in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

The proposed development is located within a settlement area. The development of townhouse dwellings is an efficient use of land and represents an appropriate development of the site which is located along an arterial road and is close to planned amenities, schools and open spaces which will support active transportation. The subject lands are well serviced by a comprehensive street network.

#### 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 lands front Fletcher Road, which is identified as a collector road on Schedule C – Rural Functional Road Classification in the Rural Hamilton Official Plan and fronts onto Street “B” within Draft Plan of Subdivision “Cachet Binbrook” 25T-201405 which is classified as a proposed Collector road in Schedule C – Functional Road Classification of the Urban Hamilton Official Plan. The proposed development is subject to Site Plan Control, at which time the applicant will be required to submit a Noise Impact Study prepared by a qualified Professional Engineer, investigating noise levels from the adjacent collector roads and providing recommendations on any noise mitigation measures be submitted to the satisfaction of the City.

#### Archaeology

“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 Citizenship and Multiculturalism for determining archaeological potential:

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

These criteria define the property as having archaeological potential. A Stage 1-2 archaeological report (P017-0821-2020) for the subject property was submitted to the City and the Ministry of Citizenship and Multiculturalism. The Province signed off on the report for compliance with licensing requirements in a letter dated August 18, 2020. Staff are of the opinion that the municipal interest in the archaeology of this portion of the site has been satisfied.

Based on the foregoing and subject to the Holding Provisions, the proposal is consistent with the Provincial Policy Statement (2020).

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

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) apply to any Planning decision. The proposal conforms to the Guiding Principles, Section 1.2.1, as it supports a range and mix of housing options, supports transit viability, and improves the integration of land use planning with planning and investment in infrastructure. The following policies, amongst others, apply to this proposal.

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

- a. The vast majority of growth will be directed to *settlement areas* that:
  - i. Have a *delineated built boundary*;
  - ii. Have existing or planned *municipal water and wastewater systems*; and,
  - iii. Can support the achievement of *complete communities*;
- c. Within *settlement areas*, growth will be focused in:
  - i. *Delineated built-up areas*;
  - ii. *Strategic growth areas*;
  - iii. Locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and,

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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*; and,
- c. Provide a diverse range and mix of housing options, including second units and *affordable* housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes.”

The subject lands are within the Urban Boundary in a settlement area, and the proposed development of 58 townhouse dwellings will provide a compact urban form that will introduce an additional housing type and form to the immediate area, with planned municipal services. The proposed development provides an efficient use of land with appropriate densities along two collector roads (Fletcher Road and Street “B” on Draft Plan of Subdivision 25T-201405).

Based on the foregoing and subject to the Holding Provisions, the proposal conforms with the applicable policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

### **Urban Hamilton Official Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure, designated as “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, and shown outside of the Built Boundary on Appendix G – Boundaries Map. The subject lands are designated as “Low Density Residential 2h” on Map B.5.1-1 in the Binbrook Village Secondary Plan – Land Use Plan.

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

#### **Greenfield Development**

“E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces and infrastructure shall be designed to contribute to this character.

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E.3.7.7 Prior to registration of a plan of subdivision, the City may require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City. The City may undertake architectural control to ensure compliance with the approved urban design or architectural guidelines”.

The lands are identified as outside of the built boundary as shown on Appendix “G” of the Urban Hamilton Official Plan and are within the urban boundary making them ‘Greenfield Development’. In response to Policy E.3.7.1, the proposed Draft Plan area is within the Binbrook Village Secondary Plan and will contribute to the completion of the land uses and a road network generally envisioned by the Secondary Plan. In response to Policy E.3.7.7, the applicant submitted an Urban Design Brief prepared by A.J. Clarke and Associates Ltd. which is to the satisfaction of staff and will be implemented through Site Plan Control.

#### Tree Protection

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

Trees have been identified on the subject property, and staff have reviewed the submitted Tree Protection Plan, prepared by Adesso Design Inc. dated October 12, 2022. The Tree Protection Plan inventoried 93 trees, of which:

- 74 trees are proposed to be removed because they conflict with proposed building footprints, interior roads, visitor parking and required grading. Through the review of the Tree Protection Plan staff requested and the applicant agree to revise the concept plan as shown on Appendix “G” attached to Report PED23210 to reduce the size of the visitor parking lot in the north-east corner of the subject lands in order to allow the retention of a row of White Spruce trees (identified as trees 46-66). Condition No. 9 of Appendix “F” attached to Report PED23210 requires the submission of an updated Tree Protection Plan based on this updated concept plan.

In addition, the City requires 1 for 1 compensation for any tree (10 cm diameter at breast height or greater) that is proposed to be removed from private property, with said compensation to be identified on the Landscape Plan which will be required through Site Plan Control.

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#### Infrastructure and Servicing

“C.5.3.11 The City shall ensure that any change in density can be accommodated within the municipal water and wastewater system; and,

C.5.4.2 Any new *development* that occurs shall be responsible for submitting a detailed storm water management plan prior to *development* to properly address on site drainage and to ensure that new *development* has no negative impact on off site drainage.”

Municipal infrastructure including roads, water, wastewater and storm water services will not be available to the subject lands until construction of adjacent Draft Plan of Subdivision “Cachet Binbrook” 25T-201405 is complete. The applicant has submitted a Functional Servicing and Stormwater Management Report, prepared by A.J. Clarke and Associates Ltd. that included a review of the engineering drawings submitted as part of Draft Plan of Subdivision “Cachet Binbrook” 25T-201405 and concluded that, once constructed, there will be adequate infrastructure to service the proposed development. Staff have reviewed the Functional Servicing and Stormwater Report and have identified a number of matters, including but not limited to the construction of the adjacent Draft Plan of Subdivision “Cache Binbrook” 25T-201405, that can be addressed through special conditions of draft plan approval (Conditions Nos. 1 to 7 of Appendix “F” attached to Report PED23210), the recommended Holding Provision and Site Plan Control.

#### Transportation

“C.4.5.12 The City shall require transportation impact studies to assess the impact of proposed developments on current travel patterns and/or future transportation requirements. These studies shall be submitted as part of applications for Official Plan amendments, subdivision approvals, major rezoning and major site plan approvals.”

The applicant submitted a Transportation Brief, prepared by Nextrans Consulting Engineers, dated August 23, 2023, which concluded the planned transportation network can accommodate the proposed increase in density.

#### Plan of Subdivision

“F.1.14.1.2 Council shall approve only those plans of subdivision that meet the following criteria:

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- a) The plan of subdivision conforms to the policies and land use designations of this Plan;
- b) The plan of subdivision implements the City's staging of development program;
- c) The plan of subdivision can be supplied with adequate services and community facilities;
- d) The plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) The plan of subdivision can be integrated with adjacent lands and roadways;
- f) The plan of subdivision shall not adversely impact municipal finances; and,
- g) The plan of subdivision meets all requirements of the *Planning Act*."

The proposal complies with the applicable policies of the Urban Hamilton Official Plan, subject to approval of the proposed Official Plan Amendment. It is consistent with the Criteria for Staging of Development as the site can be serviced through planned infrastructure and will not adversely impact the transportation system and the natural environment, subject to the proposed Draft Plan conditions, will not adversely impact municipal finances, and meets all requirements of the *Planning Act*.

Based on the foregoing, the proposal complies with the applicable policies of Volume 1 of the Urban Hamilton Official Plan subject to the proposed amendments.

### **Binbrook Village Secondary Plan – Volume 2**

The subject lands are designated "Low Density Residential 2h" on Map B.5.1-1 – Binbrook Village Secondary Plan Land Use Plan. The proposed amendment is to re-designate the portion of the subject lands designated "Low Density Residential 2h" to "Low Density Residential 3c" in the Secondary Plan to permit back to back townhouse dwellings with proposed density of 49 units per net hectare. The following policies, amongst others, apply to the proposal.

"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:

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- 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.
- b) Each neighbourhood shall contain the following elements:
  - i) Compact and well defined urban form;
  - ii) A variety and balance of dwelling types;
  - iii) Accessible elementary schools and parks;
  - iv) Community design that encourages walking and socializing; and,
  - v) A clearly defined public realm (streets, open spaces, etc.).
- 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.
- d) Innovative and varied housing types and designs shall be encouraged.
- 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.
- f) Residential development shall comply with Policy B.5.1.10.1 – Residential Design Guidelines.”

The proposed development is based on a compact urban form which introduces a different housing type (back to back townhouse dwellings) to the area. Based on the architectural drawings submitted, both the back to back and townhouse dwellings are proposed to have three bedrooms to accommodate larger families / households. The subject lands are near planned amenities including schools, neighbourhood parks and pedestrian trails which will encourage active transportation. The applicant has submitted an urban design brief, prepared by A.J. Clark and Associates dated December 2020 which identifies an enhanced private realm with the inclusion of a private amenity space. The location and design of the proposal is compatible with the planned low density residential developments to the north and east.



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“B.5.1.4.5 Low Density Residential

- 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; and,
  - ii) The density range shall be from 26 to 40 units per net hectare.
  
- d) 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 3c on Map B.5.1-1 – Binbrook Village – Land Use Plan:
  - i) The permitted uses shall be low rise apartments, row houses, stacked and block townhouses and innovative forms of attached housing;
  - ii) The density range shall be from 41 to 60 units per net hectare;
  - iii) In locating new Low Density Residential 3c *development*, consideration shall be given to the following criteria:
    - 1. Low Density Residential 3c uses shall generally be located on the periphery of the neighbourhood, in areas abutting commercial development, or fronting major or minor arterial or major collector Roads.
    - 2. Some Low Density Residential 3c *development* in proximity to the Mixed Use - Medium Density area is desirable;
    - 3. Low Density Residential 3c dwelling forms shall be sensitively integrated with and adequately buffered from adjacent land uses; and,
    - 4. Where Low Density Residential 3c areas are proposed adjacent to Low Density Residential 2e and 2h uses, consideration shall be given to appropriate integration and compatibility of the dwelling forms. *Compatibility* may be accomplished through attention

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to architectural massing, height, scale, buffering and landscaping.”

Policy B.5.1.4.5 d) i) in the “Low Density Residential 3c” designation permits low rise apartments which is not contemplated in the applicant’s proposal and is not a permitted use in the recommended implementing zoning by-law as shown on Appendix “C” attached to Report PED23210. Should the applicant revise the development proposal in the future to include a low density residential use, a Zoning By-law Amendment application would be required to add the proposed use, through which an updated Planning Justification Report, Urban Design Brief and Concept Plan would be required.

In response to Policy B.5.1.4.5 d) ii), the Applicant’s Concept Plan identifies a maximum net residential density of 49 units per hectare.

In response to Policy B.5.1.4.5 d) iii), the subject lands are located at the periphery of the planned residential neighbourhood at the intersection of both a minor arterial road (Fletcher Road) and planned collector road (Street “B”). The proposal would be compatible with the lands to the east designated “Low Density Residential 2h” which are zoned to allow townhouse dwellings. Adjacent Draft Plan of Subdivision 25T-201405 includes a local commercial block at the southeast intersection of Fletcher Road and Binbrook Road which is within short walking distance of the subject lands.

Based on the foregoing and subject to the Holding Provisions, the proposal complies with the applicable policies of Volume 2 of the Urban Hamilton Official Plan subject to the proposed amendments.

#### **Glanbrook Zoning By-law No. 464**

The proposed Zoning By-law Amendment is for a change in zoning from the Restricted Agricultural “A2” Zone to Residential Multiple – Holding “H-RM3-327” Zone, Modified. The effect of this Zoning By-law Amendment will permit 23 block townhouse units and 34 back to back townhouse dwellings with one parking space per unit and 14 visitor parking spaces. Modifications to the Residential Multiple “RM3” Zone are required to facilitate the development and are summarized in the modification chart in Appendix “E” attached to Report PED23210. The proposed zoning will be discussed in the Analysis and Rationale section of this Report.

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**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
	<b>Comment</b>	<b>Staff Response</b>
<ul style="list-style-type: none"> <li>• Real Estate Section, Economic Development Division, Planning and Economic Development Department;</li> <li>• Commercial Districts and Small Business Section, Economic Development Division, Planning and Economic Development Department;</li> <li>• Hydro One Networks Inc.; and,</li> <li>• Conseil Scolaire Viamonde.</li> </ul>		No Comment
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department</p>	<ul style="list-style-type: none"> <li>• A Holding Provision should be applied to the subject lands until such time as services are installed within the Cachet subdivision (25T-201405) as these services will be required for development of the subject lands. The Holding Provision shall not be lifted until the following items are addressed:               <ul style="list-style-type: none"> <li>• Municipal services are available to the limits of the property, including but not limited to water, sanitary sewers, and storm sewers;</li> <li>• Street 'B' on the Cachet Subdivision Draft Plan (25T-201405) as approved by the Ontario Land Tribunal on May 20, 2016 has been constructed;</li> <li>• The Stormwater Management Pond within the Cachet Subdivision Draft Plan (25T-201405) is constructed and fully operational;</li> <li>• The Owner shall pay for urbanization of Fletcher Road in accordance with the City's financial policy; and,</li> <li>• The Owner shall pay all outstanding Best Efforts cost recoveries required to lift the 0.3 m reserve along the south limits of the subject lands.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• The recommended Holding Provision by Development Engineering is included in the recommended Draft Zoning By-law provided in Appendix "C" to Report PED23210.</li> <li>• Staff are supportive of the application proceeding with Draft Plan approval. Comments related to payment of the appropriate share of the costs associated with the extension of municipal services and urbanization of Fletcher Road, construction of Subdivision (25T-201405) are addressed through the recommended 0.3 metre reserves.</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
<p>Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>Continued</b></p>	<ul style="list-style-type: none"> <li>• The subject lands depend on the proposed watermain in a future subdivision. The adequacy of the water supply cannot be determined until the required watermain hydraulic analysis for the Cachet Subdivision (25T-201405), as approved by the Ontario Land Tribunal on May 20, 2016, is reviewed and approved;</li> <li>• The Owner shall prepare and submit an On-Street Parking Plan that demonstrates that there is sufficient street parking and driveway accesses on Street 'B' in conjunction with the Cachet Subdivision (25T-201405) to meet the City's Comprehensive Development Guidelines and Financial Policies.</li> <li>• The applicant is to work collaboratively with the proponent of the Cachet Subdivision (25T-201405) to provide an on street parking plan that demonstrates adequate street parking for the street facing units on Street 'B' while also considering other street-facing residential units on Street 'B' and in the vicinity external to the development lands per the City's Comprehensive Development Guidelines and Financial Policies. This is a requirement of the Subdivision process and must be provided to the City prior to draft plan approval for all subdivisions.</li> </ul>	<ul style="list-style-type: none"> <li>• Preparation of an On-Street Parking Plan is addressed as Conditions No. 7 of Appendix "F" attached to Report PED23210.</li> <li>• Additional comments and requirements identified will be addressed through Site Plan Control.</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• In order for this site to be viable, the construction of Street 'B' is required. Transportation Planning does not recommend development of the subject lands until the construction of Street 'B', which is dependent on the timing of Draft Plan of Subdivision Application 25T-201405 (3105 Fletcher Road), which at this time cannot be confirmed if it has been designed or approved in accordance with City Standards;</li> <li>• The existing right-of-way of Fletcher Road at the subject property is approximately 20 metres. Approximately 3.05 metres are to be dedicated to the right-of-way on Fletcher Road, as shown, and as per Rural Hamilton Official Plan: Schedule C-1 - Future Right-of-Way Dedications, Fletcher Road is to be 26.213 metres.</li> <li>• A 9 metre by 9 metre daylighting triangle is shown at the intersection of Fletcher Road at Street 'B'. Transportation Planning defers to Development Engineering to determine if this dedication is satisfactory or if a 9.14 metre x 9.14 metre dedication will be required to meet the Official Plan requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Design and construction of Street "B" is addressed as Condition No. 8. of Appendix "F" attached to Report PED23210;</li> <li>• Block 2 on the Applicant's Draft Plan of Subdivision would be transferred to the City as part of the required right-of-way dedication for Fletcher Road and daylight triangle at the intersection of Fletcher Road and Street "B". Development Engineering support draft plan approval with the 9 metre x 9 metre daylighting triangle.</li> </ul>
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>• 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 to complete a site visit to determine if the property complies with the City's waste collection requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• Waste collection requirements are addressed as Note No. 2 on the conditions of Draft Plan of Subdivision approval (see Appendix "F" attached to Report PED23210).</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
Recycling and Waste Disposal Section, Environmental Services Division, Public Works Department <b>Continued</b>		<ul style="list-style-type: none"> <li>The proposed development is subject to Site Plan Control, through which the specific design requirements will be addressed.</li> </ul>
Landscape Architectural Services, Strategic Planning, Public Works	<ul style="list-style-type: none"> <li>Cash-in-lieu of parkland dedication is not required at this stage of the planning process.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
Forestry and Horticulture Section, Environmental Services Division, Public Works Department	<ul style="list-style-type: none"> <li>Staff have the Tree Protection Plan, prepared by adesso design inc. and dated October 12, 2022, and determined that as there are no municipal trees impacted by this development, Forestry will not require a public tree permit or loss of canopy fees at this time.</li> </ul>	<ul style="list-style-type: none"> <li>Noted</li> </ul>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>It should be determined if there are any implications from the adjacent Plan of Subdivision, 25T-201405, e.g., cost recoveries, access or servicing.</li> <li>The owner and agent should be made aware that the existing address of 3169 Fletcher Road will be retained for the proposed subdivision. Municipal addressing for the proposed townhouse units will be finalized upon Conditional Site Plan approval.</li> <li>Requested a note indicating that Draft Approval shall lapse if not given final approval within three years, however extensions can be considered if written request is provided in writing two months in advance of the lapsing date.</li> </ul>	<ul style="list-style-type: none"> <li>Cost recoveries resulting from adjacent Plan of Subdivision 25T-201405 is addressed as Condition Nos. 2 and 5 of Appendix "F" attached to Report PED23210.</li> <li>This note has been included as Note No. 1 in the conditions of Draft Plan of Subdivision approval (see Appendix "F" attached to Report PED23210).</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
Niagara Peninsula Conservation Authority	<ul style="list-style-type: none"> <li>Due to the changes made under Bill 23, Conservation Authorities are no longer able to provide stormwater management comments unless they relate to a regulated hazard feature or wetland. Given that the property does not contain any regulated features, Niagara Peninsula Conservation Authority staff have no further comments on this file.</li> </ul>	<ul style="list-style-type: none"> <li>Noted.</li> </ul>
Bell Canada	<ul style="list-style-type: none"> <li>Bell Canada has requested the appropriate easements be included to service to the subject lands.</li> </ul>	<ul style="list-style-type: none"> <li>This requirement is addressed through Condition Nos. 10 and 11 of Appendix "F" attached to Report PED23210.</li> </ul>
Canada Post Corporation	<ul style="list-style-type: none"> <li>Owners / developers are required to notify purchasers of Centralized Mailbox locations.</li> <li>Owner agrees to work with Canada Post to determine the Centralized Mailbox locations.</li> </ul>	<ul style="list-style-type: none"> <li>These requirements are addressed through Condition Nos. 12 to 14 of Appendix "F" attached to Report PED23210.</li> </ul>
Enbridge Gas	<ul style="list-style-type: none"> <li>The owner / developer is required to provide to Enbridge Gas the necessary easements and / or agreements required by Enbridge Gas for the provision of gas services for this project, in a form satisfactory to Enbridge Gas.</li> </ul>	<ul style="list-style-type: none"> <li>This requirement is addressed through Condition No. 15 of Appendix "F" attached to Report PED23210.</li> </ul>

**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 seven property owners within 120 m of the subject lands on August 5, 2021.

A Public Notice Sign was posted on the property on January 15, 2021, and updated on October 18, 2023, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on October 27, 2023.

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Staff have received inquiries from Cachet Homes, the developer of the adjacent Draft Plan of Subdivision “Cachet Binbrook” 25T-201405, as to the status of this application and whether the City’s approval will include conditions requiring the applicant to provide best efforts to pay the proportional share of the cost to extend services to the subject lands. Development Engineering have included draft plan of subdivision conditions for the applicant to pay proportional costs of the urbanization of Fletcher Road and maintenance of the planned stormwater management pond required to service the lands. Condition No. 3 of Appendix “F” attached to Report PED23210 requires a 0.3 metre reserve across the frontage of the subject lands that would not be lifted by the City until the owner provides their proportional share of these costs.

Public Consultation Strategy

Pursuant to the City’s Public Consultation Strategy Guidelines, the applicant prepared a Public Consultation Strategy which included holding an applicant led neighbourhood meeting. With little public interest in the applications following the notification of complete application and only a few neighbours surrounding the subject lands the applicant suggested visiting each individual neighbour within 120 metres to ask if they had questions regarding the proposal in lieu of a neighbourhood meeting. Both staff and the Ward Councillor supported this approach and the applicant visited each neighbouring property.

**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - ii) It complies with the general intent and purpose of Urban Hamilton Official Plan and the Binbrook Village Secondary Plan, subject to the adoption of the proposed Official Plan Amendment; and,
  - iii) The proposal represents good planning by, among other things, providing a compatible residential development that contributes to a complete community through the establishment of housing forms and densities that are in keeping with existing and planned land uses and development in the surrounding area, while making efficient use of a vacant parcel of land that is compatible with the area and ensures orderly development through the completion of the envisioned public road network which ensures land, municipal services, and transportation systems are used efficiently.



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2. The purpose of the Official Plan Amendment is to amend the Binbrook Village Secondary Plan to change the designation of the subject lands from “Low Density Residential 2h” to “Low Density Residential 3c” as shown on Appendix “B” attached to Report PED23210.

The Official Plan Amendment can be supported as the development proposes an appropriate density, achieves the planned local road network, and utilizes existing and planned infrastructure. Furthermore, the proposal builds on the existing patterns and built form of the area and provides additional housing opportunities.

The Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

Therefore, staff supports the proposed Official Plan Amendment.

3. The proposed Zoning By-law Amendment is to rezone the subject lands to Residential Multiple – Holding “H-RM3-327” Zone, Modified, to permit 23 block townhouse and 34 back to back townhouse dwellings with one parking space per unit and 14 visitor parking spaces. An analysis of the applicant’s proposed modifications are discussed in Appendix “D” to Report PED23210. The application has merit as it:

- Complies with the general intent of the Urban Hamilton Official Plan and Binbrook Village Secondary Plan upon approval of the proposed Official Plan Amendment;
- Will provide a built form that is compatible with the planned development in the surrounding area; and,
- Is an efficient use of existing municipal infrastructure and has adequate servicing capacity to accommodate the residential development.

Staff are in support of the proposed Zoning By-law Amendment attached as Appendix “C” to Report PED23210.

4. Holding Provision

A Holding “H” Provision is proposed to be added to the subject lands for the purpose of requiring that municipal services (water, sanitary sewers and storm sewers) be available to the limit of the property, that Street ‘B’ on Draft Plan of Subdivision “Cachet Binbrook” 25T-201405 be constructed, and that the stormwater management pond within Draft Plan of Subdivision “Cachet Binbrook”

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25T-201405 be constructed and fully operational. Upon submission and approval of the above noted requirements, the Holding Provision can be lifted.

5. The proposed Draft Plan of Subdivision consists of one development block for 23 townhouse and 34 back to back townhouse dwellings (Block 1) and one block for a road right of way dedication (Block 2). The Draft Plan of Subdivision is required to enable future Draft Plan of Condominium and Part Lot Control Exemption applications to facilitate the proposal. In review of Subsection 51(24) of the *Planning Act*, to assess the appropriateness of the proposed subdivision, staff advise that:
- a) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - b) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
  - c) It complies with the applicable policies of the Urban Hamilton Official Plan and the general intent of the Binbrook Village Secondary Plan;
  - d) The dimensions and shape of the lots and blocks are appropriate;
  - e) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and Subdivision Agreement;
  - f) The subject lands can be appropriately used for the purposes for which it is to be subdivided and will not negatively impact natural heritage features;
  - g) Utilities and municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and Subdivision Agreement; and,
  - h) Public land will be conveyed to create road rights-of-way, the particulars of which will be determined as part of the conditions of draft plan approval and Standard Subdivision Agreement and final registration of the Plan of Subdivision. The road extension over city owned lands will be opened through the passing of a By-law after the applicant has constructed the road to the City's satisfaction.

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Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval.

**ALTERNATIVES FOR CONSIDERATION**

Should the applications be denied, the lands could not be developed for the proposed residential development and the lands would remain in the Restricted Agricultural "A2" Zone which permits agricultural uses and one single detached dwelling.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23210 – Location Map  
Appendix "B" to Report PED23210 – Draft Official Plan Amendment  
Appendix "C" to Report PED23210 – Draft Zoning By-law Amendment  
Appendix "D" to Report PED23210 – Zoning Modification Chart  
Appendix "E" to Report PED23210 – Proposed Draft Plan of Subdivision  
Appendix "F" to Report PED23210 – Draft Plan of Subdivision Special Conditions  
Appendix "G" to Report PED23210 – Concept Plan and Building Elevations  
Appendix "H" to Report PED23210 – Draft Plan of Subdivision "Cachet Binbrook" 25T-201405

CT:sd