



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 23, 2024
SUBJECT/REPORT NO:	Application for Zoning By-law Amendment for Lands Located at 237 Springbrook Avenue, Ancaster (PED24042) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Revised Zoning By-law Amendment Application ZAC-24-003 by Arcadis Inc. c/o Ritee Haider on behalf of 1000072010 Ontario Inc., owner**, for a change in zoning from Agricultural “A” Zone to Low Density Residential (R1, 888, H166) Zone, to permit the creation of six lots, which include two single detached dwellings and four semi detached dwelling units, for lands located at 237 Springbrook Avenue, as shown on Appendix “A” attached to Report PED24042, be **APPROVED** on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED24042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by including the Holding symbol ‘H’ to the proposed Low Density Residential (R1, 888, H166) Zone:

The Holding Provision ‘H’ is to be removed, conditional upon:

- (i) The Owner submitting the letter from the Ministry of Citizenship and Multiculturalism with respect to acknowledgement of Provincial interest

with respect to the Archaeological Assessment, to the satisfaction of the Director of Heritage and Urban Design;

- (ii) The Owner submitting and receiving approval of a Tree Protection Plan (and applicable review fee) to evaluate the retention of additional trees on the subject lands, to the satisfaction of the Director of Heritage and Urban Design;
 - (iii) The Owner making payment, at the applicable rate, for municipal street trees in the public right of way, to the satisfaction of the Director of Environmental Services, Public Works Department;
 - (iv) The Owner making payment for any outstanding cost recoveries to lift the existing 0.3 metre reserves, to the satisfaction of the Director of Development Engineering;
 - (v) The Owner completing a two-flow fire hydrant test on existing hydrants on Springbrook Avenue and Chambers Drive and completing any necessary upgrades on the system to support the development, to the satisfaction of the Director of Development Engineering;
 - (vi) The Owner making payment for any outstanding *Municipal Act* Sewer and Watermain charges, to the satisfaction of the Director of Development Engineering;
- (c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place of Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and Meadowlands Neighbourhood IV Secondary Plan.

EXECUTIVE SUMMARY

The subject lands are municipally known as 237 Springbrook Avenue, Ancaster and is a through lot with frontage on Springbrook Avenue and Chambers Drive. The owner has applied for a Zoning By-law Amendment to the Town of Ancaster Zoning By-law No. 87-57 to rezone the lands from Agricultural "A" Zone to a site specific Residential "R5" Zone in order to establish six lots consisting of two single detached dwellings and four semi detached dwelling units. Staff are of the opinion that the lands should be included within the City of Hamilton Zoning By-law No. 05-200 and zoned Low Density Residential (R1, 888, H166) Zone. Site specific modifications to the Low Density Residential (R1) Zone are required to accommodate the proposed development, which are discussed in detail in Appendix "C" attached to Report PED24042.

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SUBJECT: Application for Zoning By-law Amendment for Lands Located at 237 Springbrook Avenue, Ancaster (PED24042) (Ward 12) - Page 3 of 10

The proposed Zoning By-law Amendment 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 Meadowlands Neighbourhood IV Secondary Plan, in particular, the function, scale and design of the “Neighbourhoods” and “Low Density Residential 2b” designations; and,
- The development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units by adding dwelling units in the form of single detached dwellings and semi detached dwellings.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold a Public Meeting to consider an application for an amendment to the Zoning By-law. In accordance with Section 34(10.12), if the City makes a decision on a Zoning By-law Amendment within 90 days after the receipt of the application, the City shall not refund the fee.

HISTORICAL BACKGROUND

Application Details	
Owner:	1000072010 Ontario Inc.
Applicant:	Arcadis Inc. c/o Ritee Haider.
File Number:	ZAC-23-003.
Type of Application:	Zoning By-law Amendment.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 237 Springbrook Avenue, Ancaster (PED24042) (Ward 12) - Page 4 of 10

Application Details	
Proposal:	<p>To demolish the existing single detached dwelling to permit the creation of six lots for two, two storey single detached dwellings and four, two storey semi detached dwelling units.</p> <p>The proposed single detached dwellings will have lot widths of approximately 12.2 metres and lot areas between 544 and 560 square metres and maximum ground floor areas between 217 and 224 square metres. The semi detached dwellings will have lot widths of approximately 9.2 metres and lot areas between 404 to 425 square metres.</p> <p>Three dwelling units are proposed to have frontage and access onto Springbrook Avenue and three dwelling units are proposed to have frontage and access onto Chambers Drive.</p> <p>Staff revised the applicant's proposal to rezone the lands from a site specific Residential "R5" Zone in Town of Ancaster Zoning By-law No. 87-57 to a site specific Low Density Residential (R1) Zone in City of Hamilton Zoning By-law No. 05-200.</p>
Property Details	
Municipal Address:	237 Springbrook Avenue.
Lot Area:	Approximately 2,775 square metres (0.28 hectares).
Servicing:	Full municipal services.
Existing Use:	Single detached dwelling (to be demolished).
Documents	
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-1" – Land Use Designations.
Secondary Plan Existing:	"Low Density Residential 2b" – Land Use Plan Map B.2.6-1 – Meadowlands Neighbourhood IV Secondary Plan.
Official Plan Proposed:	No amendment proposed.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 237 Springbrook Avenue, Ancaster (PED24042) (Ward 12) - Page 5 of 10

Documents	
Zoning Existing:	Agricultural "A" Zone.
Zoning Proposed:	Low Density Residential (R1, 888, H166) Zone.
Modifications Proposed:	<p>The following modifications have been requested by the applicant:</p> <ul style="list-style-type: none"> To reduce the minimum setback from a Flankage Lot Line from 3.0 metres to 1.2 metres. <p>The following modifications have been included by staff:</p> <ul style="list-style-type: none"> That townhouse dwellings shall not be permitted; and, To establish a maximum lot coverage of 40 percent. <p>A complete analysis of the proposed modifications is attached as Appendix "D" to Report PED24042.</p>
Processing Details	
Received:	December 18, 2023.
Deemed Complete:	December 22, 2023.
Notice of Complete Application:	Sent to 93 property owners within 120 metres of the subject property on January 9, 2024.
Public Notice Sign:	Posted on December 28, 2023, and includes the Public Meeting date of February 23, 2024.
Notice of Public Meeting:	Sent to 93 property owners within 120 metres of the subject property on February 9, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix "F" attached to Report PED24042.
Public Consultation:	In addition to the <i>Planning Act</i> requirements, the applicant consulted with the public through a mailout to 38 residents on Springbrook Avenue and Chambers Drive. A total of two responses were received respecting the proposal. One resident noted concerns with the proposed semi detached dwellings, however supports four additional units for the site. In addition, the developer of the adjacent subdivision noted comments regarding financial matters related to the municipal upgrades that the subject lands benefiting from.

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Processing Details	
Public Comments:	Staff received three written submissions (attached as Appendix "G" to Report PED24042). Two of the submissions expressed concern with the proposed development and the other identifying that they undertook municipal improvements on Chambers Drive and Springbrook Avenue that would benefit 237 Springbrook Avenue and request that a reimbursement, by way of best efforts through the City of Hamilton, be pursued.
Processing Time:	63 days.

Existing Land Use and Zoning:

	Existing Land Use	Existing Zoning
Subject Property:	Single detached dwellings.	Agricultural "A" Zone.

Surrounding Land Uses:

North	Vacant.	Community Commercial (C3) Zone.
South	Single detached dwellings.	Residential "R4-548" Zone, Modified.
East	Single detached dwellings.	Residential "R4-548" Zone, Modified and "R4-619-H" Zone, Modified, Holding.
West	Single detached dwelling.	Residential "R4-548" Zone, Modified and "R4-663" Zone, Modified.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Policy Framework

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

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 237 Springbrook Avenue, Ancaster (PED24042) (Ward 12) - Page 7 of 10

Provincial Policy Statement (2020) and conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. Matters of provincial interest (e.g. efficiency of land use) are reviewed and discussed in the Official Plan analysis that follows.

As the application for a Zoning By-law Amendment complies with the Urban Hamilton Official Plan, it is staff's opinion that the application has merit and can be supported for the following reasons:

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

Urban Hamilton Official Plan

The subject property is identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the Urban Hamilton Official Plan and is designated "Low Density Residential 2b" in the Meadowlands Neighbourhood IV Secondary Plan

Based on the policy review attached as Appendix "E" to Report PED24042, the proposal represents a form of intensification which will add additional dwelling units on the subject site while maintaining the low density residential area characteristics. The subject lands are located within the interior of the neighbourhood and therefore represent an appropriate location for low density residential built forms. The size and scale of the proposed development, as well as the modifications in the implementing Zoning By-law, will ensure that the proposed development does not result in adverse shadow, privacy, overlook, wind, noise, traffic, or other nuisance impacts.

The subject lands are designated "Low Density Residential 2b" in the Meadowlands Neighbourhood IV Secondary Plan, and residential built forms including single detached dwellings and semi detached dwellings are permitted for lands designated "Low Density Residential 2b". The proposed two storey building height represents a built form that will comply with the maximum height restriction of three storeys and the single detached dwellings and semi detached dwellings will have a density of 21.9 units per hectare and represent a development that complies with the maximum residential density of approximately 30 units per net residential hectare.

SUBJECT: Application for Zoning By-law Amendment for Lands Located at 237 Springbrook Avenue, Ancaster (PED24042) (Ward 12) - Page 8 of 10

The implementing Zoning By-law will include minimum lot width, lot area, setbacks, and lot coverage requirements, along with maximum building height requirements, that will respect the scale and character of the area.

The area south of Stonehenge Drive was developed through the Springbrook Meadows Phase Two subdivision (25T-200510). That application established Chambers Court, which is located adjacent to the subject lands to the west. Chambers Drive travels north and turns towards the east, as shown on Appendix "A" attached to Report PED24042. Plan of Subdivision application 25T-201307, Star Meadows, proposed the development of 16 lots for single detached dwellings where 11 lots would front onto Springbrook Avenue and five lots would front onto a newly proposed cul-de-sac (Chambers Court), which is an extension of Chambers Drive. The cul-de-sac was constructed in 2019 and the majority of the dwellings were constructed by 2022. Based on the approved lot pattern, access to 237 Springbrook Avenue was not contemplated from the cul-de-sac and the lotting pattern allowed for the landowners to develop independent of each other.

Therefore, it is the opinion of staff that the proposed development complies with the policies of the Urban Hamilton Official Plan.

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

The subject property is zoned Agricultural "A" Zone in the former Town of Ancaster Zoning By-law No. 87-57. The current zoning permits a single detached dwelling on a large lot containing an area of 1,850 square metres and minimum frontage of 30 metres. The current zone does not permit a semi detached dwelling, therefore, a Zoning By-law Amendment is required.

City of Hamilton Zoning By-law No. 05-200

To facilitate the proposed development, the applicant has applied to rezone the subject lands to a site specific Residential "R5" Zone within the Town of Ancaster Zoning By-law No. 87-57. In the opinion of staff, it is appropriate to include the subject lands within City of Hamilton Zoning By-law No. 05-200 under a site specific Low Density Residential (R1) Zone, to permit the proposed single detached dwellings and semi detached dwellings. The site specific modifications required to accommodate the proposal are outlined in Appendix "D" attached to Report PED24042.

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 Urban Hamilton Official Plan, in particular, the function, scale and design of the “Neighbourhoods” designation and complies with the Meadowlands Neighbourhood IV Secondary Plan, in particular the function, scale and design of the “Low Density Residential 2b” designation; and,
 - (iii) The development is compatible with the existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units by adding additional single detached and semi detached dwellings, and making efficient use of existing infrastructure within the urban boundary.

2. Zoning By-law Amendment

The staff revised Zoning By-law Amendment proposes to rezone the lands to the Low Density Residential (R1, 888, H166) Zone, in the City of Hamilton Zoning By-law No. 05-200, to permit six lots for two, two storey single detached dwellings and four, two storey semi detached dwelling units. The proposed zone contains modifications to facilitate the development, which meet the general intent of the Zoning By-law. An analysis of the modifications is provided in Appendix “D” attached to Report PED24042.

Staff are satisfied that the proposal complies with the “Neighbourhoods” designation policies in Volume 1 of the Urban Hamilton Official Plan and complies with the “Low Density Residential 2b” designation policies of the Meadowlands Neighbourhood IV Secondary Plan in Volume 2 of the Urban Hamilton Official Plan, as outlined in Appendix “E” attached to Report PED24042. The proposed Low Density Residential (R1, 888, H166) Zone will permit the uses and scale of development which is compatible with the existing residential uses in the area and complies with the policies of the Urban Hamilton Official Plan.

Therefore, staff support the proposed amendment to the Zoning By-law.

3. Holding Provision

A Holding 'H' Provision is proposed to be added to the subject lands to ensure that the owner submits the letter of acknowledgement regarding Provincial interest with respect to the Archaeological Assessment, receives approval of a Tree Protection Plan, makes payment for municipal street trees, makes payment for any outstanding cost recoveries, completes hydrant testing and any necessary upgrades, and makes payment for any outstanding Sewer and Watermain charges.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property can be used in accordance with the Agricultural "A" Zone, in the Town of Ancaster Zoning By-law No. 87-57.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A" to Report PED24042 – Location Map
- Appendix "B" to Report PED24042 – Draft Zoning By-law Amendment
- Appendix "C" to Report PED24042 – Concept Plan
- Appendix "D" to Report PED24042 – Zoning Modification Chart
- Appendix "E" to Report PED24042 – Summary of Policy Review
- Appendix "F" to Report PED24042 – Department and Agency Comments
- Appendix "G" to Report PED24042 – Summary of Public Comments Received

DB:sd