



## City of Hamilton Report for Consideration

**To:** Chair and Members  
Planning Committee

**Date:** April 29, 2025

**Report No:** PED25036

**Subject/Title:** Applications for Zoning By-law Amendment and  
Draft Plan of Subdivision for Lands Located at 387,  
397, 405 and 409 Hamilton Drive, Ancaster

**Ward(s) Affected:** Ward 12

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### Recommendations

- 1) That **Amended Zoning By-law Amendment Application ZAC-18-048, by Weston Consulting, c/o Martin Quarcoopome, on behalf of Lux 387 M.D. Holdings Inc, Lux 397 M.D. Holdings Inc, Lux 405 M.D. Holdings Inc, Lux 409 M.D. Holdings Inc, c/o Hamid Hakimi, Owner**, for a change in zoning from the Agricultural “A-216” Zone, Modified to a site specific Low Density Residential (R1, 930) Zone, Open Space (P4, 931) Zone and Conservation/Hazard Land (P5, 932) Zone to permit the development of a residential subdivision containing 17 lots for single detached dwellings, for lands located at 387, 397, 405 and 409 Hamilton Drive, Ancaster, as shown in Appendix A attached to Report PED25036, **BE APPROVED** on the following basis:
  - (i) That the draft By-law, attached as Appendix B to Report PED25036, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed changes in zoning are consistent with the Provincial Planning Statement (2024) and comply with the Urban Hamilton Official Plan.
- 2) That **Amended Draft Plan of Subdivision Application 25T-201809, by Weston Consulting, c/o Martin Quarcoopome, on behalf of Lux 387 M.D. Holdings Inc, Lux 397 M.D. Holdings Inc, Lux 405 M.D. Holdings Inc, Lux 409 M.D. Holdings Inc, c/o Hamid Hakimi, Owner**, on lands located at 387, 397, 405 and 409 Hamilton

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Drive, Ancaster, Lots 39 and 40, Concession 3, Geographic Township of Ancaster, in the City of Hamilton, as shown in Appendix A attached to Report PED25036, **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 Condominium, on the following basis:

- (i) That this approval apply to the Draft Plan of Subdivision certified by Bruce MacLeod, O.L.S, dated January 22, 2025, consisting of 17 lots for single detached dwellings (Lots 1 to 17), one stormwater management block (Block 18), one right-of-way widening block (Block 19), and the extension of Braithwaite Avenue, as shown on the Draft Plan of Subdivision in Appendix C attached to Report PED25036;
- (ii) That the Owner enter into a standard form Subdivision Agreement as approved by City Council and that the Special Conditions of Draft Plan of Subdivision Approval 25T-201809, as shown in Appendix D attached to Report PED25036, be received and endorsed by City Council;
- (iii) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual, there will not be any City of Hamilton cost sharing for this subdivision; and,
- (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.

## **Key Facts**

- The purpose of the report is to provide a recommendation regarding the Zoning By-law Amendment and Draft Plan of Subdivision applications submitted by Weston Consulting, c/o Martin Quarcoopome, on behalf of Lux 387 M.D. Holdings Inc, Lux 397 M.D. Holdings Inc, Lux 405 M.D. Holdings Inc, Lux 409 M.D. Holdings Inc, c/o Hamid Hakimi, Owner.
- The proposal is to permit a residential subdivision consisting of 17 lots for single detached dwellings, one stormwater management facility and the extension of Braithwaite Avenue.
- The subject lands are designated "Low Density Residential 1" on Map B.2.2-2 of the Shaver Neighbourhood Secondary Plan and zoned Agricultural "A-216" Zone, Modified, in Town of Ancaster Zoning By-law No. 87-57.

- Staff recommends approval of the applications for Zoning By-law Amendment and Draft Plan of Subdivision as shown in Appendices B and C, and subject to the conditions as shown in Appendix D attached to Report PED25036.

## **Financial Considerations**

Not applicable.

## **Analysis**

The subject lands are municipally known as 387, 397, 405 and 409 Hamilton Drive, in Ancaster and are located east of Hamilton Drive, west of Braithwaite Avenue and south of the Alexander Graham Bell Parkway, Chedoke Expressway (Highway 403). The subject lands are approximately 2.2 hectares in size and have an irregular shape with frontage along Hamilton Drive and Braithwaite Avenue. The applications propose a residential subdivision consisting of 17 lots for single detached dwellings, one stormwater management facility and the extension of Braithwaite Avenue.

A full review of the applicable Provincial Planning Statement (2024) and Urban Hamilton Official Plan policies is provided in Appendix F attached to Report PED25036.

## **Provincial Planning Statement (2024)**

The Provincial Planning Policy Framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposal supports the development of healthy, liveable, and complete communities by permitting residential uses within the urban area on vacant lands. The subject lands are proposed to be developed with 17 lots for single detached dwellings, a stormwater management facility, and the extension of Braithwaite Avenue in an area surrounded by existing low density residential dwellings. The proposal is compatible with the surrounding area as it is characterized by low density residential and continues to make efficient use of existing municipal infrastructure and completing the existing road network. The extension of Braithwaite Avenue to Hamilton Drive will complete a missing street linkage within the existing neighbourhood and increase connectivity for residents utilizing active transportation methods to travel through the neighbourhood.

The natural heritage features of the site have been evaluated through the review of the applications. Various mitigation measures secured by the application of the Conservation/Hazard Land (P5, 932) Zone and through Special Conditions of Draft Plan of Subdivision approval contained in Appendix D attached to Report PED25036 have included to secure items such as tree planting and tree compensation.

The applications are consistent with the Provincial Planning Statement (2024).

### **Urban Hamilton Official Plan and Shaver Neighbourhood Secondary Plan**

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations. Lands designated “Neighbourhoods” are characterized as complete communities that include a range of residential dwelling types, densities and supporting uses to serve local residents. The subject lands are also designated “Low Density Residential 1” in the Shaver Neighbourhood Secondary Plan.

The proposal would facilitate the development of 17 single detached dwellings, a stormwater management facility, and the extension of Braithwaite Avenue on the subject lands. The subject lands fall into the low-density residential category of the “Neighbourhoods” designation, which permits single detached dwellings. As the proposal is considered greenfield development, the Residential Greenfield Design policies of Section E.3.7 apply. The proposal complies with these policies as the subdivision will contribute to the character of the Shaver Neighbourhood, complete the local street pattern, and proposed for the urbanization of Hamilton Drive adjacent to the subject lands with the inclusion of sidewalks. The proposal has been evaluated against Policy F.14.1.2 and it complies with the criteria for Draft Plans of Subdivision by illustrating the replacement and compensation of trees as shown in Appendix C attached to Report PED25036.

The subject lands include a large, wooded area and are adjacent to a “Core Area” (significant woodland). Recognizing that this feature is part of the broader landscape of the area, it was staked in consultation with the City in 2014 and reevaluated in 2018. The applications included the submission of an Environmental Impact Statement and Tree Protection Plan. To accommodate the extension of Braithwaite Avenue as envisioned in the Shaver Neighbourhood Secondary Plan, the building envelope of the proposed single detached dwellings, the required stormwater management facility, as well as the necessary grading and servicing easement, 683 trees are proposed to be removed. The applicant has proposed to retain 125 trees and plant 157 trees on site. In addition, cash in lieu for tree compensation for approximately 526 trees will be provided.

The Tree Protection Plan, prepared by GeoProcess, dated July 10, 2024, surveyed 757 trees. These trees were located individually as well as in a woodland and abandoned orchard. The woodland composition included a majority of Black Cherry, White Pine, and Norway Spruce Trees. Orchard species included, but were not limited to, Apple, Black Cherry, Manitoba Maple, Black Walnut and Butternut trees. Approximately 45 of the trees that are to be removed are invasive species, including Norway Maple, Manitoba Maple, Norway Spruce, and White Mulberry. As a condition of approval of the Draft Plan of Subdivision, the applicant is required to submit a Butternut Health

Assessment to be approved by the Ministry of the Environment, Conservation and Parks prior to the removal of any Butternut trees on the subject lands.

The City's Urban Forest Strategy establishes a goal to achieve 40 percent canopy cover in the urban area by 2050. Although there are no site-specific targets, each development contributes to the City wide goal. Maximizing existing trees on site and requiring tree relocation and replacement on the subject lands are ways to assist in achieving this goal. Several measures to mitigate the impacts have been considered and staff are recommending a number of conditions to ensure that trees are protected, transplanted, and replanted successfully. To ensure that there will be space for trees to mature, the Zoning By-law Amendment will zone a portion of the subject lands as Conservation/Hazard Land (P5, 932) Zone. The zone only permits the construction of a retaining wall as this area is intended to accommodate the majority of the 157 trees intended to be replanted on the subject lands. Conditions include, but not limited to, the submission and approval of a revised Tree Protection Plan, a Butternut Health Assessment be completed, a revised Landscape Plan showing the placement and compensation of the trees be provided. In addition, warning clauses regarding the zoning and development restrictions that apply to the subject lands, tree protection and grading restrictions are required in all agreements of purchase and sale or lease agreements to ensure that residents are aware of the requirements. In addition, the owner is required to provide cash in lieu for compensation of any trees that cannot be planted. A full list of recommended conditions is in Appendix D attached to Report PED25036.

The Open Space (P4, 931) Zone permits the stormwater management facility as well as provides opportunities for additional tree planting and the inclusion of bat boxes.

The proposal contributes to the achievement of creating complete communities by providing family friendly homes on underutilized land, extends the existing right-of-way of Braithwaite Avenue to Hamilton Drive to further improve the connectivity of the area by completing the existing road network. The extension of Braithwaite Avenue was contemplated in the former Town of Ancaster Official Plan and Shaver Neighbourhood as illustrated on Appendix J attached to Report PED25036 and the proposed location is consistent with the intent of the plan.

Based on the foregoing, the proposal complies with the applicable policies of the Urban Hamilton Official Plan and Shaver Neighbourhood Secondary Plan.

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

The purpose of the Zoning By-law Amendment application is for a change in zoning from the Agricultural "A-216" Zone, Modified, to a site specific Low Density Residential (R1, 930) Zone, Open Space (P4, 931) Zone and Conservation/Hazard Land (P5, 932) Zone in Zoning By-law No. 05-200, to permit the development of 17 single detached

dwelling. Modifications to the Low Density Residential (R1) Zone, Open Space (P4) Zone and Conservation/Hazard Land (P5) Zone are required to facilitate the development and to protect existing and replanted trees and are discussed in Appendix G attached to Report PED25036.

### **Rationale For Recommendation**

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

- (i) It is consistent with the Provincial Planning Statement (2024);
- (ii) It complies with the Urban Hamilton Official Plan; and,
- (iii) The proposal is compatible with existing development in the area and represents good planning by providing an efficient built form, increasing housing stock, and contributing to the achievement of a complete community.

2. Zoning By-law Amendment

The application for Zoning By-law Amendment is to rezone the subject lands to a site specific Low Density Residential (R1, 930) Zone, Open Space (P4, 931) Zone and Conservation/Hazard Land (P5, 932) Zone, to permit the development of 17 single detached dwellings.

An analysis of the requested modifications is provided in Appendix G attached to Report PED25036. Staff are satisfied that the proposed Zoning By-law Amendment, as amended, complies with the policies of the Urban Hamilton Official Plan and Shaver Neighbourhood Secondary Plan. The proposal includes the extension of Braithwaite Avenue, which will complete the transportation network of the neighbourhood by improving connectivity and the proposed lot fabric is consistent with the existing character of the area. By including the Open Space (P4, 931) Zone and Conservation/Hazard Land (P5, 932) Zone it provides opportunities for tree compensation and the development of the stormwater management facility necessary to service the proposed subdivision.

Therefore, staff support the proposed Zoning By-law Amendment.

3. Draft Plan of Subdivision

Staff have reviewed the application against criteria set out in the *Planning Act* sub-section 51(24) to assess the appropriateness of the proposed subdivision, and advise that:

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- (i) The proposal is consistent with the Provincial Planning Statement (2024);
  - (ii) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
  - (iii) The proposal complies with the applicable policies of the Urban Hamilton Official Plan;
  - (iv) The proposal completes the street network within the Shaver Neighbourhood Secondary Plan, subject to applicable conditions of draft plan approval contained in Appendix D attached to Report PED25036;
  - (v) The subject lands can be appropriately used for the purposes for which it is to be subdivided;
  - (vi) The dimensions and shape of the lots and blocks are appropriate;
  - (vii) Restrictions and regulations for the development of the subdivision are included in the implementing Zoning By-law Amendment, conditions of draft plan approval and in the Subdivision Agreement;
  - (viii) Adequate utility and municipal services will be available, the particulars of which will be determined as part of the conditions of draft plan approval and the Subdivision Agreement; and,
  - (ix) 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, Standard Subdivision Agreement, and final registration of the Plan of Subdivision.

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

## **Alternatives**

Should the applications be denied, the subject property can be used in accordance with the Agricultural “A-216” Zone, Modified in Zoning By-law No. 6593.

## **Relationship to Council Strategic Priorities**

Priority 3: Responsiveness and Transparency

- 1.2: Prioritize customer service and proactive communication.

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## **Consultation**

The applications were circulated to internal departments and external agencies. Refer to the comments provided in Appendix H attached to Report PED25036.

The applicant submitted a Public Consultation Strategy which stated that a Neighbourhood Meeting would occur if required. To date, no Neighbourhood Meeting was hosted for the proposed development. Nine submissions were received from the public regarding the proposed development and a summary is included as Appendix H attached to Report PED25036. Residents were concerned with the potential consequences the proposal would have on the local community, habitat in the area, impacts to the water table with the inclusion of a stormwater management facility, requests for traffic calming measures to be implemented, and the potential connection to Tollgate Drive was noted as a potential solution to mitigate future traffic issues.

## **Appendices and Schedules Attached**

- Appendix A: Location Map
- Appendix A1: Existing Land Use, Surrounding Lands and Zoning Chart
- Appendix B: Amendment to Zoning By-law No. 05-200
- Appendix C: Proposed Concept Plan and Draft Plan of Subdivision
- Appendix D: Draft Plan of Subdivision Special Conditions
- Appendix E: Historical Background Report Fact Sheet
- Appendix F: Policy Review
- Appendix G: Zoning Modification Table
- Appendix H: Staff and Agency Comments
- Appendix I: Public Comments
- Appendix J: Former Town of Ancaster Shaver Neighbourhood Map 1

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