



City of Hamilton Report for or Consideration

To: Chair and Members
Planning Committee

Date: April 29, 2025

Report No: PED25093

Subject/Title: Applications for an Official Plan Amendment and
Zoning By-law Amendment for Lands Located at 559
Garner Road East, Ancaster

Ward(s) Affected: Ward 12

Recommendations

- 1) That **Amended Official Plan Amendment Application UHOPA-21-022, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Garner South M.D Developments Inc. (c/o Hamid Hakimi), Owner**, to amend the Meadowlands Neighbourhood III Secondary Plan by redesignating the subject lands from the “Low Density Residential (Infill/Existing)” designation to the “Low Density Residential 3b” designation with a site specific policy to permit the development of a seven storey multiple dwelling, containing 99 dwelling units, with a density range of a minimum of 270 units per net hectare and a maximum density of 300 units per net hectare, for lands located at 559 Garner Road East, as shown in Appendix A attached to Report PED25093, **BE APPROVED** on the following basis:
 - a) That the draft Official Plan Amendment, attached as Appendix B to Report PED25093, be adopted by City Council; and,
 - b) That the proposed Official Plan Amendment is consistent with the Provincial Planning Statement (2024).
- 2) That **Amended Zoning By-law Amendment Application ZAC-21-047, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston) on behalf of Garner South M.D Developments Inc. (c/o Hamid Hakimi), Owner**, for a change in zoning from the Agricultural “A” Zone to the

Holding Residential Multiple “H-RM6-719” Zone, Modified, to permit the development of a seven storey multiple dwelling, containing 99 dwelling units with a total of 146 parking spaces, for lands located at 559 Garner Road East, as shown on Appendix A attached to Report PED25093, **BE APPROVED** on the following basis:

- a) That the draft By-law, attached as Appendix C to Report PED25093, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- b) That the proposed change in zoning is consistent with the Provincial Planning Statement (2024);
- c) That the proposed change in zoning will comply with the Urban Hamilton Official Plan and the Meadowlands Neighbourhood III Secondary Plan upon adoption of the Official Plan Amendment; and,
- d) 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” symbol to the proposed Holding Residential Multiple “H-RM6-719” Zone, Modified.

The Holding Provision is to be removed conditional upon:

1. That the Owner submit for review and approval, a revised Functional Servicing Report, and related drawings to demonstrate:
 - i. That suitable storm and sanitary outlets are provided for the subject site, including extension of any municipal sewers, as required, in accordance with City standards to accommodate the proposed development, all to the satisfaction of the the Director of Growth Management and Chief Development Engineer; and,
 - ii. To enter into and register on title of the lands, an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the owner’s cost, in accordance with the Functional Servicing Report accepted by the Director, Growth Management and Chief Development Engineer.

Key Facts

- The purpose of the applications is to redesignate the subject lands from the “Low Density Residential (Infill/Existing)” designation to the “Low Density Residential 3b” designation and add a new Site Specific Policy to permit a minimum density of 270 units per net hectare and a maximum density of 300 units per hectare;

and, for a change in zoning from the Agricultural “A” Zone to the Holding Residential Multiple “H-RM6-719” Zone, Modified.

- The proposed development consists of a seven storey multiple dwelling, containing 99 dwelling units with 15 surface parking spaces and 131 underground parking space for a total of 146 parking spaces, as shown in Appendix E attached to Report PED25093.
- The subject lands are designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan, designated “Low Density Residential (Infill/Existing)” in the Meadowlands Neighbourhood III Secondary Plan, and zoned Agricultural “A” Zone in Ancaster Zoning By-law No. 87-57.
- Staff recommends approval of the applications for Official Plan Amendment and Zoning By-law Amendment as shown in Appendices B and C attached to Report PED25093.

Financial Considerations

Not applicable.

Analysis

The subject lands are municipally known as 559 Garner Road East in Ancaster and are located on the northeast corner of the intersection of Garner Road East and Southcote Road with proposed low density to the north and existing neighbourhood commercial to the east, as shown on Appendices A and A1 attached to Report PED25093. The subject lands are approximately 0.37 hectares in size and generally rectangular in shape with frontage along Garner Road East and Southcote Road. The proposed development consists of a seven storey “L” shaped multiple dwelling with 99 dwelling units with a total of 146 parking spaces and will have vehicular access from Southcote Road only, as outlined in Appendix D attached to Report PED25093.

A full review of the applicable Provincial Planning Statement (2024), Urban Hamilton Official Plan, and Meadowlands Neighbourhood III Secondary Plan is provided in Appendix F attached to Report PED25093.

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 proposed development has been reviewed against the Provincial Planning Statement (2024). A full policy analysis of the applicable Provincial Planning Statement (2024) policies is provided in Appendix F attached to Report PED25093.

The proposal supports the development of healthy, liveable, and complete communities and implementing the targets for housing by intensifying underutilized lands. The proposal has been reviewed against the Provincial Planning Statement (2024), including policies 2.3.1.1 and 2.3.1.2, among others. The proposed development is within a settlement area and efficiently uses land and resources, optimizes existing and planned infrastructure and public service facilities, supports active transportation, and is transit supportive. The proposed development introduces a multiple dwelling on the periphery of the neighbourhood, achieves appropriate residential densities within a planned settlement area and is designed to be compatible with the existing surrounding development and is located within walking distance to several community facilities.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan and Meadowlands Neighbourhood III 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 in the Urban Hamilton Official Plan. The subject lands are further designated “Low Density Residential (Infill/Existing)” in the Meadowlands Neighbourhood III Secondary Plan. A full policy analysis of the development proposal and adjacent surrounding land uses is provided in Appendix F attached to Report PED25093.

The Meadowlands Neighbourhood III Secondary Plan establishes land uses, the basic transportation network, community facilities, infrastructure requirements and development standards to guide the development and/or redevelopment of the Secondary Plan area. The proposed development will introduce residential intensification on a vacant and underutilized site, thereby promoting the efficient use of land and infrastructure, as well as introduce a built form that was not previously anticipated in the Meadowlands Neighbourhood III Secondary Plan on the periphery of the neighbourhood. The neighbourhood is low density residential and is well supported with community facilities as well as commercial and institutional land uses to serve the neighbourhood. The proposal supports the development of healthy, liveable, and safe communities in a compact development.

The proposed “L” shaped building design and site organization addresses the contextual fit and site functionality by providing setbacks and a transition of building height towards the low density residential uses to the north, on-site amenity areas and pedestrian connectivity.

A Shadow Study prepared by SRM Architects Inc. by E. Thomas dated August 20, 2021, and revised February 22, 2023, and September 18, 2024, was submitted. The proposed building has been designed to be compatible with the adjacent land uses with respect to matters such as shadowing and overlook. The submitted Shadow Study exceeds the minimum requirements for sun through March 21st to September 21st,

demonstrating compliance with a 45° angular plane. In addition, there are no shadow impacts on public open spaces or parks in the immediate area.

The development screens the surface parking (19 parking spaces for visitors and short term use) by locating the building closer to the street and activates the streetscape and public realm. A landscape planting area and visual barrier will screen the adjacent residential and commercial uses. The proposed residential use is within a compact midrise multiple dwelling form that supports the neighbourhood and allows for a mix of one bedroom, one bedroom plus den and two bedroom plus den units, including ground floor amenity space and services for the residents. The proposed housing form represents a higher residential density than originally contemplated in the Secondary Plan; however, the development is not anticipated to negatively impact the surrounding established neighbourhood and provides for a diverse range of housing options.

Transportation Planning staff have approved the Transportation Assessment and support the proposed development, subject to right-of-way and daylight triangle dedications being provided. Staff are of the opinion the proposed development has addressed the requirements by incorporating the necessary land dedications into the proposed design. The dedications will be acquired through the future Site Plan Control application.

Trees have been identified within the subject property and are proposed to be removed as part of the development. An Arborist Report was submitted which inventoried a total of 71 trees including 25 Manitoba Maple, 19 White Spruce, 8 Black Walnut, 5 White Ash, 2 Silver Maple, Downy Hawthorn, Norway Maple, Weeping Willow, Black Walnut, White Ash, Siberian Elm, Catalpa, Black Cherry, White Oak, White Elm, Staghorn Sumac, Sugar Maple, Black Willow and White Cedar. The development proposes to remove 63 trees and injure 5 trees. The tree conditions vary in health with 35 trees in good health, 15 in fair condition, 11 in poor condition and 8 dead trees. There are 38 trees are proposed to be replanted and compensation in the form of cash-in-lieu will be required for the remaining 32 trees. The decision to retain trees is to be based on condition, aesthetics, age, and species of the tree. It is recognized that there are limited opportunities to retain all trees on site due to the majority of mature trees being centrally located and in conflict with the siting of the building and parking areas.

The proposed development has municipal water and wastewater infrastructure available. Development Engineering through the review of a submitted Functional Servicing and Stormwater Management report supports the proposal subject to a Holding 'H' Provision which is to demonstrate that suitable storm and sanitary outlets are provided for the subject site, including extension of any municipal sewers. A Holding 'H' Provision has been added to the draft Zoning By-law Amendment requiring the submission of a revised Functional Servicing Report to ensure suitable storm and sanitary outlets are provided to accommodate the proposal.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan and Meadowlands Neighbourhood III Secondary Plan subject to adoption of the Official Plan Amendment.

Ancaster Zoning By-law No. 87-57

The purpose of the Zoning By-law Amendment application is for a change in zoning from the Agricultural “A” Zone to Holding Residential Multiple “H-RM6-719” Zone, Modified, to permit the development of a seven storey multiple dwelling containing 99 dwelling units including 146 parking spaces inclusive of six barrier free parking spaces. The applicant has also provided 54 bicycle parking spaces of which 49 is indoor parking and five outdoor short terms spaces. The applicant acknowledged and is committed to meeting the Hamilton Green Building Standards applicable to the development and materials, appliances and fixtures to be included in the development proposal will place an emphasis on energy efficiency and water conservation through the detail design work of the future Site Plan Control application. Site specific modifications to the Holding Residential Multiple “H-RM6-719” Zone, Modified, are proposed to accommodate the proposed development, which are discussed in Appendix H attached to Report PED25093.

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 general intent and purpose of the Urban Hamilton Official Plan and the Meadowlands Neighbourhood III Secondary Plan upon adoption of the Official Plan Amendment; and,
 - (iii) It is compatible with existing land uses in the immediate area and represents good planning by, among other things, increasing the supply of housing units, contributing to a complete community through the establishment of housing forms that are in keeping with existing and planned development in the surrounding area, making efficient use of existing infrastructure within the urban boundary, and supporting public transit.
2. Official Plan Amendment

The purpose of the Official Plan Amendment application is to redesignate the subject lands from the “Low Density Residential (Infill/ Existing)” designation to the “Low Density Residential 3b” designation and adding a new Site Specific Policy to permit a minimum density of 270 units per net hectare and a maximum density of 300 units per net hectare.

The Official Plan Amendment can be supported as the proposed development contributes to the development of healthy, liveable, and safe communities. The proposed development represents a compatible form of development. The change in designation is appropriate as the proposed residential form is a compatible land use within the surrounding neighbourhood, provides for sufficient on site resident and visitor parking, and the density can be accommodated by existing municipal infrastructure capacities.

Based on the foregoing and the analysis provided in Appendix F attached to Report PED25093, staff supports the proposed Official Plan Amendment.

3. Zoning By-law Amendment

The proposed Zoning By-law Amendment application is for a change in zoning from the Agricultural “A” Zone to the Holding Residential Multiple “H-RM6-719” Zone, Modified, to permit the development of a seven storey multiple dwelling containing 99 dwelling units including 146 parking spaces inclusive of six barrier free parking spaces.

The proposed amendments meet the general intent of the Zoning By-law and the modifications requested will represent an efficient residential development while preserving the character of the surrounding lands within the Meadowlands Neighbourhood III Secondary Plan. An analysis of the requested modifications is provided in Appendix H attached to Report PED25093.

A Holding ‘H’ Provision is proposed to be added to the subject lands for the purpose of requiring the submission of a revised Functional Servicing Report to demonstrate that suitable storm and sanitary outlets are provided for the subject site, including extension of any municipal sewers, to be executed through an External Works Agreement with the City for the design and construction of any required improvements to the municipal infrastructure at the owner’s cost. Upon submission and approval of the above noted report, the Holding ‘H’ Provision may be lifted.

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

Alternatives

Should the applications be denied, the subject property can be used in accordance with the Agricultural “A” Zone which permits agricultural uses.

Relationship to Council Strategic Priorities

- Priority 1: Sustainable Economic & Ecological Development
 - 1.2: Facilitate the growth of key sectors.

- Priority 2: Safe & Thriving Neighbourhoods
 - Increase the supply of affordable and supportive housing and reduce chronic homelessness.

Consultation

The applications were circulated to internal departments and external agencies. Refer to comment summary and response provided in Appendix G attached to Report PED25093.

In addition to the requirements of the *Planning Act*, the applicant submitted a Public Consultation Strategy with the supporting materials and created a microsite for the proposed development. The microsite provided a portal for members of the public to access the submitted reports, studies and supporting information that were provided to the City. Updates on the project were posted on the microsite, as they occurred. The applicant has advised that no comments from the microsite were received. In addition, at the time of writing this report no comments have been received from the public by staff.

Appendices and Schedules Attached

Appendix A:	Location Map
Appendix A1:	Existing and Surrounding Land Uses and Zoning
Appendix B:	Amendment to Urban Hamilton Official Plan
Appendix C:	Amendment to Ancaster Zoning By-law No. 87-57
Appendix D:	Historical Background Report Fact Sheet
Appendix E:	Concept Plan and Draft Plan
Appendix F:	Policy Review
Appendix G:	Department and Agency Comments
Appendix H:	Zoning Modification Table

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