

**CITY OF HAMILTON**

**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 12
<b>COMMITTEE DATE:</b> May 15, 2012	
<b>SUBJECT/REPORT NO:</b> Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 411 and 421 Kitty Murray Lane (Ancaster) (PED12081) (Ward 12)	
<b>SUBMITTED BY:</b> Tim McCabe Planning and Economic Development Department	<b>PREPARED BY:</b> Chris Bell (905) 546-2424, Ext. 1262
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

- (a) That approval be given to **Official Plan Amendment Application OPA-11-011, by Redeemer University College, Owners**, for Official Plan Amendment No. [REDACTED], for a change in designation from “Low Density Residential - Existing (Infill)” and “Low Density Residential 1” to “Medium Density Residential”, and from “Low Density Residential 1” to “Institutional”, on lands located at 411 and 421 Kitty Murray Lane East (Ancaster), as shown on Schedule “A” of Appendix “D” to Report PED12081, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “D” to Report PED12081, be adopted by City Council.
- (b) That approval be given to **Zoning Application ZAC-11-056, by Redeemer University College, Owners**, for a change in zoning from the Institutional “I” Zone to the Multiple Residential “RM2-651” Zone, Modified, with a Special Exception, to allow a townhouse development on lands located at 411 and 421 Kitty Murray Lane (Ancaster), as shown on Appendix “A” to Report PED12081, on the following basis:

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- (i) That the draft By-law, attached as Appendix “F” to Report PED12081, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Town of Ancaster upon finalization of Official Plan Amendment No. [REDACTED].
- (c) That approval be given to Official Plan Amendment No. [REDACTED] to the Urban Hamilton Official Plan to redesignate portions of the subject lands to “Low Density Residential 3b” and “Institutional” (see Appendix “E” to Report PED12081), to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands located at 411 and 421 Kitty Murray Lane (Ancaster).

**EXECUTIVE SUMMARY**

The purpose of these applications is to rezone the subject lands and amend the Town of Ancaster Official Plan in order to allow Institutional uses on the lands adjacent to Redeemer University College, and to permit group townhouses on the remaining lands, accessed via Kitty Murray Lane. The applicant has indicated that the proposed townhouse development will be free-hold units and lots accessed by a common-element private condominium road.

The proposal has merit and can be supported, as it is consistent with the Provincial Policy Statement, conforms with the Hamilton-Wentworth Official Plan, and maintains the general intent of the Ancaster Official Plan and approved Meadowlands Neighbourhood III Secondary Plans (as amended) by providing for density and unit yield of residential development as envisioned within the Secondary Plan. The proposed development is also compatible with existing and planned development in the surrounding area.

*Alternatives for Consideration - See Page 18.*

**FINANCIAL / STAFFING / LEGAL IMPLICATIONS (for Recommendation(s) only)**

**Financial:** N/A.

**Staffing:** N/A.

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**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for Amendments to the Official Plan and Zoning By-law.

**HISTORICAL BACKGROUND** (Chronology of events)

**Proposal**

The lands subject to these applications are owned by Redeemer University College (RUC). The Zoning By-law Amendment and Official Plan Amendment applications are intended to introduce appropriate enabling Official Plan policies and Zoning regulations to allow:

- RUC to consolidate lands in a manner consistent with their Campus Master Plan (see Appendix “C” for excerpt of Campus Master Plan); and,
- The lands surplus to RUC’s needs fronting onto Kitty Murray Lane (see Block 1 of Appendix “A” to be used for townhouse residential purposes.

The applicants have applied for amendments to the Town of Ancaster Official Plan to redesignate a portion of the subject lands to “Medium Density Residential” in order to facilitate the development of townhouse units accessed by a private common element condominium road, and to redesignate the balance of the subject lands from Low Density Residential 1” to “Institutional” to be used as part of the RUC.

Notwithstanding the residential designation of the lands within the Town of Ancaster Official Plan, the subject lands are currently entirely zoned Institutional “I”, consistent with the remainder of the RUC property. A Zoning By-law Amendment is, therefore, also being sought to change portions of the Institutional “I” Zone to the Multiple Residential “RM2-651” Zone.

**Chronology:**

September 1, 2011: Submission of Applications ZAC-11-056 and OPA-11-011 by Redeemer University College.

September 9, 2011: Applications ZAC-11-056 and OPA-11-011 are deemed complete.

September 21, 2011: Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-11-056 and OPA-11-011 to all residents within 120 metres of the subject lands.

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April 21, 2012: Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

**Details of Submitted Application:**

**Location:** 411 and 421 Kitty Murray Lane  
(See Appendix "A")

**Owner:** Redeemer University College

**Applicant:** Liam Doherty

**Property Description:** Total Lot Frontage: 85.51 metres (Kitty Murray Lane)

Lot Depth: 205.33 metres

Total Lot Area: 1.74 hectares

**EXISTING LAND USE AND ZONING**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands</u></b>	Residential	"I" (Institutional) Zone
<b><u>Surrounding Lands</u></b>		
<b>North</b>	Redeemer College	"I" (Institutional) Zone
<b>South</b>	Residential and Redeemer College	"ER-588" (Existing Residential) Zone, Modified and "I" - 'H' (Institutional - Holding) Zone
<b>East</b>	Redeemer College	"I" (Institutional) Zone
<b>West</b>	Residential	"R4-589" (Residential) Zone, Modified

**POLICY IMPLICATIONS**

**Provincial Policy Statement:**

Staff recognizes that the application is consistent with the policies of Sub-section 1.1.3.1 that focus growth in Settlement Areas.

However, Policy 1.7.1(e) outlines that long-term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, industries, and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise, and other contaminants, and minimize risk to public health and safety.

Staff notes that a portion of the subject lands are located adjacent to Kitty Murray Lane, and are intended to be developed to include a group townhouse component. As such, staff advises that a Noise Study will be required at the Site Plan Control Stage for the group townhouse component.

In addition, Policy 2.6.2 of the PPS outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration, which maintains the heritage integrity of the site, may be permitted. Staff notes that the subject lands are located within an area of archaeological potential. In addition, staff notes that an Archaeological Assessment was submitted with the subject applications. The archaeology condition for the subject application has been met, to the satisfaction of Municipal Heritage planning staff.

On the basis of the foregoing, the proposal is consistent with the Provincial Policy Statement.

**Growth Plan for the Greater Golden Horseshoe (Places to Grow):**

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe 2006 indicates that some of the guiding principles of the Plan are to “build compact, vibrant, and complete communities”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”. The application complies with these principles, as it proposes to build a more compact community by allowing a development which will maximize the development potential of the site.

**Hamilton-Wentworth Regional Official Plan**

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Regional Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Policy B-9.2 states that the City shall ensure the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner which minimizes adverse impacts and encourages maintenance and protection. As noted above, the subject lands are located within an area of archaeological potential. In addition, staff notes that an Archaeological Assessment was submitted with the subject applications. The archaeology condition for the subject application has been met, to the satisfaction of Municipal Heritage planning staff.

The proposed amendments to the Town of Ancaster Official Plan and Zoning By-law conform to the Hamilton-Wentworth Regional Official Plan.

**Town of Ancaster Official Plan**

The subject lands are designated “Low Density Residential (Infill)” and “Low Density Residential 1” within the Ancaster Meadowlands Neighbourhood III Secondary Plan. Therefore, the following land use related policies apply:

**6.6.6 Residential Policies**

(a) This Secondary Plan is intended to provide a moderate mix of housing opportunities in terms of lot size, unit size, type, and tenure that are suitable for different age levels, income groups, lifestyles, and household structures. The preparation of the Secondary Plan has considered the extent of existing development as a constraint to a broader range of higher density development.

(b) The approximate housing mix shall be as follows:

Low Density	80%
Medium Density	20%

(c) For purposes of calculating residential density in the Meadowlands Neighbourhood III, the gross net residential density, defined as follows, shall apply:

Gross/net residential density means the area of land measured in hectares utilized for residential dwelling units including the lot area and adjacent principal local and local residential roads. The calculation excludes neighbourhood parks including walkways and bicycle ways, public and separate elementary schools, Places of Worship, and other institutions such as day care, arterial roads, collector roads, and major open space and conservation areas, such as wetlands.

- (d) The Meadowlands Neighbourhood III shall contain the following residential density types, as shown on Map 1 to this Secondary Plan:

<b>TYPE</b>	<b>MINIMUM FRONTAGE</b>	<b>PERMITTED HOUSING FORMS</b>	<b>MAXIMUM GROSS/NET DENSITY (UNITS/HA)</b>
Low Density - Existing (Infill)	15.0m	Single Detached Dwellings	-
Low Density 1	15.0m	Single Detached	18
Low Density 2	10.7m	Single Detached Semi Detached	27
Medium Density	-	Street Townhouses Block Townhouses Innovative Attached Housing	55

### **6.6.8 Institutional Uses**

Within the area designated Institutional on Map 1 to this Secondary Plan, Institutional uses shall be permitted, subject to the following:

- (a) Notwithstanding other policies of this plan, a university/college campus, including residences and ancillary uses, such as but not limited to: offices, Places of Worship, community facilities, libraries, recreational facilities, and maintenance facilities shall be permitted.
- (b) Expansion of the Institutional use, as designated on Map 1 to this Secondary Plan, onto lands or portions of lands designated Low Density Residential 1 by this Plan may occur without amendment to this plan, provided that it can be demonstrated to Council that the expansion will

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not hinder or preclude development of adjacent lands for residential purposes.

While an Amendment to the Ancaster Official Plan and Meadowlands Neighbourhood III Secondary Plan is necessary to allow townhouses to occupy Block 1 instead of single detached dwellings, the proposed development maintains the intent of the Official Plan, as more particularly assessed in the Analysis/Rationale for Recommendation section of this Report.

**New Urban Official Plan (Council-Adopted):**

The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified.

The final decision on the Urban Hamilton Official Plan has been appealed. As such, Council-approved Official Plan Amendments made prior to the final decision will be held in abeyance until their incorporation into the Plan can be requested of the Ontario Municipal Board, or through a future housekeeping amendment.

The current Ancaster Meadowlands Neighbourhood III Secondary Plan policies, found in the Town of Ancaster Official Plan, that apply to this property have predominantly been carried forward into the new Urban Hamilton Official Plan. A number of variations between the two plans are the result of administrative changes and/or designation references. For example, the designation that permits block townhouses is referred to as the “Low Density Residential 3b” designation in the new Urban Hamilton Official Plan rather than “Medium Density Residential”, as referred to in the Town of Ancaster Official Plan. Sub-section 2.6.6.1. of the Plan also contains the following design-related policies specific to the Meadowlands Neighbourhood III Secondary Plan to be considered when assessing new development:

- a) Wherever possible, existing trees, significant vegetation, and distinctive site views such as to the wooded areas shall be protected and preserved through sensitive subdivision design.
- b) Aesthetically pleasing streetscapes shall be encouraged through careful building, site, and landscape design.
- c) Building and site design, setbacks, landscaping, screening, and buffering techniques shall be applied to minimize potential conflicts related to the physical compatibility of adjacent uses between new residential development and existing residential land uses located both within and adjacent to the neighbourhood.



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While it is similarly necessary to amend the designation that applies to the subject lands to permit townhouses on Block 1, Planning staff is satisfied the proposed development maintains the intent of the Official Plan, as more particularly assessed in the Analysis/Rationale for Recommendation section of this Report.

**RELEVANT CONSULTATION**

**The following Departments and Agencies had no comments or objections:**

- Traffic Planning Division, Public Works Department.
- Bell Canada.
- Union Gas.
- Canada Post.
- Cogeco Cable.
- Hamilton-Wentworth Separate School Board.
- Hamilton-Wentworth District School Board.
- Hydro One.
- Hamilton Street Railway.

**Urban Forestry (Public Works Department)** staff advised that there are Municipal Tree Assets located within the road allowance, as well as Heritage diameter trees on private property. Therefore, a Tree Management Plan will be required with a future site plan application.

**Waste Management Division** staff advised that the proposed development is eligible for public waste collection service, provided the road layout is designed to permit the continuous forward movement of collection vehicles or a turnaround area allowing for a three-point turn of not more than one truck length.

The concept plan provided by the proponent demonstrates that a looping road will be available through the site to accommodate the movement of collection vehicles. Should the collection vehicles be unable to back up to accommodate the small dead end at the northeast corner of the site, the owners of future units may have to place their garbage at the corner of the curve on pick-up days.

The **Hamilton Conservation Authority** advised that they have no objection to the application, but recommended a number of items to be addressed in the proponent's Stormwater Management Report that will accompany a future Site Plan application.

### **Public Consultation**

In accordance with the Bill 51 changes to the Planning Act and Council's Public Participation Policy, a first Notice of Complete Application and Preliminary Circulation of the applications was circulated to 37 property owners within 120 metres of the subject property on September 21, 2011. A Public Notice Sign was also posted on the subject lands at that time. Staff did not receive any comments as a result of preliminary circulation and notice.

Finally, Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

### **ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

1. The proposed amendments to the Town of Ancaster Official Plan and Zoning By-law have merit, and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement, as they represent an opportunity for growth in a Settlement Area;
  - (ii) They conform to the Hamilton-Wentworth Official Plan, and maintain the purpose and objectives of the Town of Ancaster Official Plan and Meadowlands Neighbourhood III Secondary Plan;
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
  - (iv) The proposed development represents good planning by providing a compact urban form.

#### **2. OFFICIAL PLAN AMENDMENT:**

The applicant has applied for an amendment to the Ancaster Meadowlands Neighbourhood III Secondary Plan in order to change the land use designations on the subject lands, as follows, and as more particularly shown on Appendix "D":

- Change the designation of Block 1 from "Low Density Residential - Existing (Infill)" and "Low Density Residential 1" to "Medium Density Residential";
- Change the designation of Block 2 from "Low Density Residential 1" to "Institutional"; and,

- Remove proposed road location from subject lands.

Staff has also included proposed modifications to the new Urban Hamilton Official Plan, as set out in Appendix “E”. As the new Urban Hamilton Official Plan has been appealed to the Ontario Municipal Board (OMB), the applicant is currently unable to amend it as it is not in force and effect. Therefore, the proposed amendments to the Urban Hamilton Official Plan (see Appendix “C”) will be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan.

3. Notwithstanding the existing land use designations within the Meadowlands Neighbourhood III Secondary Plan, the ownership in the area practically precludes development from occurring in accordance with the Plan. For example, the lands further to the south have been consolidated by Stonehenge Developments Inc. to be built as a 100-unit group townhouse project accessed by a private internal condominium road. The Plan has previously been amended to reflect this change in land use, and the underlying conceptual public road pattern has been removed. Further, Redeemer University College has assembled lands immediately to the south for future institutional development. Both of these circumstances result in the fact that the road pattern originally envisioned in the Secondary Plan will not be built, and the resultant single detached dwelling typologies that would have fronted onto the road can no longer be practically implemented.

Therefore, it is evident that revised land use designations must be considered to ensure that the subject lands develop in an orderly and efficient manner, consistent with the overall objectives of the Meadowlands Neighbourhood III Secondary Plan.

4. According to Sub-section 6.6.5 of the Meadowlands Neighbourhood III Secondary Plan, the most basic objective of the Plan is to provide a policy framework for a complete neighbourhood with a “...*planned future population of ±2000 persons and contain ±625 dwelling units*”. Further, according to Sub-section 6.6.6, the intent of the various residential designations is “...*to provide a moderate mix of housing opportunities in terms of lot size, unit size, type, and tenure that are suitable for different age levels, income groups, lifestyles, and household structures*”.

These objectives were to be implemented by the inclusion of various residential land use designations, specifically permitting a range of residential unit types and densities, which would assist in achieving the total unit yield and population envisioned for the neighbourhood. In the case of the subject lands, all of the 1.74 hectares are currently designated “Low Density - Existing (Infill)” and “Low Density Residential 1”. Lands so designated are intended to be developed to a

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density of 18 units per hectare, which in the case of the subject lands, would result in a unit yield of 31 units should the entire lands be used for residential purposes. Redeemer University College proposes to utilize approximately 0.96 hectares as part of their campus, thereby leaving 0.78 hectares to be used for residential purposes to fulfil Secondary Plan objectives.

The proponents are requesting to use the remaining 0.78 hectares to allow a block townhouse development consisting of up to 28 units. Staff considers that this is not a substantial departure from the total yield of 31 units originally anticipated in this area, and off-sets the residential unit yield being removed from the neighbourhood by redesignating a portion of the lands for use by Redeemer University College. Further, it has been demonstrated that the unit yield envisioned in this development proposal can be accommodated by the existing and proposed servicing infrastructure and road network.

5. In addition to the residential land use designation policies, the Secondary Plan also contains policies to ensure that new development is compatible with existing development. In particular, Sub-section 6.6.17 (c) notes that:

*“Building and site design, setbacks, landscaping, screening, and buffering techniques shall be applied to minimize potential conflicts related to the physical compatibility of adjacent uses between new residential development and existing residential land uses located both within and adjacent to the neighbourhood”.*

Based on the current ownership pattern in the area, the subject lands will function as an enclave predominately surrounded by lands owned by Redeemer University College. To the immediate north is an entrance road to RUC, which acts as a physical and logical barrier between residential development to the north, and the remaining RUC lands. The rear of the proposed residential block will abut lands that have been identified by RUC in the Campus Master Plan (CMP) as an area to be used for additional student residences. While the CMP is a private plan that can change without public involvement, it would appear reasonable that future campus development would proceed in accordance with the CMP, as this is a logical location for future student residences in proximity to current student residences and the RUC’s recreational facilities.

The proposed townhouse development subject to this application would be consistent and generally in character with the density and built form of the future student residents proposed on the RUC lands.

6. An existing singled detached dwelling lot is located on a portion of the lands to the immediate south that is fronting onto Kitty Murray Lane. This lot is approximately 36 metres x 60 metres in size, and contains a dwelling that is set back approximately 30 metres from Kitty Murray Lane. While the dimensions

and built form of the southerly adjacent lot is becoming uncommon in the more contemporary form of development evident within the Meadowlands Neighbourhood III, it is this interface between existing development and new development, in staff's opinion, that requires particular attention with respect to compatibility. Consideration must be given to both the impact on private amenity areas and streetscape character.

At Planning staff's request, the proponents have provided a Planning Justification Report, Urban Design Brief, and Concept Plan for the subject lands to identify, among other things, how the proposed development addresses the issues of compatibility identified in the Secondary Plan. Upon review, Planning staff notes that the proposed townhouse development has utilized a number of tools identified within the Secondary Plan to minimize the potential for conflict with the abutting single detached residential lot to the south. The design of the site includes a private condominium lane at the southernmost portion of the site. This lane, together with a 2.94 metre landscape area along the southerly property line, acts as an effective buffer in excess of 12 metres to screen the proposed townhouse development from the existing residential lot to the south. In addition, the space between the massing of the buildings lessens the visual impact of street setbacks between the existing dwelling, with its setback of 30 metres, and the proposed townhouses units, with a setback of 6.0 metres.

7. The Institutional policies of the existing Ancaster Meadowlands Neighbourhood III Secondary Plan designate lands specifically for Redeemer University College. The designation attempted to accurately capture the RUC lands as it existed at the time of the adoption of the Secondary Plan in 2000, and additional lands have been added to the Institutional designation for "housekeeping" purposes as part of development applications that RUC have been party to. The policies of the Plan acknowledge that the RUC may expand onto adjacent lands without amendment to this plan, provided that it can be demonstrated to Council that the expansion will not hinder or preclude development of adjacent lands for residential purposes. Similar policies are contained within the new Urban Hamilton Official Plan.

Planning staff is satisfied that the use of the additional blocks for Institutional purposes will not compromise the development of adjacent residential lands. Considering that the adjacent lands are also proposed to be redesignated to "Medium Density Residential" and "Low Density Residential 3b" in the Ancaster Official Plan and Urban Hamilton Official Plan, respectively, the loss of residential unit yield is offset by the relatively higher density residential development being sought on the remaining residential lands.

Staff acknowledges that the policies of the Secondary Plans do not require an amendment to redesignate lands that are to be used for Redeemer University College. However, as an amendment is required for the residential component, this process provides the City with an opportunity to redesignate the lands for housekeeping purposes.

8. ZONING BY-LAW AMENDMENT:

The subject lands are currently zoned Institutional “I”, consistent with all lands owned by RUC. The applicant has requested amendments to the Town of Ancaster Zoning By-law No. 87-57 in order to rezone the lands proposed to be used for townhouses from the Institutional “I” Zone to the Residential “RM2-651” Zone, Modified.

The RM2 Zone permits street townhouse dwellings, whereas the RM3 zone is for block townhouse units. The applicant is proposing to develop Block 1 as freehold townhouse units that front onto a common-element private condominium road. As such, the proposed development is a hybrid in that the physical form of development is similar to a block townhouse development, but the ownership is akin to street townhouse development where each unit is situated on its own lot.

Therefore, it is necessary for a number of site-specific special provisions to be included to facilitate the proposed freehold townhouse building form similar to the concept plan (see Appendix “B”) considered as part of this application. The site-specific special provisions and discussion concerning the rationale for their inclusion in the implementing Zoning By-law is included below:

- A minimum lot frontage of 7.5 metres for each dwelling/lot fronting on the internal condominium road, whereas the current By-law requires a minimum frontage of 9.0 metres fronting on a public road;

Rationale: For street townhouses, the minimum lot frontage is equal to the width of the unit itself. For block townhouses in the standard RM3 zone fronting on a private internal road, there is typically no minimum frontage regulation for each unit as the units are part of one singular overall condominium project. However, in this case, notwithstanding that the townhouses will front onto an internal private road and appear to be a block townhouse project, each townhouse unit will be situated on a separate lot, thereby necessitating the inclusion of such a provision. In applying a minimum frontage of 7.5 metres, staff notes that there are block townhouse examples within the Meadowlands III Neighbourhood with similar, or lesser, unit widths that have been successfully constructed, sold, and occupied, including a number of the internal 7.5 metre wide units

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within the “Bungalows of Ancaster”, located to the south of the subject lands, and the 5.5 metre wide units located along Hepworth Crescent, south of Emick Drive.

- A minimum rear yard of 5.9 metres, whereas the current By-law requires a minimum yard of 7.5 metres;

Rationale: The concept plan illustrates three rows of townhouses that run perpendicular to Kitty Murray Lane having a rear amenity area depth of 5.9 metres, rather than the 6.0 metres shown for the easterly block. The space saved in this marginal reduction in rear yard depths has been, in turn, added to the distance separation between the southernmost townhouse block and the existing lot to the south. Cumulatively, the location of the southernmost townhouse block, entrance road, and the 2.9 metre landscaping strip abutting the southerly lot line will allow for a substantial amount of landscaping and visual separation for the existing dwelling lot to the south. The other interior property lines abut Redeemer University College property, including the entrance road, which will not be negatively impacted by the 5.9 metre yards.

The rear yard depth of 5.9 metres must be considered, together with the fact that the rear yards will be a minimum width of 7.5 metres, which will ensure that each unit has a minimum of 44.25 square metres of private rear yard amenity area. The amenity area available to each unit would still exceed the minimum privacy area requirement of 37 square metres found in the RM3 Zone that is typically applied to block townhouse units.

- A minimum front yard of 3.0 metres, and 5.8 metres from a garage for each individual dwelling/lot, whereas the current By-law requires a minimum front yard setback of 7.5 metres fronting on a public road;

Rationale: The standard 7.5 metre minimum front yard setback in the RM2 Zone is typically applied to the front yard of street townhouses abutting a public street to ensure safe manoeuvring between the public street and the garage. As this proposal will function as a block townhouse unit, but have individual lots fronting onto an internal road, it is reasonable to have lesser front yards fronting onto the private internal condominium road, and Traffic staff has no objections or concerns to the reduced setback. The 5.8 metre setback for the portion of the building containing a garage will also allow for vehicular parking in front of the garage. The setback will be from the building face to the proposed condominium road. As shown on the concept plan, notwithstanding the minimum 3.0m/5.8m setbacks to the internal road, there will be a minimum setback of 6.0 metres from Kitty Murray Lane.

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- A minimum lot depth of 23 metres for each lot fronting on the internal condominium road, whereas the current By-law requires a minimum lot depth of 30 metres for a lot fronting on a public road;

Rationale: The minimum lot depth is a function of size of the unit, the 5.9 metre minimum rear yard, and 3.0/5.8 metre front yards. As the minimum front and rear yards are deemed to be appropriate, the total depth is similarly adequate.

- A maximum lot coverage of 55%, whereas the current By-law requires a minimum lot coverage of 35%;

Rationale: The maximum lot coverage of 55% will apply to the individual lots containing each townhouse unit. According to the proponent's concept plan, the lot coverage for the entire development will achieve 35% lot coverage, which is consistent with the RM2 Zone requirements.

- A minimum side yard of 1.75 metres for a dwelling end unit, whereas the current By-law requires a minimum side yard of 2.5 metres;

Rationale: Typically, block townhouse developments fronting on an internal road do not have zoning provisions regulating the distance between units. Rather, it is a building code and site design consideration related to access and stormwater management. However, in this case, a setback will be provided due to the fact that the block townhouses will be separated onto separate lots having frontage on a private condominium road.

- A minimum front yard of 6.0 metres abutting Kitty Murray Lane, whereas the current By-law would require 7.5 metres;

Rationale: This setback is considered appropriate, as it exceeds the minimum setback requirement applied to other contemporary development within the Meadowlands Neighbourhood III Secondary Plan area. For example, the single detached dwelling lots immediately across the street at 416 to 428 Kitty Murray Lane are subject to the requirements of the "R4-589" Zone (By-law 09-162), which permits a minimum front yard of 3.0 metres to the dwelling and 5.8 metres to the garage.

- A planting strip 2.9 metres wide abutting the residential lot to the south, whereas the current By-law requires a 3.0 metre planting strip; and,



Rationale: According to the proponent's concept plan, the 0.1 metre reduction in the depth of the planting strip will only be applied in the area abutting the southerly private internal road. The remainder of the site will be able to provide a 3.0 metre buffer area. Planning staff feels this marginal reduction is off-set by the additional setback from the nearest townhouse unit achieved as a result of the access road and landscaped area in the front of the townhouse units

- A minimum of 0.5 visitor parking spaces per unit, in addition to the required two parking spaces provided in the garage and driveway of each unit, whereas the current By-law requires no visitor parking spaces for street townhouses and 0.66 spaces per unit for block townhouses.

Rationale: Currently, the zoning regulations for street townhouses do not require visitor parking and require 0.66 spaces per unit for block townhouses. Further, the new City of Hamilton Zoning By-law 05-200 does not require visitor parking spaces for either form of townhouse development. Regulations requiring 0.5 spaces per unit act as a transition between varying regulations of the two forms of development and the two comprehensive Zoning By-law regulations.

Aside from the above regulations that will influence the built form of the development, a number of additional provisions have been included to recognize the tenure of the proposed development as free-hold townhouse units having shared condominium ownership of the private internal road.

Planning staff supports these revisions, as they more particularly reflect the concept plan assessed as part of this application and are consistent with other block townhouse developments in the vicinity of the subject lands (i.e. 713-777 Garner Road and Hepworth Crescent), and will allow a development that is orderly, efficient, and compatible with abutting land uses.

9. Planning staff is satisfied that the form of development illustrated in the proponent's concept plan (see Appendix "B") fulfils the design and compatibility objectives of the Meadowlands Neighbourhood III Secondary Plan. In addition, the zoning regulations included in the implementing Zoning By-law will facilitate a development consistent with the concept plan in terms of building location and setbacks. As is the case with all development of this nature, the lands will also be subject to a subsequent Site Plan Control application. Part of the review of the Site Plan application will include ensuring that adequate landscaping is installed adjacent to the residential lot to the south, and that the building elevations and landscaping adjacent to Kitty Murray Lane reflect the fact that the units and yards face a public street.

**SUBJECT: Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 411 and 421 Kitty Murray Lane (Ancaster) (PED12081) (Ward 12) - Page 18 of 18**

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**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

The lands are zoned Institutional "I" in the Ancaster Zoning By-law. Should the rezoning be denied, the subject lands could be developed for Institutional uses.

**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

**Financial Sustainability**

- ◆ Effective and sustainable Growth Management.
- ◆ Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.
- ◆ Generate assessment growth/non-tax revenues.

**Environmental Stewardship**

- ◆ Aspiring to the highest environmental standards.

**Healthy Community**

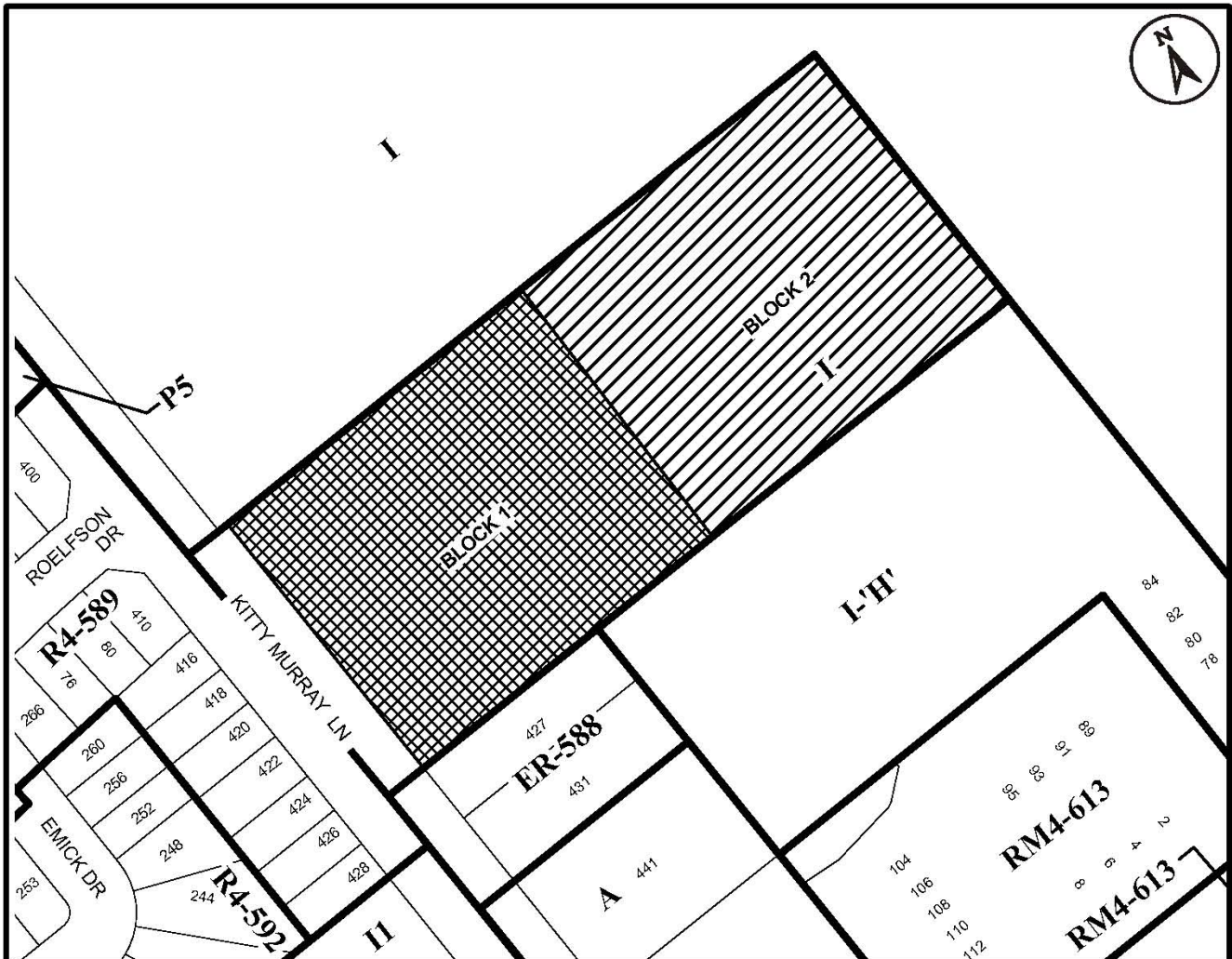
- ◆ Plan and manage the built environment.

**APPENDICES / SCHEDULES**

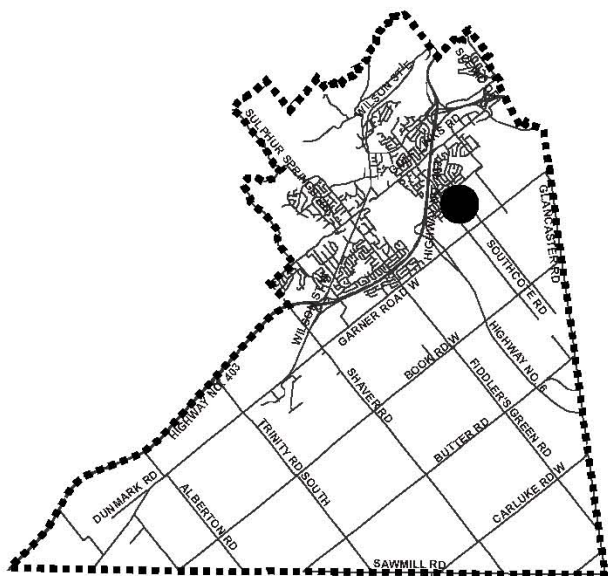
- Appendix "A": Location Map
- Appendix "B": Concept plan
- Appendix "C": Excerpt of Redeemer University College Campus Master Plan
- Appendix "D": Draft Official Plan Amendment - Town of Ancaster Official Plan
- Appendix "E": Draft Official Plan Amendment - Urban Hamilton Official Plan
- Appendix "F": Draft By-law (Zoning By-law 87-57)

:CB

Attachs. (6)



● Site of the Application



Ward 12 Key Map

N.T.S.

## Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-11-056\_OPA-11-011

Date:  
March 20, 2012


Appendix "A"

Scale:  
N.T.S.

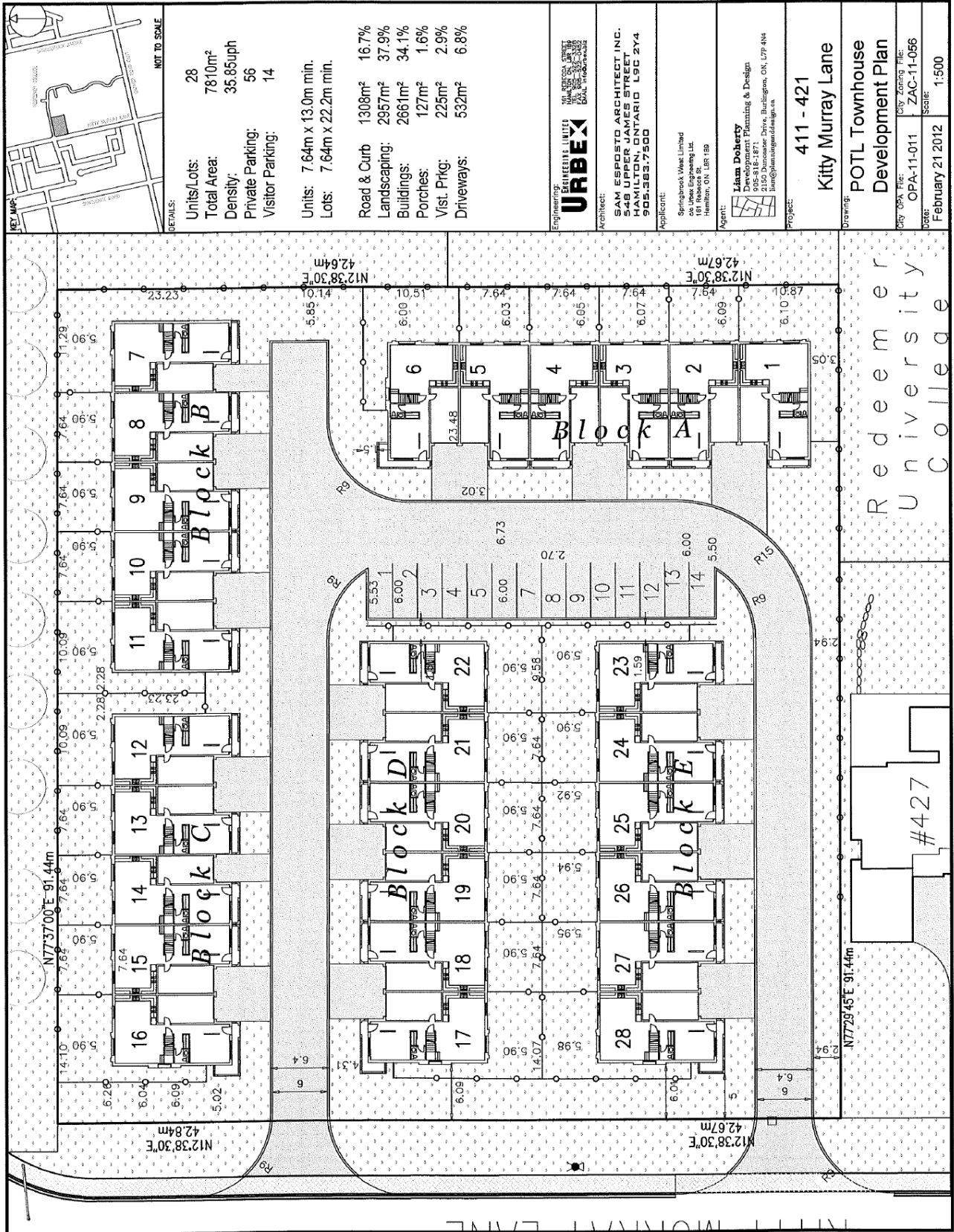
Planner/Technician:  
CB/KA

### Subject Property

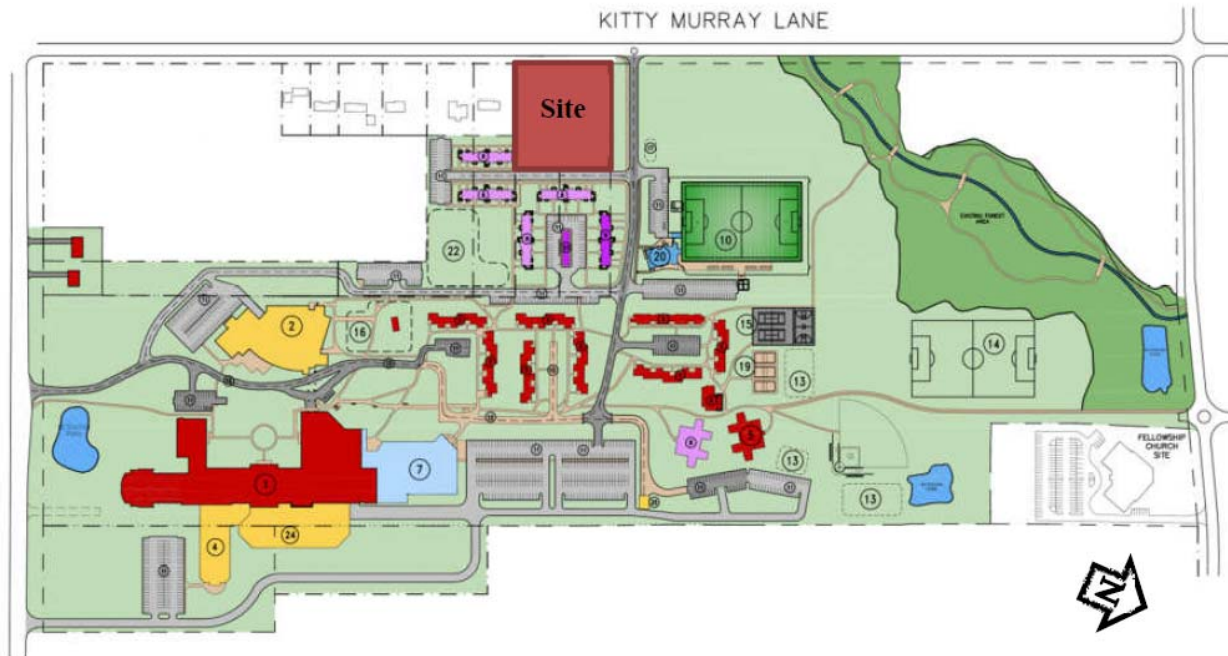
411 & 421 Kitty Murray Lane

 Block 1 - Change in Zoning from the Institutional "I" Zone to the Multiple Residential "RM2-651" Zone, modified.

 Block 2 - Lands to remain Zoned Institutional "I"



Campus Master Plan for Entire Redeemer University College Lands



Excerpt of Campus Master Plan for Redeemer University College Lands

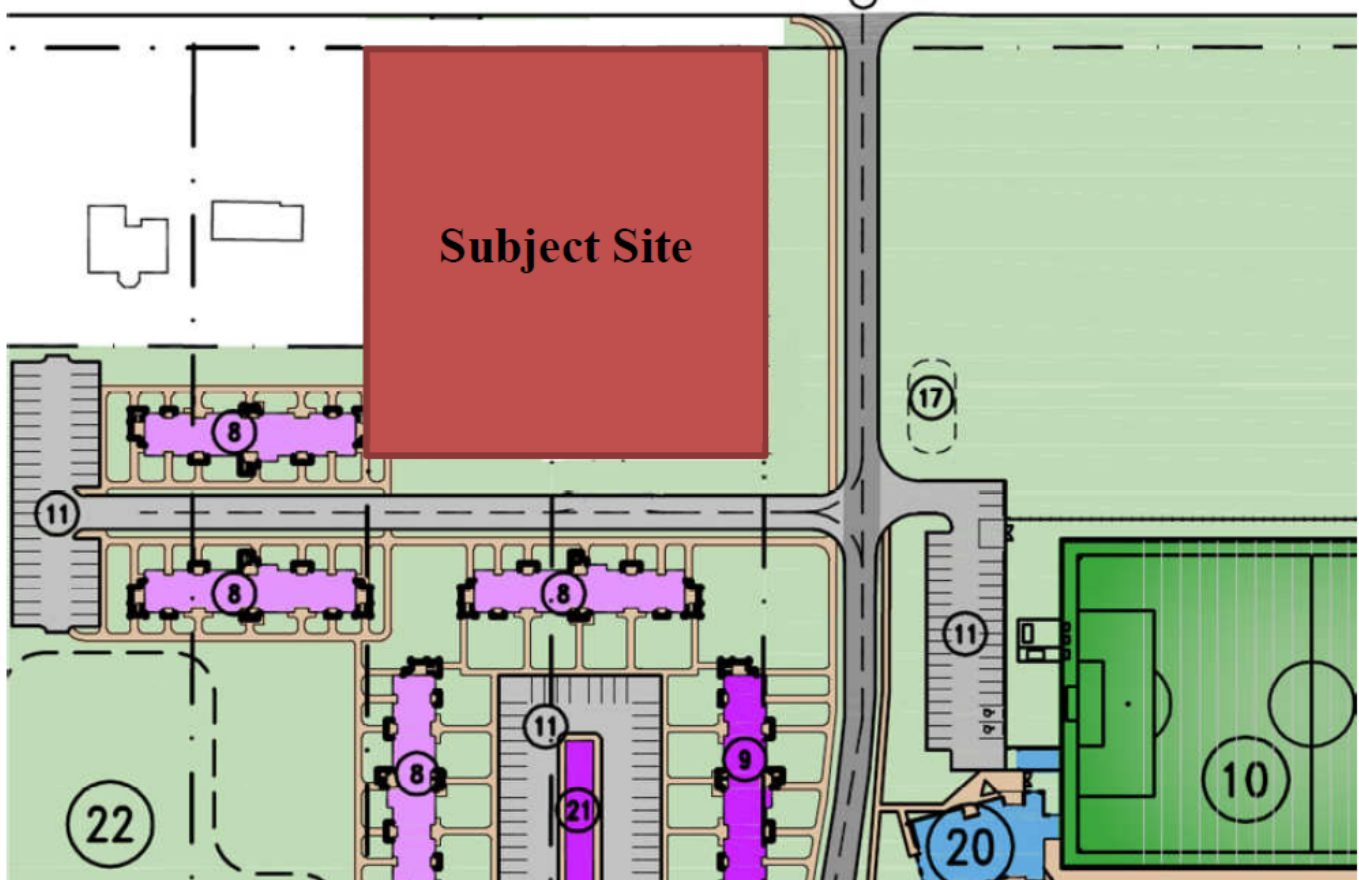


Figure 4: Excerpt of Redeemer University College Master Plan

**Draft**

**Amendment No. [REDACTED]**

**to the**

**Official Plan of the Former Town of Ancaster**

The following text, together with Schedule “A” (Map “1” - Meadowlands Neighbourhood III - Land Uses), attached hereto, constitutes Official Plan Amendment No. [REDACTED] to the Official Plan of the former Town of Ancaster.

**Purpose:**

The purpose of this Amendment is to redesignate portions of the subject lands “Medium Density Residential” to permit up to 28 townhouses, and to redesignate portions of the subject lands to “Institutional”.

**Location:**

The lands affected by this Amendment are municipally known as 411 and 421 Kitty Murray Lane.

**Basis:**

The proposal can be supported for the following reasons:

- The proposal is consistent with the Provincial Policy Statement and conforms to and implements the “Urban” designation of the Hamilton-Wentworth Official Plan.
- The residential unit yield both pre- and post-redesignation will remain similar to and consistent with those originally envisioned in the Meadowlands Neighbourhood III Secondary Plan.
- The policies of the Plan acknowledge that Redeemer University College may expand onto adjacent lands without amendment to this plan, provided that it can be demonstrated to Council that the expansion will not hinder or preclude development of adjacent lands for residential purposes. While the use of the lands for Institutional purposes will not compromise the development of adjacent residential lands, and no Official Plan amendment is necessary, the lands will be appropriately designated for housekeeping purposes since and OPA is otherwise required for adjacent lands regardless.

**Actual Changes:**

Schedule Changes:

2. Schedule "A" - Map "1" - Meadowlands Neighbourhood III - Land Uses is hereby amended in order to:

- Redesignate lands from "Low Density Residential (Infill)" and "Low Density Residential 1" to "Medium Density Residential"; and,
- Redesignate lands from "Low Density Residential 1" to "Institutional";

as shown on the attached Schedule "A" of this Amendment.

**Implementation:**

A Zoning By-law Amendment and Site Plan will give effect to this Amendment.

This is Schedule "1" to By-law No. 12-██████, passed on the ██████ day of ██████, 2012.

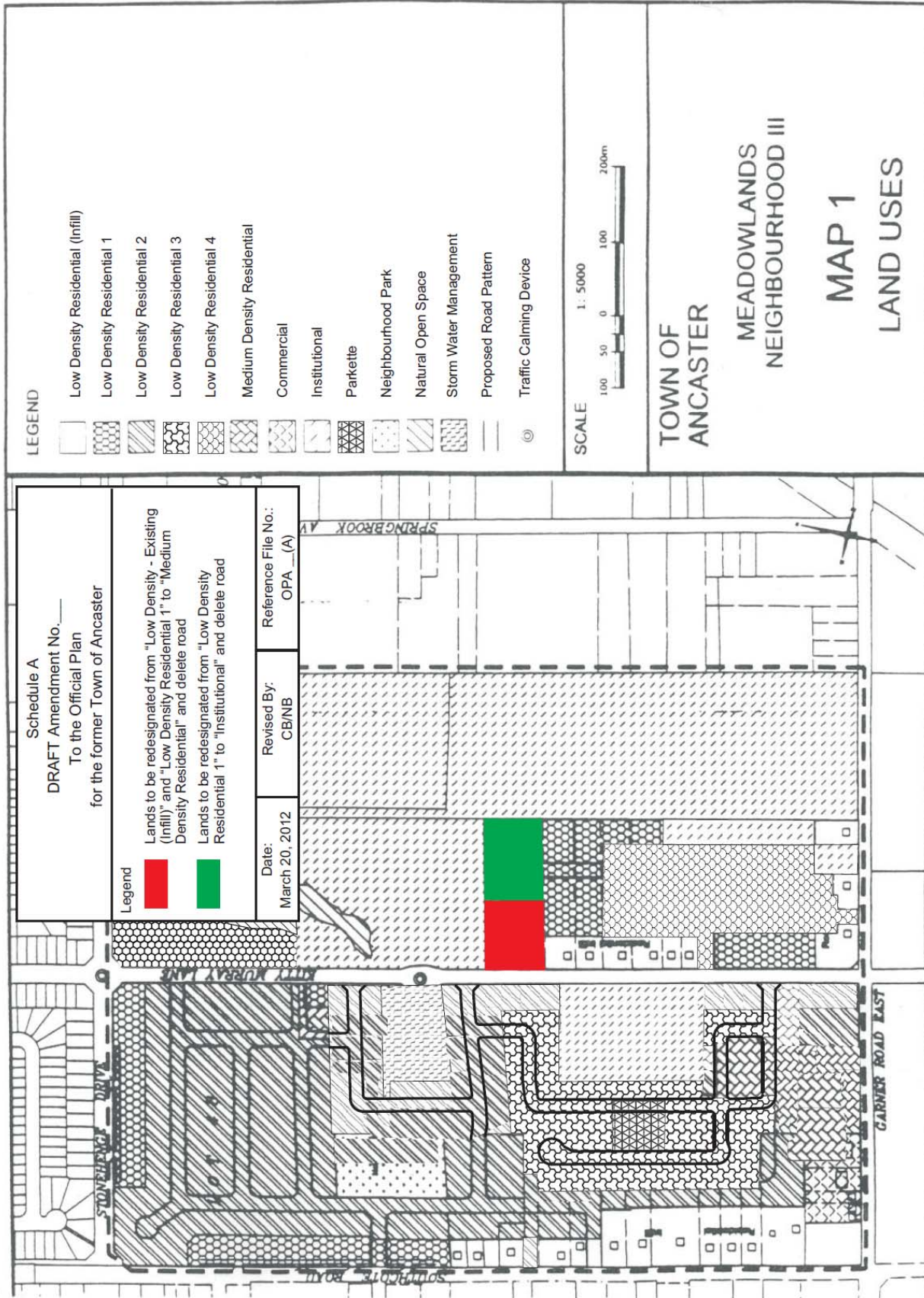
**The City of Hamilton**

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R. Bratina  
Mayor

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Rose Caterini  
Clerk





## Urban Hamilton Official Plan Amendment No. [REDACTED]

The following text, together with:

1. Schedule “A” (Volume 2: Map B.2.5-1 - Meadowlands Neighbourhood 3 Secondary Plan - Land Use Plan);

attached hereto, constitutes Official Plan Amendment [REDACTED] to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate portions of the subject lands to “Low Density Residential 3b” to permit a residential development of up to 28 townhouses, and to redesignate a portion of the subject lands as “Institutional” for use by adjacent Redeemer University College.

### 2.0 Location:

The lands affected by this Amendment are known municipally as 411 and 421 Kitty Murray Lane, in the Former Town of Ancaster.

### 3.0 Basis:

The basis for permitting this Amendment is as follows:

- The proposal is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan (Growth Plan for the Greater Golden Horseshoe).
- The residential unit yield both pre- and post-redesignation will remain similar to and consistent with those originally envisioned in the Meadowlands Neighbourhood III Secondary Plan.
- The policies of the Plan acknowledge that Redeemer University College may expand onto adjacent lands without Amendment to this plan, provided that it can be demonstrated to Council that the expansion will not hinder or preclude development of adjacent lands for residential purposes. While the use of the lands for Institutional purposes will not compromise the development of adjacent residential lands, and no Official Plan Amendment is necessary, the lands will be appropriately designated for housekeeping purposes since an OPA is otherwise required for adjacent lands regardless.

**4.0 Actual Changes:**

**4.1 Mapping Changes**

**Volume 2 - Rural Settlement Area Plans and Secondary Plans**

4.1.1 Volume 3, Chapter B.2.5-1 - Ancaster Secondary Plans - Meadowlands Neighbourhood 3 Secondary Plan - Land Use Plan be amended by redesignating lands located at 411 and 421 Kitty Murray Lane as follows:

- "Low Density Residential" and "Low Density Residential 1" to "Low Density Residential 3b";
- "Low Density Residential 1" to "Institutional"; and,
- The deletion of the proposed roads on the subject properties;

as shown on Appendix "A", attached to this Amendment.

**5.0 Implementation:**

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. [REDACTED], passed on the [REDACTED] day of [REDACTED], 2012.

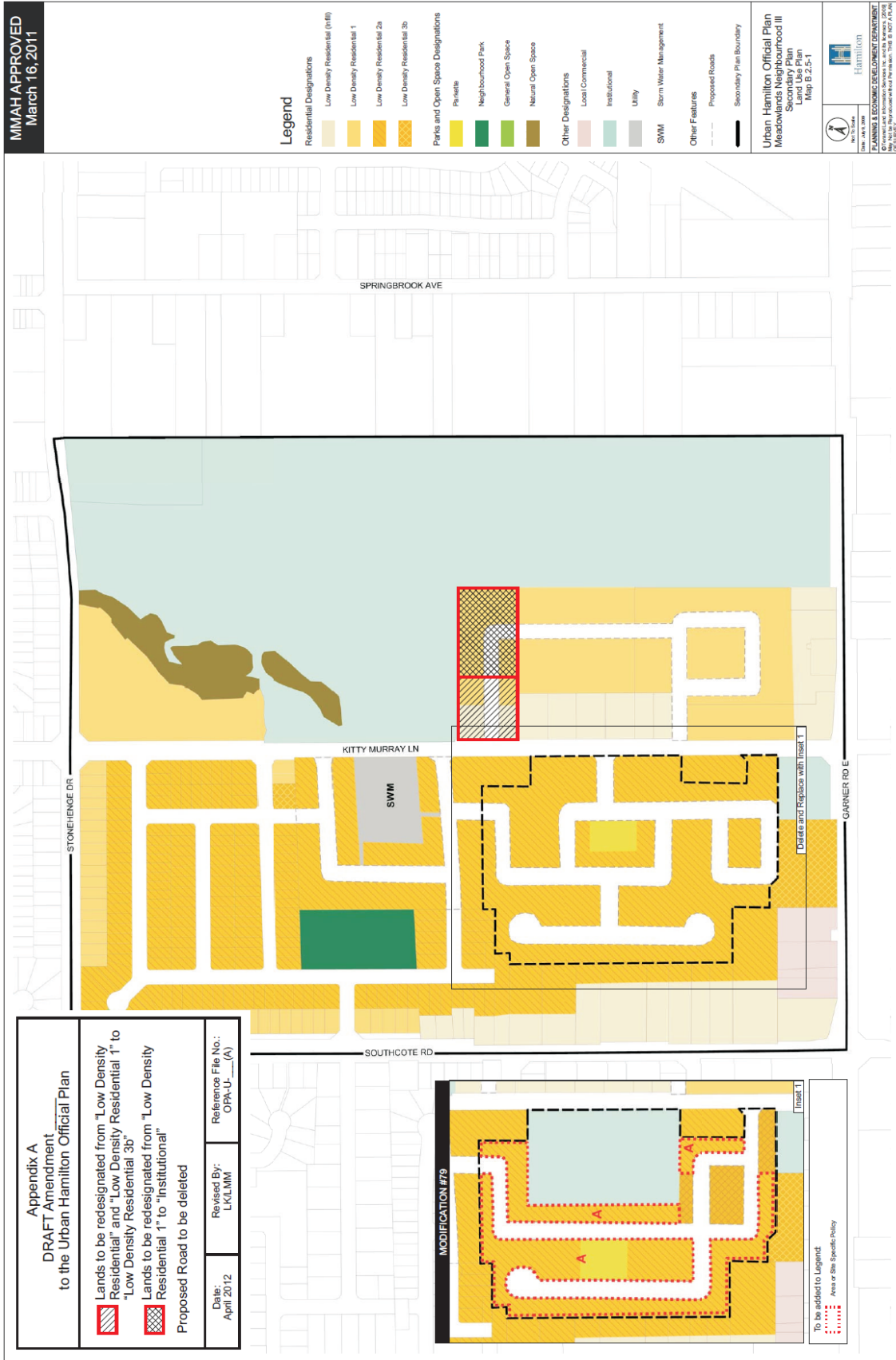
**The  
City of Hamilton**

---

R. Bratina  
MAYOR

---

Rose Caterini  
CLERK



**Authority:** Item [REDACTED]  
Planning Committee  
Report: 12-[REDACTED] (PED12081)  
CM: [REDACTED]

**Bill No.** [REDACTED]

## CITY OF HAMILTON

### BY-LAW NO. [REDACTED]

#### To Amend Zoning By-law No. 87-57, Respecting Lands Located at 411 and 421 Kitty Murray Lane, in the former Town of Ancaster, now in the City of Hamilton

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

**AND WHEREAS** the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Town of Ancaster" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

**AND WHEREAS** the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

**AND WHEREAS** Zoning By-law No. 87-57 (Ancaster) was enacted on the 22<sup>nd</sup> day of June 1987, and approved by the Ontario Municipal Board on the 23<sup>rd</sup> day of January, 1989;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 12-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2012, recommended that Zoning By-law No. 87-57 be amended as hereinafter provided;

**AND WHEREAS** this By-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster) upon the approval of Official Plan Amendment No. [REDACTED].

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map 1 of Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended as follows:
  - (a) By changing the zoning from the Institutional "I" Zone to the Multiple Residential "RM2-651" Zone, Modified, the lands comprised of Block 1;
2. That Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-section:

**RM2-651**

That notwithstanding the provisions of Sub-sections 3.49 and 3.132, Sub-section 7.14 (a)(i), (ii), (vi), (vii), (viii), (ix), (xv), and (xvii), Sub-section 9.5, Sub-section 9.3(b), Sub-section 15.1, and Sub-section 15.2 (a), (b), (c), (d), (e), (f), (g), (j), (k), and (m), the following special provisions shall apply to the lands zoned "RM2-651":

1. PERMITTED USES

- (a) Street townhouses.
- (b) Street townhouses fronting onto a condominium road.
- (c) Condominium Road with Parking and Landscaping.
- (d) Use, buildings, and structures accessory to the uses described in the above Sub-sections (a) or (b).

2. REGULATIONS

- |   |  |
|---|--|
| (a) <u>Minimum Lot Area:</u>                                | 7,600 sq. m. total parcel area; 160 sq. m. per dwelling unit.      |
| (b) <u>Minimum Lot Frontage:</u>                            | 7.5 metres on a condominium road.                                  |
| (c) <u>Minimum Lot Depth:</u>                               | 23.0 metres.   |
| (d) <u>Maximum Lot Coverage:</u>                            | 55 percent.  |
| (e) <u>Minimum Setback from a Private internal Roadway:</u> | 3.0. metres to a front wall, and 5.8 metres to an attached garage. |

Appendix "F" to Report PED12081 (Page 3 of 5)

- (f) Minimum Side yard: 1.75 metres for a dwelling end unit.
- (g) Minimum Yard Abutting Kitty Murray Lane: 6.0 metres.
- (h) Minimum Rear Yard: 5.9 metres.
- (i) Maximum Building Height: 10.5 metres.
- (j) Minimum Planting Strip: Notwithstanding the other provisions of Sub-section 15.2, where the boundary of a Multiple Residential "RM2-651" Zone adjoins lands zoned Existing Residential "ER-588", a planting strip of a minimum 2.9 metre width adjoining such property shall be provided and maintained.
- (k) Minimum Setbacks from Detached Dwellings: 6 metres from the rear lot line of a detached dwelling to parking spaces, dwelling units, and accessory buildings.
- (l) Minimum Roadway Width: 6.0 metres.
- (m) Notwithstanding any provisions or definitions to the contrary, legal frontage for a street townhouse shall be permitted on a common element condominium road.
- (n) The lot line fronting onto a common element condominium road shall be considered the front lot line. In the case where two lot lines abut a common element condominium road, the shorter of the two shall be considered the front lot line.
- (o) For the purposes of this By-law, the definition of "Street" shall include private condominium roads.
- (p) A minimum of 0.5 visitor parking spaces per unit within a condominium driveway shall be provided and maintained.
- (q) The provisions of Paragraph (b), Sub-section 9.3, "Air Conditioning Units and Heat Pumps", shall not apply.

- (r) The provisions of Sub-section 9.5, "Privacy Screens", shall not apply.
  - (s) Sub-section 15.2, Paragraph (k), "Dwelling Unit Placement", shall not apply.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

**PASSED and ENACTED** this [REDACTED] day of [REDACTED], 2012.

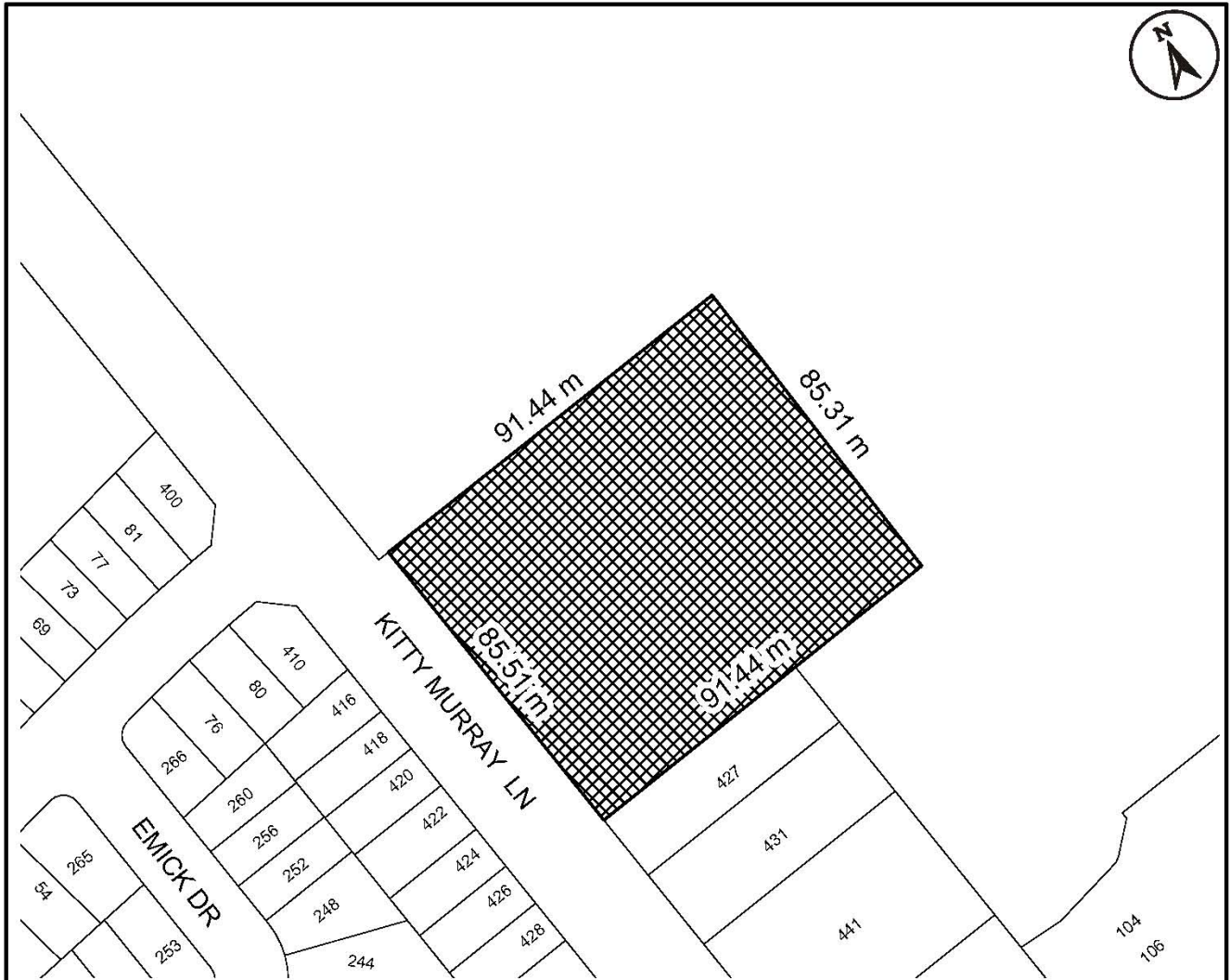
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R. Bratina  
Mayor

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Rose Caterini  
Clerk

ZAC-11-056



This is Schedule "A" to By-Law No. 12-

Passed the ..... day of ....., 2012


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 Clerk  
 -----  
 Mayor

**Schedule "A"**

Map Forming Part of  
 By-Law No. 12-\_\_\_\_\_

to Amend By-law No. 87-57

**Subject Property**  
 411 & 421 Kitty Murray Lane

 Block 1 - Change in Zoning from the Institutional "I" Zone to the Multiple Residential "RM2-651" Zone, modified.

Scale:  
 N.T.S.

File Name/Number:  
 ZAC-11-056\_OPA-11-011

Date:  
 March 20, 2012

Planner/Technician:  
 CB/KA

