SUBJECT: Application for a Change in Zoning for Lands Located at 894 Golf Links Road (Ancaster) (PED05123) (Ward 12)

COMMENDATION:

That approval be given to amended Zoning Application ZAC-05-57, Elona and Gunther Schneider, owners, for a change in zoning from the Agricultural “A” Zone to the Residential Multiple “RM4” Zone, Modified (Block 1) to recognize the existing single detached dwelling and to permit block townhouse dwellings, and to the Residential Multiple “RM4” Zone, Modified, (Block 2) to permit either block townhouse dwellings or single detached dwellings for lands located at 894 Golf Links Road, as shown on Appendix “A” to Report PED05123 on the following basis:

(a) That the zoning of Block “1” be changed from the Agricultural “A” Zone to the Multiple Residential “RM4-534” Zone.

(b) That the zoning of Block “2” be changed from the Agricultural “A” Zone to the Residential Multiple “RM4-535” Zone.

(c) That the draft By-law, attached as Appendix “B” to Report PED05123, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(d) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of this application is to recognize the existing single detached dwelling and to permit the future development of block townhouses located on Part 1 on Appendix “C” on the northerly portion of the subject lands, and to permit the future development of Part 2 on Appendix “C” for either block townhouses or single detached dwellings with frontage on Londonderry Drive on the southerly portion of the subject lands.

The proposal has merit and can be supported since the change in zoning is consistent with the Provincial Policy Statement and conforms with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan. The proposal is considered to be compatible with the surrounding neighbourhood.

BACKGROUND:

Proposal

The purpose of the application is to change the zoning of the lands, known municipally as 894 Golf Links Road, from the Agricultural “A” Zone to two modified Multiple Residential “RM4” Zones.

The site-specific modifications to both Parts 1 and 2 (see Appendix “C”) are required to recognize the minimum lot frontages and lot areas, and to permit future development of either single detached dwellings or block townhouse dwellings in accordance with the Official Plan designation. Parts 1 and 2 on Appendix “C” will be created through a severance application, which has not yet been submitted.

It is noted that this application has been amended to remove the request for site-specific modifications for a Home Based Business on Part 1 (see Appendix “C”).

Details of Submitted Application

Owner/Applicant: Elona and Gunther Schneider

Location: 894 Golf Links Road

Description:

Frontage: 25.9 metres
(Golf Links Road and Londonderry Drive)

Depth: 100.5 metres

Lot Area: 2,602.95 square metres
EXISTING LAND USE AND ZONING:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Subject Lands</strong></td>
<td>Single detached dwelling</td>
<td>Agricultural “A” Zone</td>
</tr>
<tr>
<td><strong>Surrounding Lands</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>North</strong></td>
<td>Commercial Plaza</td>
<td>Prestige Industrial “M2-421” and “M2-334” Zones</td>
</tr>
<tr>
<td></td>
<td>(Meadowlands of Ancaster Power Centre)</td>
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<tr>
<td><strong>South</strong></td>
<td>Single Detached Dwellings</td>
<td>Residential “R4” Zone</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>Day Care</td>
<td>Residential Multiple “RM3-185” Zone</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>Single detached dwelling/vacant</td>
<td>Residential Multiple “RM4-512” and “513” Zones</td>
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</tbody>
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**ANCILLARY/STAFFING/LEGAL IMPLICATIONS:**

Financial – N/A.

Staffing – N/A.

Legal – As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a change in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

This proposal falls within the parameters and is consistent with the Provincial Policy Statement (PPS).

**Hamilton-Wentworth Official Plan**

The subject lands are designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through the Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Therefore, this proposal conforms to the Hamilton-Wentworth Official Plan.
SUBJECT: Application for a Change in Zoning for Lands Located at 894 Golf Links Road (Ancaster) (PED05123) (Ward 12) - Page 4 of 7

Town of Ancaster Official Plan

The subject lands are designated “Residential” on Schedule B, Land Use, Urban Area and as “Medium Density Residential 1” on Map 1, Land Use and Transportation, in the Meadowlands Secondary Plan, Neighbourhood V of the Town of Ancaster Official Plan.

The Policies applicable to these lands include:

“6.7.6 (d) Permitted Housing Forms: Medium Density 1: Single detached dwellings with a minimum lot frontage of 9.1 metres, semi-detached dwellings, row houses and innovative attached housing compatible with other housing forms permitted in this category.

4.4.8 In locating new townhouses, stacked townhouses, apartments and other forms of attached housing, consideration shall be given to the gradation of densities so that there is a gradual transition from low to high residential densities. Consideration shall be given to the following criteria:

(i) Attached housing should abut or be in close proximity to an arterial or a collector road and the development and redevelopment of attached housing shall be discouraged in central areas of existing single detached neighbourhoods that are homogeneous in terms of lot size, lot shape, building mass and setbacks.

(ii) Attached housing should be encouraged to locate in proximity to community services and facilities such as transit, shopping areas, schools, buses, churches and parks.

(iii) Attached housing should be dispersed rather than concentrated throughout new development areas. However, blocks of attached housing may be situated adjacent to each other, particularly if necessary to achieve gradations in density.

(iv) The implementing Zoning By-law shall incorporate appropriate setbacks, coverage and building mass regulations.”

Based upon the forgoing, Planning staff is of the opinion that this application conforms to the Ancaster Official Plan.

CONSULTATION WITH RELEVANT DEPARTMENTS/AGENCIES:

Agencies/Departments Having No Comments or Objections

• Traffic Engineering and Operations Section, Public Works Department  
• Capital Planning and Implementation Section, Public Works Department  
• Budgets, Taxation and Policy Services, Corporate Services Department
PUBLIC CONSULTATION

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to 104 property owners within 120 metres of the subject lands.

Staff received correspondence from one adjacent landowner. Their concerns are discussed under the COMMENTS Section of this report.

CITY STRATEGIC COMMITMENT:

The proposed zone change application is consistent with the objectives of sustainable development as no adverse impacts with respect to economic, social, health and environmental matters have been identified.

COMMENTS:

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement and it conforms to the Hamilton-Wentworth Official Plan and to the Town of Ancaster Official Plan.

   (ii) It is compatible with the existing and planned development in the immediate area.

   (iii) The proposed zoning is consistent with that for the lands to the immediate west and would allow for future comprehensive development.

   (iv) The redevelopment of the southerly portion of the subject lands is subject to site plan approval and will allow the opportunity for staff to review the specific plans in terms of the City’s Urban Design and Site Plan Guidelines.

2. The applicant has acquired the rear portion of the lands located to the immediate west, 886 Golf Links Road, (See Appendix “A”) which were rezoned to the Multiple Residential “RM4-513” Zone to permit either single detached dwellings or townhouse dwellings with the approval of By-law No. 04-327 in December 2004. The applicant is proposing to develop the rear portion of the subject lands (Part 2 on Appendix “C”) within a modified “RM4” Zone, comprehensively with the lands to the west, in accordance with the Secondary Plan. The applicant has requested that single detached dwellings, in accordance with the Official Plan designation, be permitted in the site-specific zoning. The proposed site-specific By-law addresses this request and would permit the single detached dwellings in accordance with the Residential “R5” Zone. Modifications have been added to
recognize the proposed lot area and lot frontage for block townhouse dwellings. To date, an application to sever the subject lands into two separate parcels has not been submitted.

3. The applicant originally applied to have the northerly portion of the subject lands (Part 1 on Appendix “C”) rezoned to the same zone (“RM4-512” Zone) as the lands to the west, (See Appendix “A”), which permits a home based business with a maximum of 40% of the floor area devoted to the home based business in the existing single detached dwelling and a maximum of two non-resident employees. As well, the “RM4-512” Zone permits single detached dwellings and block townhouses.

The lands to the west required this site-specific amendment to the Zoning By-law because of a specific Home Based Business (professional offices) intended to be established by the owner. Accordingly, the zoning was tailored to that specific business. In this case, the applicant does not have an intended home based business in mind for the subject lands and has agreed to remove this portion of the requested modifications in zoning on Part 1 of Appendix “C”.

The northerly portion of the subject lands (Part 1 on Appendix “C”) is proposed to be placed in the Multiple Residential “RM4” Zone, Modified to recognize the existing single detached dwelling, and to permit the future development of block townhouses in accordance with the Official Plan designation. It is noted that the location of the existing single detached dwelling complies with the “R5” Zone.

4. The development of the subject lands for block townhouses requires approval of a site plan application. At that time, staff would review the proposed development in terms of access, parking, landscaping, grading and building elevations (urban design) in detail to ensure that an appropriate and compatible form of development occurs.

5. Staff received correspondence from one adjacent landowner, attached as Appendix “D”. The nature of this resident’s concerns relate to traffic on Londonderry Drive, access to Golf Links Road, tree preservation, compatibility with upscale development and commercialization of Golf Links Road.

(i) Traffic and Access

This application was reviewed by the Traffic Engineering and Operations Section, who had no objections to this proposal.

Approximately four townhouse dwelling units could be developed on the southerly portion of these lands, in addition to approximately eight units on the lands to the west. Access to these units would be from Londonderry Drive. The site is in very close proximity to Meadowlands Boulevard, which is designated as a Collector Road in the Ancaster Official Plan. It is noted that the Official Plan does permit Medium Density Residential development in close proximity to a Collector Road.
The Secondary Plan designation for these lands anticipated development on Londonderry Lane and it is staff’s opinion that this form of development (i.e. 10-12 dwelling units) will not have a detrimental impact in terms of traffic on the existing neighbourhood.

(ii) **Tree Preservation**

The redevelopment of the southerly portion of the subject lands will be subject to site plan approval for block townhouses. One of the standard conditions that can be imposed is the submission of a tree preservation plan. This would allow for any significant trees to be preserved and incorporated into the development scenario. Further, a landscape plan is also required that would provide the opportunity for additional plantings on the subject lands.

(iii) **Compatibility with Upscale Neighbourhood**

The development of the southerly portion of the subject lands for block townhouses is subject to site plan control, at which time building elevations will be reviewed to ensure compatibility in terms of built form with the existing development in the immediate area.

(iv) **Commercialization of Golf Links Road**

The applicant has agreed to delete the request for modifications to the zoning for a Home Based Business on the northerly portion of the subject lands; therefore, the issue of commercialization of Golf Links Road should not be an issue. It is noted that the Ancaster Zoning By-law does contain regulations that would permit any single detached dwelling to operate a Home Based Business subject to compliance with the Zoning By-law. In order for this site to be developed for commercial purposes, the lands would be required to be rezoned and redesignated which would require further public input and another formal Public Meeting under the Planning Act.

**CONCLUSION:**

Based upon the foregoing, staff can support this application as amended.

:PAM

Attachs. (4)
Subject Property
894 Golf Links Road (Ancaster)

Block 1 - Change from the Agricultural "A" Zone to the Residential Multiple "RM4-534" Zone

Block 2 - Change from the Agricultural "A" Zone to the Residential Multiple "RM4-535" Zone
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 (Ancaster)
Respecting Lands Located at 894 Golf Links Road

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 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 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Section ___ of Report of the Planning and Economic Development Committee at its meeting held on the ___ day of ___ , 2005, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the Town of Ancaster) in accordance with the provisions of the Planning Act;

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

1. Map No. 1 to Schedule “B” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural “A” Zone to the:
(a) Residential Multiple “RM4-534” Zone, for the lands comprised of Block “1”;

(b) Residential Multiple “RM4-535” Zone, for the lands comprised of Block “2”;

the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

2. Section 34: Exceptions of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

“RM4-534” In addition to the uses permitted in Subsection 17.1 “Permitted Uses” of Section 17: Residential Multiple “RM4” Zone, a single detached dwelling may also be permitted in accordance with the provisions of Section 13: Residential “R5” Zone on those lands zoned “RM4-535”.

Notwithstanding the provisions of paragraphs (a) and (c) of Subsection 17.2 “Regulations” of Section 17, the following special provisions shall apply to block townhouse dwellings on those lands zoned “RM4-534”

Development Regulations for Block Townhouses:

(a) Minimum Lot Area 0.10 hectares
(b) Minimum Lot Frontage 25.0 metres

“RM4-535” In addition to the uses permitted in Subsection 17.1 “Permitted Uses” of Section 17: Residential Multiple “RM4” Zone, single detached dwellings may also be permitted in accordance with the provisions of Section 13: Residential “R5” Zone on those lands zoned “RM4-535”.

Notwithstanding the provisions of paragraphs (a) and (c) of Subsection 17.2 “Regulations” of Section 17, the following special provisions shall apply to block townhouse dwellings on those lands zoned “RM4-535”

Development Regulations for Block Townhouses:

(a) Minimum Lot Area 0.15 hectares
(b) Minimum Lot Frontage 25.0 metres
3. That the amending By-law be added to Map 1 of Schedule B of the Ancaster Zoning By-law No. 87-57.

4. 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 day of , 2005.

_________________________________________   _______________________________________
MAYOR                                      CLERK

ZAC-05-57
Appendix "B" to Report PED05123
Page 4 of 4

This is Schedule "A" to By-Law No. 05—

Passed the .................. day of .................., 2005

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 05—
to Amend By-Law No. 87-57

Subject Property
894 Golf Links Road (Ancaster)

- Block 1 - Change from the Agricultural "A" Zone to the
  Residential Multiple "RM4-534" Zone

- Block 2 - Change from the Agricultural "A" Zone to the
  Residential Multiple "RM4-535" Zone

Planning and Economic Development Department
Hamilton

Scale: Not to Scale
File Name/Number: ZAC-05-57
Date: August 25 2005
Planner/Technician: PM/NB

T&C File Name:
August 3, 2005

Paul A. Moore, MCIP, RPP, Senior Planner
City of Hamilton
Planning & Development Department, Development Division
City Hall, 71 Main Street West
Hamilton, ON L8P 4Y5

Re: Zoning Amendment Application ZAC-05-57, Elena & Gunther Schneider
894 Golf Links Road, Ancaster, Ward 12

We are homeowners at 36 Londonderry Drive, directly south from the property known as 894 Golf Links Road. We wish to submit to your committee that we are in opposition to re-zoning of the above property for the future development of townhouses.

The addition of "several" townhouse units on the back of this property will drastically increase the traffic onto the court section of Londonderry Drive. There will be no other way off this property. Traffic from this proposed development needs to have access to Golf Links Road as an alternative route. Maintaining the current house at 894 Golf Links Road blocks any access to Golf Links Road for residents of the proposed townhouses. The court area of Londonderry Drive can not support traffic from this proposed development of several townhouse units. There are presently 4 Single Family houses on the short court section of Londonderry Drive. A recent zoning change was given to the property known as 886 Golf Links Road to allow for townhouse development. All the traffic from that development is also going to have to travel on the short court section of Londonderry Drive. This court was not meant to be a thoroughfare for traffic for two townhouse developments and 4 houses.

It should be noted that there is a townhouse development at 876 Londonderry Drive. This property has direct access to Golf Links Road and Londonderry Drive. As a result, traffic from this development onto Londonderry Drive is very minimal. Most traffic goes in and out off of Golf Links Road.

The existing single detached dwelling at 894 Golf Links Road should not remain if the property is to be developed further. The removal of this building would allow access to Golf Links Road. Also, allowing a so-called "home based business" to exist in this dwelling is an invite to commercialization of that section of Golf Links Road.

The property in question has several large trees at the rear property line. Any development of this property should be done with consideration to maintaining these mature trees. The Meadowland Development has no mature tree growth and these few remaining trees are home to several species of birds and wildlife.
Also, the single-family homes located on the court section of Londonderry Drive and nearby Lowinger Avenue were advertised as and are considered to be luxury homes. We paid a large “lot premium” to the builder to be located on a court. Any developer should ensure that any townhouse or single family homes built on this property are designed to fit in with what is considered to be an “upscale neighbourhood”.

Please send us copies of any reports or decisions on this matter.

Donna & Fred Brown