TO: Chair and Members
   Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 12

COMMITTEE DATE: August 9, 2010

SUBJECT/REPORT NO:
Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 713 and Part of 777 Garner Road East (Ancaster) (PED10158) (Ward 12)

SUBMITTED BY:
Tim McCabe
General Manager
Planning and Economic Development Department

PREPARED BY:
Chris Bell
(905) 546-2424, Ext. 1262

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to Official Plan Amendment Application OPA-10-003, by Stonehenge Development Limited and Redeemer University College, Owners, for Official Plan Amendment No. __, for a change in designation from “Low Density Residential 1” and “Low Density Residential (Infill)” to “Low Density Residential 4”, and from “Low Density Residential 1” and “Low Density Residential (Infill)” to “Institutional”, on lands located at 713 and Part of 777 Garner Road East (Ancaster), as shown on Schedule “A” of Appendix “C” to Report PED10158, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED10158, be adopted by City Council.
(b) That approval be given to **Zoning Application ZAC-10-009, by Stonehenge Development Limited and Redeemer University College, Owners**, for changes in zoning from the Institutional - Holding “I-H” Zone and the Agricultural “A” Zone to the Multiple Residential “RM4-613” Zone, Modified, and from the Agricultural “A” Zone and the Institutional “I” Zone to the Institutional “I-614” Zone, Modified, to permit land use regulations to facilitate a land exchange between Stonehenge Development Limited and Redeemer University College, and allow a bungalow townhouse development, on lands located at 713 and Part of 777 Garner Road East (Ancaster), as shown on Schedule “A” of Appendix “D” to Report PED10158, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED10158, 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. [ ].

(c) That approval be given to Official Plan Amendment No. [ ] to the Urban Hamilton Official Plan to redesignate portions of the subject lands to “Low Density Residential 2c” and “Institutional” (see Appendix “F” to Report PED10158), and should Council’s decision on the amendment occur prior to the final decision on the Official Plan by the Province, the City requests the Ministry of Municipal Affairs and Housing to include these amendments in the Official Plan and defer them until the OPA to the Town of Ancaster is final and binding.

**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 group townhouses on the remaining lands accessed via Kitty Murray Lane. The applicant has indicated that the proposed townhouse development will be condominium tenure.

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 16.*
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Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork

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

Financial: N/A.

Staffing: N/A.

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 include lands owned by Stonehenge Development Ltd. and 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 facilitate a land exchange that will, in turn, allow:

- RUC to consolidate lands in a manner consistent with their Campus Master Plan; and,
- Stonehenge Developments Ltd. to acquire a parcel that may more efficiently be used for residential purposes.

The applicants have applied for amendments to the Town of Ancaster Official Plan to redesignate a portion of the subject lands from “Low Density Residential 1” and “Low Density Residential (Infill)” to “Low Density Residential 4” in order to facilitate the development of bungalow townhouses units accessed by a private common element condominium road, and to redesignate the balance of the subject lands from Low Density Residential 1” and “Low Density Residential (Infill)” to “Institutional” to be used as part of the RUC. A Zoning By-law Amendment is also being sought to change portions of the Agricultural “A” zone to Institutional “I” (see Block 3 on Appendix “A”). In addition, the lot containing the existing house at 713 Garner Road is to be zoned to allow the house to continue to be used as such (see Block 4 on Appendix “A”). In exchange, additional lands will revert from the Institutional “I” Zone and the Agricultural “A” zone to the Multiple Residential “RM4-613” Zone, Modified (see Blocks 1 and 2 on Appendix “A”).
Chronology

- February 23, 2010 - Submission of Applications ZAC-10-009 and OPA-10-003 by Stonehenge Development Inc. and Redeemer University College.

- March 10, 2010 - Applications ZAC-10-009 and OPA-10-003 are deemed complete.

- March 19, 2010 - Circulation of Notice of Complete Application and Preliminary Circulation for Applications ZAC-10-009 and OPA-10-003 to all residents within 120 metres of the subject lands.

- July 22, 2010 - Circulation of Notice of Public Meeting to all residents within 120 metres of the subject lands.

Details of Submitted Application:

Location: 713 and Part of 777 Garner Road West (see Appendix “A”)

Owner: Stonehenge Development Ltd. and Redeemer University College

Applicant: Starward Development Services Ltd.

Property Description:

- Total Lot Frontage: 13.74 metres (Garner Road East)
- 20.12 metres (Kitty Murray Lane)
- Lot Depth: Irregular
- Total Lot Area: 4.76 hectares

EXISTING LAND USE AND ZONING

<table>
<thead>
<tr>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Subject Lands</td>
<td>Single Detached Dwelling Fronting onto Garner Road East and Vacant</td>
</tr>
<tr>
<td></td>
<td>“I-(H)” (Institutional - Holding) District, “A” (Agricultural) District</td>
</tr>
</tbody>
</table>

Surrounding Lands

| North | Vacant | “I-(H)” (Institutional - Holding) District |

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<table>
<thead>
<tr>
<th>Section</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>Residential and Agricultural “A” (Agricultural) District</td>
</tr>
<tr>
<td>East</td>
<td>Redeemer College, Residential “A” (Agricultural) District, “I” (Institutional”) District</td>
</tr>
<tr>
<td>West</td>
<td>Residential, Vacant/Future Residential “A”(Agricultural) District and “R4-598” (Residential) District</td>
</tr>
</tbody>
</table>

**POLICY IMPLICATIONS**

**Provincial Policy Statement:**

Staff recognizes that the application is consistent with the policies of Subsection 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 note that a portion of the subject lands are located adjacent to Garner Road East, 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 note that the subject lands are located within an area of archaeological potential. In addition, staff notes that an archaeological assessment titled “Partial Stage 1-2 and Stage 3 Archaeological Assessment of a Portion of 777 Garner Road East, Ancaster, City of Hamilton”, dated July, 2009, and prepared by New Directions Archaeology Ltd., was submitted with the subject applications. The archaeology condition for the subject application has been met, to the satisfaction of Municipal Heritage planning staff.
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 is consistent 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.

New Urban Official Plan (Council Adopted):

The current Ancaster Meadowlands Neighbourhood III Secondary Plan policies, found in the Town of Ancaster Official Plan, that apply to this property, have been carried forward into the new Urban Hamilton Official Plan.

The Urban Hamilton Official Plan has been sent to the Ministry of Municipal Affairs and Housing for approval. Once a final decision is given by the Province, the Official Plan can no longer be modified. The timing of the final decision is unknown and, therefore, it affects how and when changes to the Urban Official Plan can be made.

If Council makes a decision before the final decision by the Province, staff, through the Council decision, can request the Province to incorporate the changes, but defer the changes until such time as the changes to the existing Official Plans are final and binding. Since the modification process is not a public process, and appeals are limited to persons who requested notification of the final decision, it is preferable to ensure the OPA to the existing plan has completed the appeals process. In addition, should there be any appeals to the OMB, and changes made to the Official Plan policies or designations, then such changes should be incorporated into the new Plan.

If Council approves the Official Plan Amendments after the final decision is made, then staff would hold these changes in abeyance until such time as they could request the OMB to amend the Official Plan based on prior Council approval, or incorporate them, through a future housekeeping amendment, if the Urban Official Plan is not appealed to the OMB.

It is prudent, and part of natural justice, to identify any changes to the Urban Hamilton Official Plan as part of the public notice, in the staff report, and notice of adoption.

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 titled “Partial Stage 1-2 and Stage 3 Archaeological Assessment of a Portion of 777 Garner Road East, Ancaster, City of Hamilton”, dated July, 2009, and prepared by New Directions Archaeology Ltd., 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 fall within the Ancaster Meadowlands Neighbourhood III Secondary Plan, and are designated “Low Density Residential (Infill)” and “Low Density Residential 1”. 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:

<table>
<thead>
<tr>
<th>Type</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Density</td>
<td>80%</td>
</tr>
<tr>
<td>Medium Density</td>
<td>20%</td>
</tr>
</tbody>
</table>

(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:

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

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 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, 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:**

- Bell Canada.
- Union Gas.
- Canada Post Cogeco Cable.
- Hamilton-Wentworth Separate School Board.
- Hydro One.

**Urban Forestry, Public Works Department**, staff advised that a Tree Management / Landscaping / Street Tree planting plan will be required to address the following issues:

- The removal of two municipal trees on Garner Road, in poor condition;
- The identification and management of and Private trees of Heritage diameter;
- The fate of the westerly Black Locust on Garner Road, taking into account grade changes, utility installation, and overall construction; and,
- The planting of new calliper Carolinian trees as part of new landscaping or street tree planting.

A Tree Protection Zone Detail, with notes showing the Tree Preservation Techniques, is also to be included as part of the submission of a subsequent site plan application.

**Environmental Planning, Planning and Economic Development Department**, staff has advised that there is an on-going Class EA for Garner Road. At this point, Environmental Planning staff has advised that no development is to occur within portions of the lands fronting onto Garner Road until the EA is further advanced.

According to the proponent's concept plan, there is no development planned within the portions of the lands fronting onto Garner Road, as the existing dwelling at 713 Garner Road East is proposed to be retained and the lands at 777 Garner Road East will be used for landscaping and/or a parking lot. In addition, the proponents and City staff are both aware that a road widening will be required prior to development as part of site plan approval, which will also serve to protect the Garner Road right-of-way to ensure future improvements are possible.
The Hamilton-Wentworth District School Board advised that they have no objection to the proposed rezoning and Official Plan amendment, but recommended a condition be included in future site plan approval clarifying that the schools in the surrounding area are at or exceeding current enrolment capacity, and obligating the proponent to notify future purchases of this circumstance.

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 20 property owners within 120 metres of the subject property on March 19, 2010. A Public Notice Sign was also posted on the subject lands at that time. As a result of preliminary circulation and notice, staff received 2 responses. Copies of the comments received in response to the Preliminary Circulation are found in Appendix “E”, and raised issues related to traffic and buffering/tree preservation. The issues raised in resident’s correspondence, as a result of the first notice to neighbours, are discussed in the Analysis/Rationale for Recommendation section of this report.

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, 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 “C”:

- Change the designation of Block 1 from “Low Density Residential 1” to “Low Density Residential 4”.
- Change the designation of Block 2 from “Low Density Residential (Infill)” to “Low Density Residential 4”.
- Change the designation of Block 3 from “Low Density Residential 1” to “Institutional”.
- Change the designation of Block 4 from “Low Density Residential (Infill)” to “Institutional”.

In addition to the designation changes, the owner is also seeking to amend the policies of the Ancaster Meadowlands Neighbourhood III Secondary Plan to include site-specific policies to allow the lands proposed to be designated as “Low Density Residential 4” to be used for “Bungalow Block Townhouses with possible Lofts”. These policy revisions will redefine the type of units permitted on the subject lands, but will maintain the density range of up to 27 units per hectare as originally envisioned in the Low Density Residential 2” designation.

Staff has also included proposed modifications to the new Urban Hamilton Official Plan as Appendix “F” to ensure that the Province is aware that the appropriate policies are to be carried forward to the new Plan as well.

3. According to the current designations of the Secondary Plan, approximately 5.4 ha of land is currently designated “Low Density Residential 1”. Based on the “Low Density Residential 1” density target of 18 units/hectare, the total unit yield over this area would currently be 97.2 units. Stonehenge Developments is proposing to redesignate 4.8 hectares of the subject lands to “Low Density Residential 4”, with special provisions to permit bungalow townhomes rather than the single-detached and semi-detached dwelling types currently permitted in the designation, and convert the remaining 0.6 hectares for institutional use. The intent of this redesignation and policy revision is to allow for a bungalow townhouse project with private condominium roads.
The provisions of the “Low Density Residential 4” designation being sought by the applicant would permit up to 129 units over the 4.8 hectare parcel (based on a density of 27 units/hectare). Staff feels this is not a substantial departure from the total unit yield originally anticipated in this area. Further, staff notes that associated site-specific zoning regulations being sought by Stonehenge Development Inc. will likely result in a built form similar to that illustrated in the concept plan included as Appendix “B” (i.e. 100 units), which is very close to the 97.2 units originally envisioned in this portion of the secondary plan.

Further, it has been demonstrated that the unit yield envisioned in this development proposal can be accommodated by existing and proposed servicing infrastructure and road network.

4. Based on the current ownership pattern in the area, the subject lands will function as an enclave behind existing single-detached dwellings lots fronting onto Kitty Murray Lane and Garner Road, as well as a larger vacant lot at 683 Garner Road East. With one private condominium road access on Kitty Murray Lane, the proposed development will not affect the streetscape, nor will it compromise the opportunity for the future development of lands at 683 Garner Road East for low density residential uses in the manner envisioned in the Secondary Plan.

5. The Institutional policies of the Ancaster Meadowlands Neighbourhood III Secondary Plan designate lands specifically for Redeemer University College. While the designation attempted to accurately capture the RUC lands as it existed at the time of the adoption of the Secondary Plan in 2000, 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.

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 a “Low Density Residential 4”, 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 Plan 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.
6./ZONING BY-LAW AMENDMENT:

The applicant has requested amendments to Town of Ancaster Zoning By-law No. 87-57 in order to include regulations to ensure that it will implement the proposed residential development and facilitate the RUC Master Plan. Staff has had regard for the regulations being sought to ensure that they implement the policies of the Ancaster Meadowlands Neighbourhood III Secondary Plan. The requested amendments include the following changes in zoning categories:

- Change the zoning from Institutional - Holding “I-H” (Block 1) and Agricultural “A” (Block 2) to the Residential “RM4-613” Zone, Modified.
- Change the zoning from the Agricultural “A” Zone (Block 3) to the Institutional “I” Zone.
- Change the zoning from the Agricultural “A” Zone (Block 4) to the Institutional “I-614” Zone, Modified.

The particular land use objectives of the zoning regulations for each new zoning category are outlined below:

7. Blocks 1 and 2 - Residential “RM4-613” Zone and Special Provisions:

The proposed “RM4-613” Zone will allow bungalow townhouse units with optional lofts. A number of site-specific special provisions are included to address the irregularities brought on by the shape of the site and limited frontage, and include:

- Recognizing the 20.0 metre frontage onto Kitty Murray Lane.
- Removing the need for a front yard setback.
- Removing the need for a planting strip abutting road frontages.
- Removing requirements from side and rear yard setbacks, and replacing them with minimum setbacks between buildings and the perimeter property line as follows:
  - 6.0m for the front and rear walls of residential units; and,
  - 4.0m for the end walls of residential units.
- Requiring fencing around the perimeter of the entire development block with the exception of the access laneway at Kitty Murray Lane and across the frontage of Garner Road East.
Planning staff supports these revisions as they more particularly reflect the development parameters resulting from the unusual property shape.

Additional site-specific special provisions are intended to provide more contemporary regulations than those found in the current By-law, including:

- 40% lot coverage, whereas the current zoning regulations for the “RM4” Zone permit a maximum lot coverage of 30%;
- 35% minimum landscaping (including required privacy areas), whereas the current zoning regulations for the “RM4” Zone permit 45%;
- Minimum privacy area of 25.0 m²/unit, whereas 35.0 m² metres is currently required;
- Minimum parking requirements of 2 spaces per dwelling unit, plus 0.33 spaces per unit for visitors, whereas 0.66 spaces per unit is currently required;
- Remove the requirement that a children’s play area (based on a size of 7 m²/unit) be fenced and curbed;
- Minimum setback between the front of a dwelling unit and condominium road of 3.5m to the dwelling unit, and 6.0m to a garage face;
- Minimum separation between dwelling units as follows:
  - 17.0 metres between the front walls of residential units;
  - 13.5 metres between the rear walls of residential units;
  - 3.0 metres between the side walls of residential units;
  - 19.5 metres between the front and rear wall of separate units;
  - 15.0 metres between the side wall and front wall of separate units; and,
  - 10.5 metres between the side wall and rear wall of separate units; and,
- A maximum building height of 1.5 storeys, or 7.5 metres.

Planning staff is satisfied that these items noted above will allow zoning regulations that are commonly applied to more contemporary development. The regulations will result in development that is in keeping with the character of other similar bungalow townhouse developments (i.e. Garth Trails) in terms of massing of buildings in proportion to the street.
8. There are a number of existing single detached dwelling lots fronting onto Kitty Murray Lane that back onto the subject lands. Two of the residents of these neighbouring lots had expressed concerns about the proposed rezoning, in writing (see Appendix E). Upon review of the correspondence received from residents, these concerns centred on issues of traffic and buffering/tree preservation, as follows:

**Traffic:**

Staff notes that opportunities to access the subject lands are limited due to the size and configuration of lots on the east side of Kitty Murray Lane. Practically, this is the best location for access, as it balances the consideration of existing lot fabric and alignment of intersections on the opposite side of Kitty Murray Lane. The access point being proposed by the proponents was initially identified during the preparation of the Meadowlands Neighbourhood III Secondary Plan as being necessary to orderly and efficiently utilize designated residential lands on the east side of Kitty Murray Lane within the Secondary Plan. Further, the proponents Traffic Impact Study demonstrated that the traffic volumes generated by the proposed new intersection can be accommodated without negative impact to existing transportation infrastructure. This report has been reviewed by the City’s Traffic Engineering staff, who has advised that they are in agreement with the conclusions contained therein.

**Buffering / Tree Preservation:**

Concerns were expressed that there is a potential for loss of trees along the future laneway accessing Kitty Murray Lane and on the site which, in turn, would lessen the visual buffer between the subject lands and abutting residential lots. In addition, there was a concern expressed about the distance separation between the existing residences and residences to be created on the subject property.

In response, staff notes that opportunities for tree preservation will be vetted during the review of a subsequent site plan for the property. At this point, where Committee and Council are considering appropriate zoning regulations, the proponent has simply provided a concept plan to demonstrate the proposed form of development. Following consideration of this rezoning, the proponents will be required to submit a site plan application, which will be supported by a landscaping plan and tree preservation plan. Furthermore, the applicant will be required to develop a grading plan based on the tree management plan.
In terms of setbacks, staff notes that there will be yards of between 4 metres and 6 metres (from the sides and rears of future dwellings, respectively). Planning staff is satisfied that this distance separation, combined with the lower roof lines of bungalow dwelling units, will provide an adequate visual buffer between the subject lands and existing lots. In addition, the proponents will be required to install a fence along the perimeter property line and, where possible, landscaping may be installed to further soften the area between proposed and existing residential uses.

Committee should be aware that the proponents have met with both neighbouring residents that provided written responses to the original circulation of the application. Staff has also had an opportunity to discuss the proposal in greater detail than originally provided in the notice of complete application and can advise Committee that both residents have more recently verbally expressed their support for the proposed change in use.

**ALTERNATIVES FOR CONSIDERATION:**

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

The subject lands are zoned Agricultural “A” Zone and Institutional Holding “I-H” in the Town of Ancaster Zoning By-law. Should the proposed draft plan of subdivision and change in zoning be denied, the subject lands could be developed for only one single-detached dwelling unit per existing lot of 1,850 square metres or larger on the “A” zoned lands and institutional uses following the removal of the Holding provision on the remaining lands.

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


**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.
Vision: To be the best place in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.
Values: Honest, Accountability, Innovation, Leadership, Respect, Excellence, Teamwork
Appendix “C” to Report PED10158 (Page 1 of 4)

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 to permit bungalow townhouses, at a density of 27 units per hectare, and to add portions of the subject lands to Redeemer University College.

Location:

The lands affected by this Amendment are municipally known as 713 and Part of 777 Garner Road East, generally located north Garner Road east and east of 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 the 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 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:**

**Text Changes:**

1. Section 6.6: MEADOWLANDS NEIGHBOURHOOD III SECONDARY PLAN is hereby amended by adding a new row to the table at Subsection 6.6.6 (d), as shown below:

<table>
<thead>
<tr>
<th>TYPE</th>
<th>MINIMUM FRONTAGE</th>
<th>PERMITTED HOUSING FORMS</th>
<th>MAXIMUM GROSS/NET DENSITY (UNITS/HA)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Density Residential 4</td>
<td>-</td>
<td>(Bungalow) Block townhouses with optional lofts</td>
<td>27</td>
</tr>
</tbody>
</table>

**Schedule Changes:**

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

   - To redesignate lands from “Low Density Residential 1” to “Low Density Residential 4”;
   - To redesignate lands from “Low Density Residential (Infill)” to “Low Density Residential 4”;
   - To redesignate lands from “Low Density Residential 1” to “Institutional; and,
   - To redesignate lands from “Low Density Residential (Infill) 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. 10-____, passed on the ____ day of ____, 2010.

The City of Hamilton

_________________________  __________________________
Fred Eisenberger          Rose Caterini
Mayor                     Clerk
Appendix “D” to Report PED10158 (Page 1 of 5)

Authority: Item [___], Economic Development and Planning Committee
Report: 10-___ (PED10158)
CM: [___]

Bill No. [___]

CITY OF HAMILTON

BY-LAW NO. [___]

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 713 and Part of 777 Garner Road East, 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 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 Item [___] of Report 10-___ of the Economic Development and Planning Committee, at its meeting held on the [___] day of [___], 2010, 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. [___].
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 “RM4-613” Zone, Modified, the lands comprised of Block 1;

   (b) By changing the zoning from the Agricultural “A” Zone to the Multiple Residential “RM4-613” Zone, Modified, the lands comprised of Block 2;

   (c) By changing the zoning from the Agricultural “A” Zone to the Institutional “I” Zone, the lands comprised of Block 3; and,

   (d) By changing the zoning from the Agricultural “A” Zone to the Institutional “I-614” Zone, the lands comprised of Block 4.

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

**RM4-613**

That the provisions of Subsections 7.14 “Parking and Loading”, 9.10 (a) “Decks”, 17.1 “Permitted Uses” and 17.2 “Regulations” of Zoning By-law No. 87-57 (Ancaster) shall be replaced in their entirety, and the following special provisions shall apply in lieu thereof to the lands zoned “RM4-613”:

1. **PERMITTED USES**

   (a) Bungalow townhouse dwelling units with optional lofts.

   (b) Use, buildings, and structures accessory to the uses described in the above Subsection (a).

2. **GENERAL PROVISIONS PERTAINING TO ALL DEVELOPMENT**

   (a) For the purpose of this By-law, the front lot line is defined along Kitty Murray Lane. The rear lot line is defined as the eastern most property line. The remaining lot lines are defined as side lot lines.

   (b) **Minimum Lot Area:** 0.4 hectares.

   (c) **Minimum Lot Frontage:** 20.0 metres along Kitty Murray Lane.

   (d) **Maximum Density:** 27 units per hectare.
(e) Maximum Lot Coverage: 40%.

(f) Minimum Landscaping: 35% of total lot area (including required privacy areas).

(g) Minimum Common Element Landscaped Area: 7.0m²/unit.

Fencing: Privacy fencing is to be provided around the exterior property boundary except along lot lines abutting road frontages where perimeter screening will be permitted to consist of a combination of fencing and/or landscaping.

(h) Minimum Parking Spaces: 2 spaces per dwelling unit, plus 0.3 spaces per dwelling for visitors.

(i) Minimum Parking Space Size: 2.6 metres in width by 5.5 metres in length.

(j) Parking areas shall be a minimum of 1.8 metres from a street line.

(k) Where a visitor parking area abuts a public street or a lot containing a dwelling unit, a permanently maintained 1.0 metre wide landscaping strip shall be required.

3. REGULATIONS FOR RESIDENTIAL DWELLING UNITS

(a) Maximum Height: 1.5 storeys, and shall not exceed 9.0 metres.

(b) Minimum Setbacks from Perimeter Lot Line:
   (i) To the rear wall of a dwelling 6.0 metres
   (ii) To the end wall of a dwelling 4.0 metres
   (iii) To the front wall of a dwelling 6.0 metres

(c) Minimum Distance Between Dwelling Units:
   (i) Front wall to front wall 17.0 metres
   (ii) Rear wall to rear wall 13.5 metres
   (iii) Side wall to side wall 3.0 metres
   (iv) Front wall to rear wall 19.5 metres
   (v) Side wall to front wall 15.0 metres
   (vi) Side wall to rear wall 10.5 metres

(d) Minimum Setback from Private 3.5 metres to dwelling unit
Internal Roadway: and 6.0 metres to an attached garage.

(e) **Minimum Privacy Area:** 25.0m² per dwelling unit.

(f) **Unit Placement:** No more than 8 dwelling units shall be attached in a continuous row.

(g) **Accessory Buildings:** The provisions of Subsection 7.18(a) shall apply, except that an above-grade communal parking structure or building shall be deemed a principal building.

(h) Decks shall be permitted in any unit privacy area to a maximum of 3.5 metres from the rear wall.

I-614

That notwithstanding the provisions of Subsections 30.1 and 30.2(h) of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “I-614”:

1. **PERMITTED USES**

   (a) Uses permitted in Section 30.1.

   (b) One dwelling unit.

4. 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], 2010.

_________________________________________  ___________________________________________
Fred Eisenberger                      Rose Caterini
Mayor                               Clerk

ZAC-10-009
Schedule "A"

Map Forming Part of By-Law No. 10-_______
to Amend By-law No. 87-57

Subject Property

- **Block 1**: Change in Zoning from the Institutional "I" Zone to the Multiple Residential "RM4-613" Zone, Modified.
- **Block 2**: Change in Zoning from the Agricultural "A" Zone to the Multiple Residential "RM4-613" Zone, Modified.
- **Block 3**: Change in Zoning from the Agricultural "A" Zone to the Institutional "I" Zone.
- **Block 4**: Change in Zoning from the Agricultural "A" Zone to the Institutional "I-614" Zone, Modified.
George and Nancy Ward,
475 Kitty Murray Lane,
Ancaster, Ontario L9G 3K9
Phone [Redacted]

April 12th, 2010

By Fax
905-540-6142

Chris Bell,
City of Hamilton
Planning and Economic Development Department

Dear Sir:

RE: File No: OPA-10-003 and ZAC-10-009

We are in receipt of your letter dated March 19th, 2010 and wish to make the following comments:

1 - We object to the Official Plan designation and zoning regulations affecting Blocks 1 & 3, Location Map 1, which states group townhouses. Without seeing any preliminary drawings or plans we are being asked to buy a pig in a poke. Should the lands be used as a village similar to the class and character of Garth Trails in Hamilton, built by Starward Homes, it would go a long way in relieving our concerns.

2 - We also have a problem with the words “Special Provisions” if these words mean that the laneway next to our property is the main entrance and egress to the development. We would have concerns with the amount of traffic and pollutants affecting our health and property as I am a lung transplant recipient and the present construction across the street only allows us to enjoy our property outside after the days work is done.
3 - It would also be a shame to see all the beautiful spruce trees lining the laneway to be cut down simply to provide an entranceway into the project. We would also like to see a buffer zone at the side of our property abutting the old farmers laneway and also at the back of our property.

We wish to be notified of the adoption of the proposed Official Plan Amendment, or of the refusal of a request to amend the Official Plan also we wish to be notified of any or all meetings.

Yours truly,

[Signature]
George Ward

[Signature]
Nancy Ward
Martin and Hennie Van Oosten  
467 Kitty Murray Lane  
Ancaster, Ontario, L9G 3K9

April 12, 2010  

REGISTERED MAIL  

File Nos. OPA-10-003 and ZAC-10-009

Re: Applications for Official Plan Amendments and Zoning By-law Amendment from Stonehenge Development Ltd. and Redeemer University College, on lands located at 713 Garner Road East and Part of 777 Garner Road East, Ancaster.

Chris Bell, City of Hamilton  
Planning and Economic Development Dept.,  
Planning Division - Development Planning - West Section  
77 James Str. N., Suite 400, Hamilton, ON, L8R 2K3

cc: Lloyd Ferguson, Ward 12 Councillor, Ancaster  
    David Sweet, MP, Ancaster

Dear Mr. Bell,

We wish to express to the Economic Development Department and Planning Committee of City Council, City of Hamilton, our comments and concerns for the planned development of lands at 713 Garner Road East and part of 777 Garner Road East in Ancaster.

PROPOSED ZONING CHANGES, Location Map 1

We support the proposed Changes in Zoning for Block 2 and Block 4 on Location Map 1 from Agricultural “A” zone to Institutional “I” zone. Also, we do not oppose the Change in Zoning for Block 5 on Location Map 1 from Agricultural “A” to Residential “R4” zone.

We oppose the application to change the Official Plan Designation and Zoning Regulations affecting the subject lands in order to allow the subject lands to be used for group townhouses (Multiple Residential “RM4” with Special Provisions) on the remaining lands (Block 1 and Block 3, Location Map 1) accessed via Kitty Murray Lane and Garner Road East.

PROPOSED OFFICIAL PLAN CHANGES, Location Map 2

We do not oppose the Proposed Official Plan Changes for “Lands to be redesignated from “Low Density Residential (Infill)” to “Low Density Residential 2””, “Lands to be redesignated from “Low Density Residential 1” to “Institutional”” and “Lands to be redesignated from “Low Density Residential (Infill)” to “Institutional””.

We oppose the application for Proposed Official Plan Changes for “Lands to be redesignated from “Low Density Residential 1” to “Low Density Residential 2””.
Re: Applications for Official Plan Amendments and Zoning By-law Amendment from Stonehenge Development Ltd. and Redeemer University College, on lands located at 713 Garner Road East and Part of 777 Garner Road East, Ancaster.

SUMMARY

We support the existing “Low Density Residential 1” zone designation presently approved for Block 1 and Block 3 in the “Secondary Plan for Meadowlands Neighbourhood III (Official Plan Amendment No. 78)” as adopted on September 18, 2000. We wish to maintain the prestige and character of the Meadowlands Neighborhood III through “Low Density Residential 1” housing as defined in the Plan. This would also reduce the number of vehicles that exit onto Kitty Murray Lane. Increased traffic of many additional vehicles onto Kitty Murray Lane is of great concern. The increased traffic congestion will impede the movement of Fire and Emergency Vehicles at Fire Hall 20. There is also the safety of the children walking and bicycling to and from school as well as schoolbus arrivals and departures from the Immaculate Conception Catholic Elementary School entrance almost opposite the lane into the proposed development. For safety, a primary access to Garner Road East is required so that vehicles can enter and exit the development without entering the school zone on Kitty Murray Lane. Additionally, traffic congestion will also be reduced at Fire Hall 20. A detailed city traffic study and report is needed prior to the start of any development.

However, if detailed plans are provided to us by Stonehenge Development Ltd., and Redeemer University College as to the type of development planned (such as the Garth Trails Senior Lifestyle Community developed by Starward Homes Ltd.) we may reconsider our objections to this application. The “Special Provisions” required would include a setback of any future buildings from our back yard property line (east) to allow an effective year round buffer which would include evergreen trees. The amount of set back is to be determined based on the type of development. We want any development to include most of the existing trees so that it will not take 30 years to see some green instead of only rooftops on the horizon. Trees also contribute to our physical and mental health. In this way we can continue to enjoy our “back yard oasis” as we have for the past 42 years. We can be reached at [Redacted] and look forward to meeting with Stonehenge Development Ltd. and Redeemer University College at their earliest convenience.

We hereby request to make an oral presentation at the public meeting. Please provide us with a copy of the staff report ASAP prior to the public meeting and the date and location of the meeting. Please keep us informed of all future meetings, developmental plans and land zoning changes pertaining to the Meadowlands Neighbourhood III / Kitty Murray Lane / Redeemer area.

Sincerely yours,

[Signature]
Martin Van Oosten

[Signature]
Hennie Van Oosten
Urban Hamilton Official Plan
Amendment No. [Redacted]

The following text, together with:

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


1.0 Purpose:

The purpose of this Amendment is to redesignate portions of the subject lands to permit bungalow townhouses, at a density of 27 units per hectare, and to add portions of the subject lands to Redeemer University College.

2.0 Location:

The lands affected by this Amendment are municipally known as 713 and Part of 777 Garner Road East, generally located north of Garner Road East and east of 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 “Neighbourhoods” designation of the new Urban Hamilton 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 polices of the Plan acknowledge that the 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 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 Changes:

4.1 Volume 2 - Rural Settlement Area Plans and Secondary Plans

Text

4.2 Chapter B.2.5 - Meadowlands Neighbourhoods III Secondary Plan

a. That Section B.2.5 - Meadowlands Neighbourhood III Secondary Plan - is amended by adding a new Subsection 2.5.1.2 d) - Low Density Residential 2c into Section 2.5.1 - Residential Designations, and renumbering subsequent policies as follows:

2.5.1.2 d) In the Low Density Residential 2c designation:

i) The permitted use shall be street, block, and courtyard townhouses, as well as other innovative ground oriented attached housing forms;

ii) The density shall not exceed 27 units per gross/net residential hectare.

Schedules and Appendices

4.2.2 Schedules

a. That Map B.2.5-1 - Meadowlands Neighbourhood III Secondary Plan - Land Use Plan be amended:

- To redesignate lands from “Low Density Residential 1a” to “Low Density Residential 2c” to permit (bungalow) block townhouses at a density of 27 units per hectare;
- To redesignate lands from “Low Density Residential (Infill)” to “Low Density Residential 2c” to permit (bungalow) block townhouses at a density of 27 units per hectare;
- To redesignate lands from “Low Density Residential 1a” to “Institutional; and,
- To redesignate lands from “Low Density Residential (Infill) to “Institutional”;

as shown on Schedule “A” attached to this amendment.

5.0 Implementation:

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

This is Schedule “1” to By-law No. passed on the day of , 2010.
The
City of Hamilton

__________________________________________
Fred Eisenberger
MAYOR

__________________________________________
Rose Caterini
CLERK