TO: Chair and Members  
Economic Development and Planning Committee  
WARD AFFECTED: WARD 12

COMMITTEE DATE: September 7, 2010

SUBJECT/REPORT NO:  
Proposed Draft Plan of Subdivision and Zoning By-law Amendment for the Cimino-D’Amico Lands (Ancaster Meadowlands Neighbourhood IV) (PED10176) (Ward 12)

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

PREPARED BY:  
Cam Thomas  
(905) 546-2424, Ext. 4229

SIGNATURE:

RECOMMENDATION:

(a) That approval be given to Amended Regional Official Plan Amendment Application, ROPA-05-003, by Alfonse Cimino and Filippo D’Amico, Owners, to amend Map “4“ to recognize the proposed boundary changes to the Tiffany Creek Environmentally Significant Area (ESA # 46) and the Tiffany Creek Provincially Significant Wetland, as shown on Appendix “A” to Report PED10176 on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “B” to Report PED10176, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Places to Grow Growth Plan.

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(b) That approval be given to Amended Official Plan Amendment Application, OPA-05-015 by Alfonse Cimino and Filippo D'Amico, Owners, to amend Schedule 'B', Land Use - Urban Area, from “Open Space and Conservation” to “Residential”, to amend Map “1” Land Use, Ancaster Meadowlands Neighbourhood 4 from “Utility” (Reservoir) to “High Density Residential”, from “Conservation and Open Space” to “Low Density Residential”, and from “Conservation and Open Space to “Stormwater Management Pond”, as shown on Appendix “A” to Report PED10176, and to amend Map “2” Special Policy Areas, Ancaster Meadowlands Neighbourhood to remove Special Policy Area “E”, as shown on Appendix “A” to Report PED10176 on the following basis:

(i) That the Draft Official Plan Amendment, attached as Appendix “C” to Report PED10176, be adopted by Council.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Places to Grow Growth Plan.

(iii) That the proposal is compatible with the existing development of the planned residential development of the Ancaster Meadowlands.

(iv) That the proposal will allow for the continued protection of the Tiffany Creek Headwaters ESA and PSW through the provision of appropriate buffers.

(c) That approval be given to Official Plan Amendment No. by Alfonse Cimino and Filippo D’Amico, Owners, to the Urban Hamilton Official Plan for the following changes to reduce the natural areas to accommodate the proposed draft plan of subdivision, as provided in Appendix “D” to Report RED10176 to:

(i) Schedule “A” (Schedule “B” - Natural Heritage System);

(ii) Schedule “B” (Schedule “B-4” - Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Feature Wetlands);

(iii) Schedule “C” (Schedule “B-6” - Detailed Natural Heritage Features, Local Natural Area, Environmentally Significant Area); and,

(iv) Schedule “D” (Volume 3: Map B.2.6-1 - Meadowlands Neighbourhood IV Secondary Plan - Land Use Plan);

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 OP and defer them until the OPA to the City of Hamilton is final and binding.
(d) That approval be given to **Zoning Application ZAC-05-77, by Alfonse Cimino and Filippo D’Amico, Owners**, for changes in zoning from the Agricultural “A” Zone to the Residential “R4” Zone, with a Special Exception, to permit 65 single-detached dwelling lots (Block 1); to the Residential Multiple “RM6” Zone, Modified, to permit up to 117 apartments on 1.67 hectares (Block 2); and to the (P5) Zone to permit conservation lands and stormwater management ponds (Block 3), as shown on Appendix “A” to Report PED10176, on the following basis:

(i) That the Draft By-law, attached as Appendix “E” to Report PED10176, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(ii) That the amending By-law, attached as Appendix “E” to Report PED10176, be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57.

(iii) That the Draft By-law, attached as Appendix “F” to Report PED10176, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(iv) That the amending By-law, attached as Appendix “F” to Report PED10176, be added to Schedules “1233”, “1286”, and “1339” of Zoning By-law No. 05-200.

(v) That the proposed change in zoning will be in conformity with the Hamilton-Wentworth Official Plan upon approval of Regional Official Plan Amendment No. [redacted].

(vi) That the proposed changes will be in conformity with the Town of Ancaster Official Plan upon approval of Official Plan Amendment No. [redacted].

(e) That approval be given to **Amended Subdivision Application 25T-200518 by Alfonse Cimino and Filippo D’Amico, Owners**, to establish a draft plan of subdivision on lands located at 1069 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED10176, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T-200518, prepared by Kenneth Youngs Engineering Inc., and certified by A.T. McLaren Surveying Limited, dated May, 2005, and revised March 2, 2010, showing 65 single-detached lots; 1 block for High Density Residential (Block 69); 2 blocks for stormwater management ponds (Blocks 72 and 73); 1 block for an ESA for a woodlot (Block 70); 1 block for an ESA buffer (Block 89); 1 block for an ESA (wetlands) (Block 82); 2
blocks for Provincially Significant Wetlands (Blocks 74 and 75); 2 blocks for wetland buffers (Blocks 76 and 77); 2 blocks for swales (Block 78 and 79); 2 blocks for swale buffers (Blocks 80 and 81); 2 blocks for future residential development (Blocks 66 and 67); 1 block for an access road to a stormwater management pond (Block 88); 1 block for sanitary and storm sewers (Block 71); 2 blocks for drainage easements (Blocks 86 and 87); and 5 blocks for 0.3m reserves (Blocks 83, 84, 85, 86, and 87), attached as Appendix “B” to Report PED10176, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “H” to Report PED10176;

(ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of building permits. Payment of Cash-in-Lieu of Parkland will be calculated in accordance with the City’s Parkland Dedication By-law, currently at a maximum rate of 1 hectare for each 300 dwelling units proposed. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(iii) That the City agrees to pay for the stormwater management facilities from an approved Capital Budget Source. The 2009 Development Charge Background Study identifies a combined value for both facilities to an upset limit of $2,008,731.00, including lands, construction engineering, and inspection fees. The City agrees to pay its share of costs for the construction of surface and underground works required along the stormwater management facility frontage, which is greater than 8.0m where the additional frontage beyond 8.0m is mandated by the City. For surface works, the City share shall be based on the New Road Servicing Rate;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

**EXECUTIVE SUMMARY**

The purpose of the proposed applications is to permit a residential subdivision consisting of 65 lots for single-detached dwellings (Lots 1 - 65 - Appendix “A”), 2 blocks for future assembly as single-detached dwelling lots (Blocks 66 and 67), 1 block for multiple residential development (Block 70), 2 blocks for stormwater management purposes (Blocks 72 and 73), 1 block for sanitary/storm sewer purposes (Block 71), 2 blocks for drainage easements (Blocks 86 and 87), and the balance of the lands for conservation purposes as Environmentally Significant Area (ESA), Provincially

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Significant Wetlands (PSW) and the associated buffers. The proposed Regional Official Plan Amendment would address boundary changes to the Tiffany Creek Environmentally Sensitive Area and the Tiffany Creek Provincially Significant Wetland. An Official Plan Amendment to amend the Meadowlands Neighbourhood IV Secondary Plan would permit the required land use changes to accommodate the proposed residential development, stormwater management ponds, and conservation lands. The amendment would also remove the subject lands from reference as Special Policy Area “E” through the approval of satisfactory studies, which include an EIS and a SWM report.

The proposed Regional Official Plan Amendment, Official Plan Amendment, Zoning By-law Amendment, and draft plan of subdivision have merit, and can be supported since the applications are consistent with the Provincial Policy Statement, and conform to the Hamilton-Wentworth Official Plan and the City’s new Urban Official Plan. The proposed draft plan would be compatible with the existing and planned residential development in the Meadowlands Neighbourhood IV area and, in particular, provides an opportunity for efficient land use and shared services with the “Ancaster Meadows (Paletta) - Phase 2” lands to the west. The proposed draft plan and associated amendments would also provide an opportunity to re-establish the wetland function on degraded portions of the subject lands through the re-introduction of natural hydrologic functions with the provision of swales and vegetated buffers.

Alternatives for Consideration - See Page 30.

FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: None.

Staffing: None.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for an Official Plan Amendment and a Zoning By-law Amendment and Draft Plan.

HISTORICAL BACKGROUND

The Cimino-D’Amico lands are located near the easterly boundary of Ancaster on lands known municipally as 1169 Garner Road East, abutting the adjacent Paletta (Ancaster Meadows - Phase 1 and 2) lands. As no access is proposed along Garner Road East, the future development of this parcel is dependent upon the development of new local roads within the adjacent “Ancaster Meadows - Phase 2” lands to provide road connections and services. The development of the subject lands is also of equal importance to the development of the “Ancaster Meadows - Phase 2” lands because of
the provision of shared stormwater management facilities. The requirement for shared stormwater management facilities has resulted in the submission of a revised draft plan, which identifies the removal of 2 residential lots from the original submission and the resizing of the 2 stormwater management ponds (Blocks 72 and 73).

**Chronology of Application - Key Dates**

- **November 17, 2005:** Applications circulated.
- **December 8, 2005:** 1st ESAIEG Meeting. (Revisions required to EIS for buffers).
- **April 18, 2006:** 2nd ESAIEG Meeting. (Revisions to EIS not completely addressed).
- **January 8, 2008:** 3rd ESAIEG Meeting - ESAIEG supportive of proposed EIS Addendum.
- **February 11, 2008:** Meeting with staff, HCA, Applicant, and Paletta re: outstanding SWM issues.
- **January 15, 2009:** Meeting with City, Applicants, Paletta, and HCA re: SWM design and outstanding issues.
- **March 10, 2010:** City, HCA, and Surveyor stake 10m ESA boundary.
- **August 9, 2010:** Public Meeting.

**Details of Submitted Application**

**Owner:** Alfonso D’Amico (1435411 Ontario Ltd.) and Filippo Cimino (1426760 Ontario Ltd.)

**Location:** 1169 Garner Road East (see Appendix “A”)

**Property Size:**
- **Width:** 50.88m at Garner Road East (southerly limit) to 202.88m along northerly limit
- **Depth:** 1,041.14m (westerly boundary) and 1,054.18m (easterly boundary)
- **Area:** 16.30 hectares
EXISTING LAND USE AND ZONING:

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POLICY IMPLICATIONS

The following provincial and local policy documents were examined in the review of these applications.

Provincial Policy Statement

The proposal is consistent with Policy 1.1.3.1 that encourages growth to be focused in settlement areas.

Policy 1.1.3.2 directs that land use patterns within settlement areas shall be based on the development of densities and a mix of land uses that use land efficiently, are appropriate for the available or planned infrastructure, and which minimize negative impacts to air quality and promote energy efficiency.

The policy encourages the use of infrastructure which is efficient and economical. The use of shared stormwater management facilities with the abutting “Ancaster Meadows - Phase 2” lands to the west would provide for efficient and economical infrastructure consistent with the intent of this policy.
The policies in Section 1.1.3 also encourage a range of uses and opportunities for intensification and the development of a compact urban form. The development of a residential plan of subdivision, consisting of small single-detached dwelling lots and an apartment block, would allow for an appropriate housing mix for a smaller development parcel. In addition, the proposal would allow for the utilization of under-utilized lands, which may otherwise not be considered for residential development.

Policy 1.7.1(e) of the PPS directs that a noise study be undertaken to investigate the impacts of noise levels from major transportation corridors, which include Garner Road East. As the lands abutting Garner Road East are proposed for high density residential development (Block 69), a Noise Assessment will be undertaken as a condition of draft plan approval (see Special Condition No. 27 - Appendix “H”).

Policy 2.6.2 of the PPS identifies the subject lands as having archaeological potential. The archaeological requirements that are applicable would be addressed through a condition of draft plan approval for the City and the Ministry of Culture, rather than as an up-front requirement, because the applications were made in 2005.

Therefore, based on the foregoing, the application is consistent with the PPS.

**Places to Grow**

The subject lands are within the “Built-up Area” of the Places to Grow Growth Plan, which includes the lands within the limits of the developed urban boundary.

The policies encourage development and redevelopment within the Built-up Area of the City, and encourage the provision of a range and mix of housing which includes affordable housing needs. The direction provided in Places to Grow has been incorporated into the City’s New Official Plan for the Urban Area to ensure that the growth management targets, as mandated by the Province, are met.

The City of Hamilton is required to accommodate 40% of all new residential growth within the Built-up Area starting in 2015. In particular, the proposal for approximately 64% of the total number of units within the subdivision to be apartment units would be consistent with Places to Grow to encourage the development of affordable housing and to promote the efficient utilization of land.

The proposal to permit up to 183 residential units within the proposed draft plan of subdivision would be consistent with the direction in Places to Grow to encourage intensification within the Built-up Area.

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The provision of shared stormwater management facilities with the adjacent “Ancaster Meadows - Phase 2” lands is also consistent with the direction in Policy 3.2.5.8 of Places to Grow to encourage and support innovative stormwater management solutions to facilitate intensification.

Therefore, based on the foregoing, the proposal conforms to the general intent of Places to Grow.

**Hamilton Wentworth Official Plan**

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1.1 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. Urban areas are intended to accommodate approximately 96% of new residential housing units in the City by the year 2020. As the nature of the application is for the approval of a residential draft plan of subdivision, change in zoning and Regional and Local Official Plan Amendments (to address changes to the ESA boundaries), the proposal conforms to the general intent of the Hamilton-Wentworth Official Plan.

Policy C-3.1.1 identifies that a compact higher density urban form with mixed-use development in identified Regional and Municipal Centres and along corridors best meets the environmental, social, and economic principles of sustainable development. As the proposed application would provide apartments for approximately 64% of the units, the proposal would conform to the policy direction of the Hamilton-Wentworth Official Plan.

Policy C-3.1.1 further states that mixed forms of development within the Urban Area are preferable to widespread, low density development because of reduced per capita servicing costs and efficiencies, cost savings for public transit systems, effective community design, and the development of compact communities to encourage walking and bicycling. The proposed apartment block and the use of shared stormwater management ponds would be consistent with this policy.

Map No. 4, Environmentally Significant Areas, identifies the subject lands within ESA #46 - Tiffany Creek Headwaters. The proposed draft plan of subdivision would require changes to the ESA boundary.

Policy C.1.2.2 provides policy direction for assessing the merits of proposed land use changes within and adjacent to ESAs. Land use changes in or adjacent to ESAs are subject to criteria provided in Policy C.1.2.2 (a).

In particular, land use changes are permitted where such changes:
(i) Will not adversely affect, degrade, or destroy any of the qualities which are the basis for the designation;

(ii) Will not cause any significant impacts upon water quality and quantity; and,

(iii) Will not adversely affect implementation of any resource protection policies or plans.

Policy C.1.2.2b) directs that proposed changes to ESAs will be referred to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) for review.

Policy C.1.2.2 (d) directs that land use changes will not be permitted within PSW Areas. Development within adjacent lands to a PSW (lands within 120m), with the exception of existing agriculture, will be prohibited, unless it can be demonstrated through an EIS that it would not result in any of the following:

(i) Loss of wetland functions;

(ii) Subsequent demand for future development which will adversely affect wetland functions;

(iii) Conflict with existing site-specific wetland management practices; and,

(iv) Loss of contiguous wetland area.

In terms of Policy C.1.2.2 (a) for ESAs, the applicant's EIS and Addendum has demonstrated, to the satisfaction of ESAIEG and the Hamilton Conservation Authority, that the proposal would not degrade any of the qualities, which were the basis for the designation, the proposed stormwater management ponds have been the subject of extensive review to ensure that proper quality and quantity control measures are in place to protect the wetlands, and there would be no adverse effects upon the implementation of any resource protection policies or plans.

Concerning Policy C.1.2.2 (d) for PSWs, the applicant's EIS and Addendum has demonstrated, to the satisfaction of ESAIEG and the Hamilton Conservation Authority, that the proposal would not result in the loss of wetland function, through the provision of swales and vegetated buffers, which would connect to the adjacent wetlands east of the residential development. The proposal would not encourage further development in the ESA due to stormwater management capacity issues. The proposal would also not conflict with existing wetland management practices as there are no site-specific practices currently in effect. It would also not result in the loss of contiguous wetland area because of the current degraded conditions on part of the site from the agricultural use. The proposal would improve the degraded areas by restoring hydrogeological
function through the provision of SWM ponds and through the development of proper swales and buffers.

Based on the foregoing, the proposal conforms to the Hamilton-Wentworth Official Plan.

**Town of Ancaster**

The subject lands are designated “Conservation and Open Space” on Schedule “B”, Land Use Plan for the Urban Area. The lands are part of a connected system of Conservation lands near the easterly boundary of the former Town of Ancaster.

Policy 4.3.1 directs that the predominant use of lands designated “Open Space and Conservation” shall be for public or private land extensive recreational facilities, conservation, and other open space uses.

Policy 4.3.5 recognizes the importance of lands under the jurisdiction of the local Conservation Authorities, and other public agencies, and shall encourage the continuation and protection of these natural environments, as well as minimizing any land use conflicts that may arise. As the subject lands are part of the Tiffany Creek Headwaters ESA, they are regulated by the Hamilton Conservation Authority.

The proposed amendment to Schedule ‘B’ is to permit the removal of portions of the lands from the “Open Space and Conservation” designation in order to redesignate the lands to “Residential” to allow for single-detached residential development, stormwater management ponds, and high density residential development.

Policy 4.4.2 directs that the types of residential development permitted in the Residential designation shall be single-detached dwellings, semi-detached dwellings, townhousing, low-rise apartments, and innovative forms of attached housing. Residential buildings shall also be limited to no more than 3 occupied storeys.

In Policy 4.4.3, residential development shall only proceed after full municipal services are available, including sanitary and storm sewers and watermains.

Policy 4.4.6 directs that single-detached dwellings shall predominate, and that Council shall encourage a broad range and mix of residential units regarding lot size, unit size, type, and tenure. The range and mix of residential units shall be suitable for different income groups, age levels, lifestyles, and household structures.

The subject lands are also situated adjacent to a sizeable natural system identified on Schedule “C” as “Hazard Lands”.

Based on the foregoing, the proposal conforms to the Ancaster Official Plan.
Meadowlands Neighbourhood IV Secondary Plan

In the Meadowlands Neighbourhood IV Secondary Plan, most of the subject lands are designated “Park/Open Space. This section of the proposed subdivision also includes a connected strip of land that is designated “Wetland Boundary”. The lands within these areas are proposed to be developed for single-detached residential through the extension of local roads from the “Ancaster Meadows - Phase 1 and 2” lands to the west to form cul de sacs. The balance of the lands in this area is intended for open space purposes and stormwater management ponds.

The lands within this area are further designated on Map 2 as Special Policy Area “E” which is subject to site-specific provisions.

Policy 6.8.12 would allow the lands within Special Policy Area “E” to be developed in accordance with residential policies, rather than the Park/Open Space policies, subject to the fulfilment of conditions for an Environmental Impact Statement (EIS) and a Stormwater Management Report. The purpose of the EIS condition is to justify the reasons for Special Policy Area “E” to be removed from the designation as an Environmentally Significant Area (ESA) and Provincially Significant Wetland (PSW), to the satisfaction of the City of Hamilton, the Environmentally Significant Area Impacts Evaluation Group (ESAIEG), and the Hamilton Conservation Authority. The purpose of the Stormwater Management Report is to address how the stormwater facilities can accommodate the proposed development, to the satisfaction of the City and the Hamilton Conservation Authority.

Policy 6.8.6(b) directs that higher density uses will be encouraged throughout this neighbourhood. For low density uses, this would be achieved through the provision of smaller lots in interior locations within the neighbourhood.

Low density residential development is identified in 6.8.6(c) as having up to 30 units per Net Residential Hectare, and generally permitting the development at the interior of residential neighbourhoods adjacent to local and/or collector roads.

A very small portion of the subject lands, located north of Garner Road East, are designated “Utility” and “High Density Residential”, and are intended for apartment development.

The Residential policies in 6.8.6(a) direct that the intent for development within Meadowlands Neighbourhood 4 is to provide a mix and diversity of housing opportunities in terms of lot size, unit size, style, and tenure. In addition, Policy 6.8.6(b) advocates the location of higher density uses at external locations within the neighbourhood.
Policy 6.8.6(c) directs a maximum of 70 units per Net Residential Hectare for High Density development consisting of apartment dwellings and innovative attached housing forms in buildings not exceeding 3 storeys in height, and located adjacent to or in close proximity to arterial and/or collector roads, community facilities, and open space areas.

Section 6.8.13 provides environmental policies, which direct that development proposals within the Tiffany Creek Provincially Significant Wetlands (PSW) Complex and the Tiffany Creek Environmentally Significant area (ESA) shall address the relevant requirements set out in the Provincial Policy Statement and the Hamilton-Wentworth Official Plan. In addition, the policies state that all proposals are subject to review by the Hamilton Conservation Authority and the Environmental Significant Areas Impact Evaluation Group (ESAIEG), and that appropriate buffers and development setbacks from the ESA and PSW will be established.

Based on the foregoing, the proposal conforms to the general intent of the Meadowlands Neighbourhood IV Secondary Plan.

**City of Hamilton Urban Official Plan (Council Approved)**

The subject lands are within the “Neighbourhoods” designation in the City of Hamilton Urban Official Plan, which is Council-approved and pending Ministerial approval.

Policy 3.2.1 directs that areas designated Neighbourhoods shall function as complete communities, consisting of the full range of residential dwelling types and densities, as well as supporting uses intended to serve the local residents.

Policy 3.3.1 directs that lower density residential uses shall generally be located in the interior of neighbourhood areas with higher density dwelling forms and supporting uses located on or in close proximity to Major or Minor Arterial Roads.

Policy 3.4.4 directs that Low Density Residential shall have a maximum net residential density of 60 units per hectare.

Policy 3.6.6 directs that for High Density Residential uses, the permitted net residential densities shall be 101-175 units per hectare.

The Urban Official Plan also provides policies to address Greenfield Development. The most relevant of these policies are provided below:

Policy 3.7.1 directs that new Greenfield communities shall be designed with a unique and cohesive character, buildings, streetscape, street patterns, landscaping, open spaces, and infrastructure shall be designed to contribute to this character.
Policy 3.7.2 directs that new Greenfield communities shall be designed to include a focal point. All elements of the design of the community, including the layout of streets, trails, pedestrian connections, and transit routes, as well as the location of land uses and transit stops, shall contribute to the creation of the community focal point.

Policy 3.7.3 directs that the configuration of streets, trails, and open spaces shall ensure clear and convenient pedestrian, cycling, and vehicular connections from within the Greenfield community to the focal point and adjacent neighbourhoods.

Policy 3.7.6 directs that new development or redevelopment adjacent to open space or natural heritage system features shall:

(a) Have no negative impacts on natural heritage features;

(b) Maintain or enhance public access to trails, bikeways, and parks within these features;

(c) Preserve or enhance public views to these features; and,

(d) Use native plant material adjacent to these features.

In terms of Items (a), (c), and (d), the applicant’s EIS has demonstrated that there is no negative impact from the proposed development on the existing Tiffany Creek ESA. As a result, modifications to the ESA boundaries would be permitted to enable the residential development and the associated stormwater management facilities. Public views to the wooded area at the northerly limit of the proposed subdivision would be maintained through the development of low rise housing forms. Enhanced landscaping would be required within the buffer areas to further protect the ESA and PSW.

In terms of Item (b), the construction of trails is not recommended due to the potential for impacts to the buffers, wetlands, and ESA. A future trail system may, however, be considered further to the east on lands which are identified in the Neighbourhood 4 Secondary Plan.

In addition, it has been noted that the subject lands are identified on several environmental map schedules which include: Schedule B, Natural Heritage Systems; Schedule B-2, Significant Woodlands; Schedule B-4 Wetlands; and Schedule B-6, detailed Natural Heritage Features - Local Natural Areas.

The Hamilton Urban Official Plan provides policies for buffers (also referred to as “vegetation protection zones”). In particular, Policy 2.5.10 directs that Provincially Significant Wetlands would require a 30m vegetation protection zone from the boundary of the wetland, and that Significant Woodlands (ESA Boundary) would require a 15m vegetation protection zone from the dripline or edge of the woodland.
In light of this new policy direction, the recommended buffer widths of 10m to the ESA (woodland) and 15m to the PSW are considered to be acceptable to ESAIEG and the Hamilton Conservation Authority. These new policies also were not in effect during the initial review of the application and prior to ESAIEG's approval of the applicant's EIS in January, 2008.

**City of Hamilton Staging of Development Plan:**

The proposal is consistent with the Criteria for Staging of Development, in that utilities and services are available, there are no budgetary impacts, it supports a healthy growing economy, provides for additional assessment and Development Charges revenue, provides housing opportunities, and complies with the Official Plan. Furthermore, priority is to be given to the processing of unidentified 'infill' development.

**PUBLIC CONSULTATION**

In accordance with the Public Participation Policy, this application was pre-circulated to all property owners within 120 metres, and a sign was posted on the site. A total of 24 notices were circulated. Staff received 1 letter from the circulation from a neighbouring property owner who has an interest in future apartment development and whether additional lands will be required for the municipal reservoir (see Appendix “I”).

Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.

**RELEVANT CONSULTATION**

The following internal departments and external agencies had no concerns or objections to the proposed applications:

- Forestry and Horticulture Section, Public Works Department.
- Finance and Administration Section, Corporate Services Department.
- Recreation Division, Community Services Department.

**Landscape Architectural Services, Public Works Department**

Landscape Architectural Services (formerly Open Space Development) initially had requested in 2005 that pedestrian walkways, approximately 4.5m in width, should be provided in appropriate areas in the bulbs of the cul-de-sacs to provide linkages to a future trail system. Additionally, a trail system was recommended within the 15m wetland buffer, with connections to the SWM ponds and pedestrian walkways, with an eventual linkage through the ESA to connect to the Hydro Right-of-Way on the adjacent
property to the east of the subject site (Initiative 12-7 in the Recreational Trails Master Plan). A loop trail through the wooded area to the north was also recommended.

Upon further review and consultation, it was determined that current practices by the City and the Hamilton Conservation Authority do not favour the development of trails within buffers and ESAs. Therefore, the development of future trails is not recommended because it would be potentially detrimental to the sensitive area. This information would also have the effect of discouraging the development of Initiative 12-7 in the Recreation Trails Master Plan, along the Hydro Corridor, due to the intrusion of a future trail into the PSW and ESA on the adjacent lands to the east.

**Public Health Services**

Public Health Services has no objection to the applications, but advises that if there is an existing septic tank on the subject property, it is recommended that it be emptied by a Ministry of Environment licensed sewage hauler, and filled with soil to reduce the potential for a safety hazard (see Appendix “H” - Special Condition 27).

Additionally, any former wells on the subject property would need to be abandoned in accordance with Ontario Regulation 903 under the Ontario Water Resources Act (see Appendix “H” - Special Condition 26).

**Traffic Engineering Section, Public Works Department**

As a condition of Subdivision Approval, Traffic Engineering will require that the driveway locations along the proposed cul de sacs (Lots 5-13, 29-32, 37-44, and 54-61) be located on approved engineering drawings, to the satisfaction of the Supervisor of Traffic Engineering (see Appendix “H” - Special Condition 25).

As a condition of Subdivision Approval, Traffic Engineering will require that the driveway for the High Density Residential Block (Block 69) be located along the westerly lot line, to the satisfaction of the Manager of Traffic Engineering and Operations.

(Note: As the High Density Residential block would be subject to Site Plan Approval to determine future driveway access, this comment would not be included as a Special Condition of Draft Plan Approval).

**Hamilton Conservation Authority**

The Hamilton Conservation Authority has provided the following comments:

- Two tributaries of Tiffany Creek flow easterly across the property into the Tiffany Creek Headwater Environmentally Significant Area (ESA) and the Tiffany Creek Headwater Environmentally Significant Area.
Headwaters Provincially Significant Wetland (PSW), located along the east side of the property;

- The woodlot located at the north end of the property is also part of the Tiffany Creek Headwater ESA. These natural features were field identified by staff from the City of Hamilton, the Hamilton Conservation Authority (HCA), and Ecoplans, and buffer areas were established;

- According to the proposed Draft Plan (revised May 4, 2010), the ESA, PSW, and the watercourse channels and all their associated buffers have been incorporated into public open space blocks, which will serve to protect these natural heritage features;

- HCA and City staff has requested that the 10m buffer (Block 68 on the revised May 4, 2010 Draft Plan), shown running parallel with the dripline of the ESA at the north end of the property (Block 70), be extended to include a 10 metre buffer area at the rear of Lots 3, 4, and 5, and a portion of Lots 1 and 2, to align with the buffer on the adjacent Paletta lands;

- New development must meet the requirements of the Hamilton Harbour Remedial Action Plan, whereby stormwater quantity control, to treat pre-to post-development levels for storms from 1:2 year to the 1:100 year, and Enhanced (Level 1) quality control, is required. HCA has reviewed several stormwater management reports and engineering submissions for the two proposed SWM ponds to be located on the D'Amico/Cimino lands, which will service the subject development as well as the Paletta Phase 2 Subdivision, 25T-2006-01;

- As the subject property is located entirely within an area regulated by the HCA, as a result of the natural heritage features on the site, a permit will be required from HCA pursuant to Regulation 161/06 under Ontario Regulation 97/04, prior to the commencement of any new development, including grading works; and,

- In addition, the HCA has recently advised that future trails should not be provided within the buffer areas or within the ESA and PSW because they would be detrimental to sensitive habitat.

Specific requirements for draft plan approval include the following, which are to be addressed to the satisfaction of the Hamilton Conservation Authority:

- A sediment and erosion control plan, including the installation of sediment and erosion control measures for the construction phase, and the re-vegetation of disturbed areas (see Appendix “H” - Special Condition 16);

- A stormwater management plan to address stormwater quantity and quality to current Provincial standards (see Appendix “H” - Special Condition 17);
• The requirement that the SWM facilities be substantially completed prior to construction of the subdivision (see Appendix “H” - Special Condition 18);

• The dedication of the SWM facilities to the City of Hamilton for ownership and maintenance (see Appendix “H” - Special Condition 19);

• The preparation and implementation of landscaping plans for the stormwater management facility to the satisfaction of the Hamilton Conservation Authority. (see Appendix “H” - Special Condition No. 20);

• The preparation and implementation of a tree preservation and landscaping plan for the area abutting Tiffany Creek Headwaters Environmentally Significant Area (ESA) (see Appendix “H” - Special Condition 21);

• The installation of chain link or other acceptable fencing along rear lot lines of all lots and blocks that abut the ESA, PSW, and/or watercourse channels, to the satisfaction of the Hamilton Conservation Authority (see Appendix “H” - Special Condition 22);

Note: The City’s cost share for Paletta Phase 2 will pay for the installation of chain link fences adjacent to the Stormwater Management Blocks that abut the subject lands.

• The dedication of containing the ESA, PSW, and watercourse channels be dedicated to the Hamilton Conservation Authority, to ensure long-term protection (see Appendix “H” - Special Condition 23); and,

• Pursuant to the Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, permits must be obtained prior to any development within the HCA’s regulated area (see Appendix “H” - Special Condition 24);

ANALYSIS / RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan, Zoning By-law Amendments, and Draft Plan of Subdivision have merit, and can be supported for the following reasons:

   (i) They are consistent with the intent of the Places to Grow Plan;

   (ii) They are consistent with the Provincial Policy Statement;

   (iii) They conform to the intent of the Hamilton-Wentworth Official Plan;

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
(iv) They conform, in principle, to the Ancaster Official Plan, which designates the lands for “Residential” purposes, and to the Meadowlands Neighbourhood IV Secondary Plan, which provides opportunities for new residential development, subject to the satisfactory completion of an EIS and Stormwater Management (SWM) Report. More specifically, the proposed draft plan would allow for the following:

- The development of shared stormwater management facilities with the adjacent Paletta Phase 2 lands, which allow for efficient land use and infrastructure;
- A high density residential block would be established which is supported in the PPS, Places to Grow, and the Meadowlands Neighbourhood IV Secondary Plan;
- The regeneration of degraded wetlands through the development of a swale and vegetated buffer system, as well as landscaping and tree preservation, which will contribute to the enhancement of the main portion of the PSW; and,
- The dedication of the open space blocks to the Hamilton Conservation Authority to provide for the long-term protection and conservation management of the ESA and PSW.

(v) The proposal would be compatible with existing and future development in the surrounding area.

2. The proposed development would require the approval of a Regional Official Plan Amendment and Amendments to the Ancaster Official Plan.

Proposed Regional Official Plan Amendment (See Appendix “B”)

The proposed amendment to the Hamilton-Wentworth Official Plan is required to address boundary changes to the Tiffany Creek Environmentally Significant Area and the Tiffany Creek Provincially Significant Wetland, which are known collectively as ESA #46 (Tiffany Creek Headwaters). The required boundary changes to Schedule “A”, Map No. 4, are for the removal of lands from the ESA for residential lots and stormwater management ponds to accommodate the proposed residential subdivision.

The Hamilton-Wentworth Official Plan identifies in Policy C.1.2.2h) that the boundaries of ESAs found in the Regional Official Plan or in Secondary Plans are general in nature, and that more precise boundaries are provided in Environmental Impact Statements. The proposed changes would require the
removal of approximately 8 hectares of lands, which are currently under agricultural use and would not affect existing natural heritage features. The proposed boundary changes would allow for adjustments to the ESA boundary based on the recognition of existing natural features.

In addition, the Hamilton-Wentworth Official Plan requires that a corresponding amendment be made to the local (Ancaster) Official Plan, and requires the approval of the proposed changes by ESAIEG. Since the proposal has involved the completion of a satisfactory Environmental Impact Statement (EIS) and Stormwater Management Plan through Policy 6.8.12 of the Meadowlands Neighbourhood IV Secondary Plan, to consider residential development within Special Policy Area “E”, the proposed amendment has addressed the required criteria and can be supported.

Proposed Amendments to the Ancaster Official Plan (See Appendix “B”)

The proposed Amendments to the Ancaster Official Plan require changes to the Meadowlands Neighbourhood IV Secondary Plan and to Schedule ‘B’, Land Use Plan-Urban Area.

The required changes for amendments to Map “1” are as follows:

(a) **Change from “Utility” (Reservoir) to “High Density Residential”**

The proposed amendment would remove a small portion of lands, approximately 0.39 ha. in area, located between 1157 Garner Road East and the first 4 lots on the south side of Street “E”, from “Utility” to “High Density Residential” to provide for a 1.67 hectare block. The proposed land use change can be supported because the lands to be amended are not required for the future reservoir and have not been included in the City’s Water Waste Water Master Plan. In addition, the proposed change would allow for a more consistent fit between the high density and low density uses.

(b) **Change from “Conservation and Open Space” to “Low Density Residential”**

The proposed amendment would apply to 3 pockets of land comprising 3.62 hectares for the low density development consisting of the extension of 5 streets and the creation of 65 lots. The areas proposed for Low Density Residential within this draft plan have been reduced by nearly 1 hectare due to the need to provide appropriately-sized stormwater management blocks. Additionally, the number of residential lots has been
reduced from 68 to 65 lots, and many of the individual lots have been reduced in area from the original submission.

The applicant's EIS has proposed a 10 metre buffer to separate the residential area from the ESA boundary, as well as 15 metre buffers to separate the residential areas from the PSW. There are currently no provincial requirements for buffers; however, the recommended buffers would be slightly lower than the buffer requirements provided in the Hamilton Urban Official Plan, which are 15m from an ESA boundary and 30m from a PSW. In light of this, there has been an attempt to reduce the depths of Lots 2-6, and 10 and 11, which abut the ESA, and Lots 23 and 24, which abut the PSW, which will provide for additional buffer depth for re-vegetation and protection of the adjacent sensitive areas. The proposed 10m buffer would be consistent with the consideration of an urban woodland ESA at the time of application in 2005.

The proposed ESA and PSW buffers are satisfactory to the Hamilton Conservation Authority and ESAIEG, given that the site is a remnant ESA that is mostly separated from other natural systems. The HCA is responsible for wetland protection through their Generic regulations and policies.

It is recognized that the ESA and buffer lands have experienced degradation through agricultural use over at least a 10-year period, which affects approximately 8 hectares, and through the effects of gradual urbanization to the east and northeast. The proposed buffers of 15m for the “fingers” (swales) abutting Streets “C” and “D” (see Appendix “F”) are adequate because they improve on the existing condition and will allow for the regeneration of wetland vegetation. This will enable the degraded field to be replenished with 35m wide wetlands south of Streets “C” and “D”, whereas this would not be possible if the agricultural operation was to continue on the site.

ESAIEG has also considered the definition of PSW under the PPS, which indicates that lands used for agriculture, which no longer exhibit wetland characteristics, are not considered wetlands. In this regard, once the wetlands were removed for agriculture approximately 10 years ago, there was no requirement for their protection or restoration under the PPS. By routing flows through the proposed swales into the PSW, wetland vegetation will be regenerated to better protect the main portion of the ESA and PSW to the east.
Therefore, staff is satisfied that the proposed change to accommodate Low Density Residential would represent an appropriate compromise, which would allow for new development, while providing adequate buffers for protection of the ESA and PSW and the provision of suitable stormwater management facilities.

(c) **Change from “Conservation and Open Space” to “Stormwater Management Pond”**

The proposed change is necessary to address the specific function of stormwater management (SWM) ponds within the Meadowlands Neighbourhood IV Secondary Plan. In the Secondary Plan, it is noted that the SWM ponds have been strategically placed on residential lands at the westerly limits of the PSW to enable the wetland function of the PSW to be maintained. With the current proposal, the SWM ponds are proposed to be relocated from the future residential area to the west (Ancaster Meadows - Phase 2 lands) to lands within the ESA.

The proposed SWM ponds (Blocks 72 and 73) have been redesigned and enlarged by 0.37 ha., through the review process, to accommodate both the Paletta Phase 2 lands to the west and the proposed residential development of the subject lands in terms of quality and quantity control for storm/spring runoff. The proposed SWM ponds are also intended to maintain the wetland function of the Tiffany Creek Headwaters PSW by preserving the hydrogeological functions and protecting or enhancing water quality and wetland resources.

City staff, ESAIEG, and the Hamilton Conservation Authority have reviewed the applicant’s revised SWM plan, and are satisfied that the proposed SWM ponds are appropriately-sized and located within the subject lands to serve the intended future residential area and to maintain the required wetland function of the PSW. In particular, earlier concerns with maintaining stormwater flows through the PSW tributaries that cross the boundary have been addressed through the revised SWM Plan. To this end, Blocks 78 and 79 provide tributary connections to the PSW.

The proposed Official Plan Amendment also requires changes to Map “2” to remove the subject lands as Special Policy Area “E”, in its entirety, following the completion of an approved Environmental Impact Statement (E.I.S.) and Stormwater Management Report (SWM), to the satisfaction of the City of Hamilton and the Hamilton Conservation Authority. As an EIS and SWM Plan have been submitted, to the satisfaction of the City of Hamilton, ESAIEG, and the Hamilton Conservation Authority, there are no concerns with this proposed mapping change.
The changes required to Schedule ‘B’, Land Use Plan - Urban Area are for the redesignation of lands from “Open Space and Conservation” to “Residential” to accommodate the proposed residential subdivision. These changes are reasonable and can be supported because they are general in nature to reflect the Urban Area of Ancaster and follow the more specific changes for land use to the Meadowlands Neighbourhood IV Secondary Plan.

3. Proposed Amendments to the Hamilton Urban Official Plan (See Appendix “C”)

The proposed amendments to the Hamilton Urban Official Plan are necessary for the long-term policy changes that affect the subject lands. The changes would be justified through staff’s support of amendments to the Ancaster Official Plan, and more specifically, the Meadowlands Neighbourhood IV Secondary Plan. The recommended Amendments to the Hamilton Urban Official Plan are provided in Appendix “D” of this Report.

4. The proposed Draft Plan of Subdivision for the Cimino-D’Amico lands (25T-200518) would allow for the development of 65 single-detached lots with 12-13m frontages on average, 2 blocks for future single-detached residential development, 117 apartment units, 2 stormwater management (SWM) ponds, and an open space system comprised of an ESA, PSW, and the associated swales and buffers. As noted, the proposal would meet the requirements of the meadowlands Neighbourhood IV Secondary Plan for development within Special Policy Area “E”. Future access to the High Density residential block would be determined at the Site Plan Approval stage, or through a subsequent rezoning when a development concept is available.

The proposed draft plan of subdivision has been evaluated on the basis of the criteria provided in Section 51 (24) of the Planning Act to assess the appropriateness of the development, and staff is satisfied that the proposed subdivision is in conformity with the requirements of the Planning Act.

5. The applicant’s Functional Servicing Report and Stormwater Management Report have identified the following servicing requirements and special engineering conditions for the proposed draft plan of subdivision.

**Stormwater Management**

The plan proposes 2 stormwater management ponds, which also provide service for the adjacent lands comprising the “Ancaster Meadows - Phase 2” draft plan. The SWM facilities will be paid by the City from an approved Capital Budget Source. The combined value for both facilities is $2,008,731.00, including lands, construction engineering, and inspection fees based on the 2009 Development
Charge Background Study. The City will pay its share of costs for the construction of surface and underground works required along the stormwater management facility frontage, which is greater than 8.0m, where the additional frontage beyond 8.0m is mandated by the City. For surface works, the City share shall be based on the New Road Servicing Rate.

A 12.0m wide storm and sanitary sewer easement from Street A to Street C will be required consisting of a 6.0m easement along the west side of Lots 26 and 29, together with a 6.0m wide easement from the adjacent lands.

Access to Block 72 (Stormwater Management Pond) will be provided from the adjacent "Ancaster Meadows - Phase 2" Draft Plan of Subdivision.

The consolidation of the swales and swale buffer blocks is to be provided on the final plan, as they will be conveyed to the City for storm drainage channels and outlets.

Special conditions of approval for SWM include the following:

- A detailed SWM Report to verify that Blocks 72 and 73 are adequately sized to accommodate the proposed SWM facilities (see Appendix "H" - Special Condition 1);
- A private Maintenance Agreement with the adjacent developer to identify the maintenance responsibilities for the SWM facilities (see Appendix "H" - Special Condition 1);
- A plan demonstrating that all the minor and major overland flow can safely be conveyed to roadways and SWM facilities (see Appendix "H" - Special Condition 1); and,
- A 1.5m high chain link fence is required prior to servicing along the rear and side yards of the lots abutting the SWM pond and/or storm drainage channels (see Appendix "H" - Special Condition 6).

**Sanitary Servicing**

Since there is no municipal sanitary sewer within the Garner Road East road allowance, a sanitary sewer outlet for this development is to be provided by the adjacent “Ancaster Meadows - Phase 2” development to the west (25T200601). A sanitary sewer, to be constructed within the Garner Road East road allowance, is required along the frontage of the proposed subdivision lands.
An extension of the sanitary sewer is required via an easement from Robertson Road through Block 69 to Garner Road East. A preliminary design for the sanitary service has been developed for the Paletta Phase 2 proposal.

Special conditions of approval for sanitary servicing shall include the following:

- A Revised Functional Servicing Report is required, prior to servicing, confirming the system capacities for the sanitary sewer and watermain system (see Appendix “H” - Special Condition 3);
- A 1.5m high chain link fence is required, prior to servicing, along Block 69 abutting the municipal reservoir, and Lot 65 abutting the sanitary/storm sewer block (see Appendix “H” - Special Condition 7); and,
- All services and road access shall be available to service the lands or, alternatively, the owner shall acquire the necessary land and pay the full cost, less over-sizing, to construct services and road access prior to registration (see Appendix “H” - Special Condition 13);

**Watermains**

There is an existing 600mm watermain within the Garner Road East road allowance; however, a service connection to Block 69 is not permitted. The previous water servicing alternatives have suggested the construction of a 300mm watermain through Block 69 from the existing 400mm watermain on the south side of Garner Road East.

Special conditions of approval for watermains include the following:

- The provision for the installation of a 300mm diameter municipal watermain is required through Block 69, prior to servicing (see Appendix “H” - Special Condition 9);

**Future Roads**

The proposed draft plan will require the extension of 5 local roads from the Paletta Phase 2 draft plan of subdivision to create 4 cul de sacs and a loop street.

Reserve blocks are not required along the boundary of the “Ancaster Meadows - Phase 2” lands since those lands will be developed in advance of the Cimino-D’Amico lands.
Proposed cul-de-sacs will need to conform to the City’s standard geometric guidelines, with a minimum bulb radius of 16.5m, rather than the 16.0m shown on the revised draft plan. The portion of the subdivision abutting Garner Road East will require a road widening dedication of approximately 8.2 metres.

Special conditions of approval relating to roads include the following:

- A plan for dust control and street cleaning is required, prior to servicing (see Appendix “H” - Special Condition 4);
- A parking plan is required prior to servicing to show that there is sufficient parking on the streets for up to 40% of the total residential units (see Appendix “H” - Special Condition 5);
- A road widening dedication is required along Garner Road East, prior to registration, to establish the widened limit of Garner Road at a distance of 18.29m (60 ft) from the centreline of construction (see Appendix “H” - Special Condition 11);
- Payment for the future urbanization of Garner Road East is required, prior to registration, for lands adjacent to Block 69 based on the City’s “New Roads Servicing Rate” (see Appendix “H” - Special Condition 12);
- Concrete sidewalks are required for Streets A and E (see Appendix “H” - Special Condition 13);

Groundwater

Special conditions of approval for groundwater issues include the following:

- A Hydrogeological Report is required, prior to servicing, to assess impacts, mitigate impacts during construction, and to provide a groundwater contingency plan and mitigation strategy (see Appendix “H” - Special Condition 10).

6. The proposed Zoning By-law Amendment would require changes from the Agricultural “A” Zone to a Site-Specific Residential R4 Zone to permit single-detached dwellings, to a Site-Specific Residential Multiple “RM6 Zone to permit an apartment building site, and to the (P5) Zone to permit stormwater management facilities and conservation uses.

Block 1 - Site-Specific Residential Multiple “R4-611” Zone

The proposed “R4-611” Zone would allow for the development of single-detached lots that meet the minimum “R4” Zone requirement of 12m frontages and 400
square metres for lot areas. However, the sizing of the proposed SWM ponds has resulted in several of the proposed lots having a lot depth of less than 30 metres.

Staff would recommend a reduced front yard setback of 4.5m to the dwelling, 6.0m to an attached garage, and to waive Schedule “C” requirements, as this would allow additional flexibility for dwellings in building design and siting and allow for the dwelling to be brought closer to the street. Additionally, the reduced setback would offer better protection of the buffers for ESA and PSW by allowing for the provision of deeper rear yards. This change is also consistent with setbacks introduced in other parts of Ancaster, including the “Ancaster Meadows - Phase 1” lands.

Block 2 - Residential “R4” Zone

The proposed change to the Residential (R4) Zone is to address Lots 27 and 28 and their assembly with blocks on the adjacent Ancaster Meadows lands, which have also been placed in this zone. This may require minor changes to the draft plan following approval to allow for the proper assembly of the lots with the adjacent blocks. A special condition is included in the Ancaster Meadows Draft Plan Report (PED10177) to address the transfer of the adjacent “R4” Zoned blocks to the Cimino-D’Amico lands to ensure orderly and comprehensive development. The “R4” Zone would allow for lots with 12 metre frontages, which is consistent with the adjacent development.

Block 3 - Site-Specific Residential “RM6-612” Zone

The Meadowlands Neighbourhood IV Secondary Plan would allow for an apartment density of up to 70 units per hectare, which is permitted in the Standard “RM6” Zone where the required parking can be provided within a landscaped setting or within the building. Based on the proposed lot area, this would allow for up to 117 apartment units. The following special provisions are requested:

(i) Maximum Lot Area

- Proposed change to permit the maximum lot area to be 1.67 ha instead of 0.8 hectares.

For Block 69, the applicant is proposing a high density residential block of 1.67 hectares, which exceeds the maximum lot area for an apartment site under the Residential “RM6” Zone. Staff would note that the Meadowlands Neighbourhood IV Secondary Plan permits High Density Residential in the
area of the proposed apartment building and also on a portion of the lands to the east, which is likely an area of at least 2 ha.

The proposed change can be supported because larger parcels would provide better design and layout options for future development. The Secondary Plan also does not specify that High Density is required to occur on smaller development blocks rather than on one or more large blocks. In addition, traffic issues concerning access from Garner Road would also seem to favour singular parcels rather than multiple parcels because of the need to limit points of access.

(ii) Minimum Side Yards

- **Proposed change to permit the side yards to be 4.5m instead of 9m.**

The proposed high density residential block is currently bound on the east and west by existing dwellings at 1157 and 1175 Garner Road East, as well as a municipal reservoir along the northerly portion of the westerly property boundary and by a hydro corridor along the easterly boundary.

As future apartment buildings would not impact the hydro corridor or the reservoir, it would be reasonable to permit reduced setbacks of 4.5m along the sections of the side property lines which abut these uses. However, it is recommended that the standard 9.0m side yard requirement for the “RM6” Zone be applied for the side yards that are adjacent to the existing dwellings in order to maintain appropriate levels of privacy between uses, and to minimize potential nuisances such as overshadowing.

(iii) Children’s Play Area

- **Proposed change to not require a play area, whereas a play area is required in the “RM6” Zone based on 2.5 square metres per bedroom.**

It would be reasonable to remove this requirement, as this would be consistent with other multiple dwellings in Ancaster which are generally developed for a more mature demographic, such as seniors and empty nesters, as opposed to younger families.

Block 1 in By-law 05-200 - Conservation/Hazard Land (P5) Zone

The proposed SWM ponds and facilities (i.e. outlets, easements), and conservation lands (i.e. ESA lands, PSW, and associated buffers) would be appropriately zoned to the Conservation/Hazard Land (P5) Zone in By-
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

law 05-200 which permits conservation, flood, and erosion control facilities. There are no regulations for minimum lot areas or setbacks which apply to the (P5) Zone (see Appendix “E”).

7. In accordance with the Planning Act and the City of Hamilton’s Parkland Dedication and Cash-in-Lieu of Parkland By-law, the proposal is subject to Parkland Dedication or Cash-in-Lieu requirements. As no parkland is being dedicated, the proposed development is subject to a Cash-in-Lieu of Parkland dedication payment, which will be calculated at a rate of 1 hectare of land for each 300 dwelling units proposed. Based on the proposal for the development of 182 units, consisting of 65 single-detached units and 117 apartment dwelling units, the parkland dedication requirement would be 0.60 hectares, and shall be determined on the value of the lands on the day prior to the issuance of a building permit. This requirement is included in Recommendation (e)(ii) of this Report and the City’s Standard Form Subdivision Agreement.

8. The development of the proposed apartment building site is subject to site plan approval to ensure that the future site has been properly evaluated in terms of various development interests with respect to traffic, access, parking, servicing, grading, landscaping, and zoning conformity, among others.

The proposed single-detached dwellings, which are adjacent to Provincially Significant Wetlands, would also be subject to site plan approval based on the provisions of the City’s Site Plan Control By-law. This requirement would affect 42 of the 65 proposed lots.

9. Blocks 66 and 67 are residential blocks intended for assembly with similar blocks located on the abutting Paletta Phase 2 draft plan of subdivision. The blocks in both subdivisions are zoned Residential “R4-612” Zone to facilitate the assembly of the blocks into future lots for single-detached dwellings. In addition, a special condition would be included in the Subdivision Agreement for the “Ancaster Meadows - Phase 2” Draft Plan of Subdivision to require that the lands are transferred in title to the present owners, Cimino-D’Amico, to ensure orderly and comprehensive development, to the satisfaction of the Director of Planning.

10. In the circulation of the application to the public, one letter was received from a neighbouring resident (see Appendix “I”). The letter identified concerns with a development interest for future apartment units along Garner Road East adjacent to the proposed apartment building on the Cimino-D’Amico lands. The concerns are:

1. The private road entrance from Garner Road may interfere with plans to develop future apartment sites and to use existing driveways.
2. The redesignation of lands to “High Density” from “Utility” in the Cimino-D’Amico proposal may prejudice future applications for High Density development if additional utilities lands are required in the future for the expansion of the reservoir.

With respect to the first concern, the preferred option for access from Garner Road East for future apartment sites according to Traffic Engineering is from 1175 Garner Road East in order to provide a direct alignment with the existing intersection at Glancaster Road. This option is preferred because Garner Road East is a potential future rapid transit route. It may also be necessary for future easements to be established for access or to merge properties in order to limit driveways along Garner Road East. A traffic study would be required in conjunction with a future site plan or development application for high density residential to determine appropriate access and signalization requirements based on current and projected volumes. The matter would be best dealt with through the City’s Pre-Consultation process due to the complexity of the issues that are involved.

Concerning the need for additional “Utility” lands for the municipal reservoir, it was determined, through consultation with the Water Waste Water Section, that the City’s Water and Waste Water Master Plan has identified that there would be sufficient lands in City ownership to accommodate future expansions of the municipal reservoir, adjacent to the Cimino D’Amico lands, without having to acquire additional properties.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed Draft Plan of Subdivision, Official Plan, and Zoning By-law Amendment applications be denied, the existing lands could continue to be used for agricultural purposes in accordance with the uses permitted in Section 8.1 of the Agricultural “A” Zone and as open space and conservation lands.

**CORPORATE STRATEGIC PLAN**


**Financial Sustainability**

- Effective and sustainable Growth Management.
- Address infrastructure deficiencies and unfunded liabilities.
**Environmental Stewardship**

- Natural resources are protected and enhanced.

**Healthy Community**

- Plan and manage the built environment.

**APPENDICES / SCHEDULES**

- Appendix “A”: Location Map
- Appendix “C”: Draft Official Plan Amendment (Hamilton Urban Official Plan)
- Appendix “D”: Draft Zoning By-law Amendment (Ancaster Zoning By-law)
- Appendix “E”: Draft Zoning By-law Amendment (05-200 Zoning By-law)
- Appendix “F”: Revised Proposed Draft Plan
- Appendix “G”: Original Proposed Draft Plan
- Appendix “H”: Special Conditions of Draft Plan Approval
- Appendix “I”: Public Correspondence

:CT
Attachs. (9)
Location Map

Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number: C:\GIS\079460\231-200415
Z:\05-176\C\A\A-05165

Date: July 5, 2010

Appendix "A"

Scale: N.T.S.

Planner/Technician: CENB

Subject Property
1169 Garner Road East

Block 1 - Change in Zoning from the Agricultural "A" Zone to the Multiple Residential "RM6-611" Zone, Modified. (By-law No. 87-57)

Block 2 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4-612" Zone, Modified. (By-law No. 87-57)

Block 3 - Lands to be zoned Conservation/Hazard Lands (P5) Zone. (By-law No. 85-200)

Block 4 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4" Zone (By-law No. 87-57)

Denotes future Storm Water Management Ponds

Ward 12 Key Map

N.T.S.
CITY OF HAMILTON

BY-LAW NO. ________

To Adopt:

Official Plan Amendment No. ________ to the Former Region of Hamilton-Wentworth Official Plan; and,
Official Plan Amendment No. ________ to the Former Town of Ancaster Official Plan

Respecting

1169 Garner Road East (Ancaster)

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

1. Amendment No. ________ to the former Region of Hamilton-Wentworth Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

2. Amendment No. ________ to the former Town of Ancaster Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this ________ day of ________, 2010.

__________________________________________  __________________________________________
Fred Eisenberger                                  Rose Caterini
Mayor                                              City Clerk
Official Plan Amendment No. [redacted] to the Former Regional Municipality of Hamilton-Wentworth Official Plan; and, Amendment No. [redacted] to the Former Town of Ancaster Official Plan

The following text, together with:

1. Schedule “A” (Map No. 4 - Environmentally Significant Areas, former Regional Municipality of Hamilton-Wentworth Official Plan);

2. Schedule “B” (Schedule “B” - Land Use - Urban Area, former Town of Ancaster Official Plan);

3. Schedule “C” (Map 1 - Meadowlands Neighbourhood IV Secondary Plan - Land Use, former Town of Ancaster Official Plan); and,

4. Schedule “D” (Map 2 - Meadowlands Neighbourhood IV Secondary Plan - Special Policy Areas, former Town of Ancaster Official Plan);


1.0 Purpose:

The purpose of the amendment is:

1. to delete lands from the Tiffany Creek Headwaters Environmentally Significant Areas #46 based on an Environmental Impact Statement;

2. to remove “Special Policy Area E” from the Meadowlands Neighbourhood IV Secondary Plan; and,

3. to redesignate lands to appropriate land uses;

permit the development of 65 single-detached and 117 apartment dwelling units, on lands located at 1069 Garner Road East, in the former Town of Ancaster.
2.0 **Location:**

The lands affected by this Amendment are approximately 16.3 hectares in size, located at 1069 Garner Road East, on the north side of Garner Road East, immediately west of the hydro corridor, 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.
- The proposal conforms to the Growth Plan for the Greater Golden Horseshoe.
- The criteria of Special Policy Area E of the Meadowlands Neighbourhood IV Secondary Plan have been met since an Environmental Impact Statement and Storm Water Management Plan have been completed. Thus, in accordance with the provisions of Special Policy Area E, development may be permitted to proceed.

4.0 **Changes:**

4.1 **Former Regional Municipality of Hamilton-Wentworth Official Plan**

*Schedules and Appendices*

4.1.1 **Map No. 4 - Environmentally Significant Areas**

a. That Map No. 4 - Environmentally Significant Areas be amended by deleting lands from “Environmentally Significant Area No. 46 - “Tiffany Creek Headwaters”, as shown on the attached Schedule “A” to this amendment.

4.2 **Former Town of Ancaster Official Plan**

*Text*

4.2.1 **Meadowlands Neighbourhood IV Secondary Plan**

Schedules and Appendices

4.2.2 Schedule “B” - Land Use - Urban Area

a. That Schedule “B” - Land Use - Urban Area be amended by redesignating lands from “Open Space” to “Residential”, as shown on the attached Schedule “B” to this amendment.

4.2.3 Meadowlands Neighbourhood IV Secondary Plan - Map 1 - Land Use

a. That Meadowlands Neighbourhood IV Secondary Plan – Map 1 – Land Use be amended by redesignating lands:

   i) from “Utility” to “High Density Residential”;
   ii) from “Conservation and Open Space” to “Utility”;
   iii) from “Conservation and Open Space” to “Low Density Residential”;

   as shown on the attached Schedule “C” to this amendment.

4.2.4 Meadowlands Neighbourhood IV Secondary Plan - Map 2 - Special Policy Areas

a. That Meadowlands Neighbourhood IV Secondary Plan - Map 2 - Special Policy Areas be amended by deleting “Special Policy Area ‘E’ - Tiffany Creek Headwaters Lands” in its entirety;

   as shown on the attached Schedule “D” to this amendment.

5.0 Implementation:

An implementing Zoning By-law Amendment, Plan of Subdivision, and Site Plan will give effect to this amendment.

This is Schedule "1" to By-law No. ___, passed on the ___ day of ___, 2010

The
City of Hamilton

______________________________  ____________________________
Fred Eisenberger  Rose Caterini
MAYOR  CLERK
Schedule “B”
Schedule “C”
CITY OF HAMILTON

BY-LAW NO. 

To Adopt

Official Plan Modification/Amendment No. to the
Urban Hamilton Official Plan
Respecting
1169 Garner Road East (Ancaster)

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

1. Modification/Amendment No. to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

2. Modification/Amendment No. to the Urban Hamilton Official Plan shall only become operative and effective upon final approval of Official Plan Amendment No. to the former Region of Hamilton-Wentworth Official Plan and Official Plan Amendment No. to the former Town of Ancaster Official Plan.

PASSED this day of , 2010.

Fred Eisenberger
Mayor

Rose Caterini
Clerk
The following text, together with:

1. Schedule “A” (Schedule “B” - Natural Heritage System);

2. Schedule “B” (Schedule “B-4” - Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Feature Wetlands);

3. Schedule “C” (Schedule “B-6” - Detailed Natural Heritage Features, Local Natural Area, Environmentally Significant Area); and,

4. Schedule “D” (Volume 3: Map B.2.6-1 - Meadowlands Neighbourhood IV Secondary Plan - Land Use Plan);

attached hereto, constitutes Official Plan Amendment/Modification No. to the Urban Hamilton Official Plan.

1.0 Purpose:

The purpose of the amendment is:

1. to delete lands from “Core Areas”, “Key Natural Heritage Feature - Significant Woodlands”, “Key Natural Heritage Feature and Key Hydrologic Feature - Wetlands”, and “Local Natural Area Environmentally Significant Area” based on an Environmental Impact Statement;

2. to delete “Urban Area Specific Policy - Area E” from the Meadowlands Neighbourhood IV Secondary Plan;

to permit the development of 65 single-detached and 117 apartment dwelling units, on lands located at 1169 Garnet Road East, in the former Town of Ancaster.
2.0 **Location:**

The lands affected by this Amendment are approximately 16.30 hectares in size, located at 1169 Gamer Road East, on the north side of Gamer Road East, immediately west of the hydro corridor, 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.
- The proposal conforms to the Growth Plan for the Greater Golden Horseshoe.
- The criteria of Area Specific Policy - Area E of the Meadowlands Neighbourhood IV Secondary Plan have been met, since an Environmental Impact Statement and Storm Water Management Plan have been completed. Thus, in accordance with the provisions of Area Specific Policy - Area E, development may be permitted to proceed.

4.0 **Changes:**

4.1 **Volume 1 - Parent Plan**

Schedules and Appendices

4.1.1 **Schedule “B” - Natural Heritage System**

a. That Schedule “B” - Natural Heritage System be amended by deleting the subject lands from “Core Areas”, as shown on the attached Schedule “A” to this amendment.

4.1.3 **Schedule “B-4” - Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Feature Wetlands**

a. That Schedule “B-4” - Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Feature Wetlands be amended by deleting some of the subject lands from “Key Natural Heritage and
Schedule “1”

Key Hydrologic Feature - Wetlands”, as shown on the attached Schedule “C” to this amendment.

4.1.3 Schedule “B-6” - Detailed Natural Heritage Features, Local Natural Area, Environmentally Significant Area

a. That Schedule “B-6” - Detailed Natural Heritage Features, Local Natural Area, Environmentally Significant Area be amended by deleting some of the subject lands from “Local Natural Area, Environmentally Significant Area”, as shown on the attached Schedule “D” to this amendment.

4.2 Volume 2 - Rural Settlement Area Plans and Secondary Plans

Text

4.2 Chapter B.2.0 - Ancaster Secondary Plans

a. That Section B.2.6 - Meadowlands Neighbourhood IV Secondary Plan be amended by deleting “Area Specific Policy - Area E”, Policy B.2.6.8.5 in its entirety.

Schedules and Appendices

4.2.2 Schedules

a. That Map B.2.6-1 - Meadowlands Neighbourhood IV Secondary Plan - Land Use Plan be amended by:

   i) redesignating lands from “Utility” to “Medium Density Residential 2c”;

   ii) redesignating lands from “Natural Open Space” to “Utility”;

   iii) redesignating lands from “Natural Open Space” to “Low Density Residential 2b”; and,

   iv) deleting “Area Specific Policy - Area E”;

as shown on Schedule “E”, attached to this amendment.
Schedule “1”

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.

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City of Hamilton

_____________________________  _______________________________
Fred Eisenberger                  Rose Caterini
MAYOR                           CLERK
Schedule “1”

Schedule “C”
CITY OF HAMILTON

BY-LAW NO. __________________

To Amend Zoning By-law No. 87-57 (Ancaster),
Respecting Lands Located at 1169 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 1st, 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 Corporation of the Township of Ancaster” and is the successor of 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 or 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 (Ancaster) be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Ancaster Official Plan, upon approval of Official Plan Amendment No. [ ], proposed by the City of Hamilton but not yet approved in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 1 to Schedule “B”, appended to and forming part of By-law No. 87-57 (Ancaster), as amended, is hereby amended:

   (a) by changing the zoning of the lands shown as Block 1 from the Agricultural “A” Zone to the Residential Multiple “RM6-611” Zone;

   (b) by changing the zoning of the lands shown as Block 2 from the Agricultural “A” Zone to the Residential “R4” Zone; and,

   (c) modified by changing the zoning of the lands shown as Block 3 from the Agricultural “A” Zone to the Residential “R4-612” Zone, Modified;

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

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

   “RM6-611”

   Notwithstanding any provisions to the contrary of Section 19.1 Permitted Uses, and Section 19.2, Regulations, of Section 19 Residential Multiple “RM6” Zone, of By-law 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “RM6-611”:

   (a) **Maximum Lot Area:** 1.67 ha.

   (b) **Children’s Play Area:** Notwithstanding Subsection 19.2(j), a children’s play area shall not be required.

   (c) **Minimum Side Yard:** In accordance with Subsection 19.2(h), except that a 4.5m side yard shall be permitted adjacent to the westerly property line.

   (d) All other zone provisions of Section 19 and Section 7 shall apply.
Notwithstanding any provisions to the contrary of Section 12.1 Permitted Uses, and Section 12.2, Regulations, of Section 12 Residential Multiple “RM6” Zone, of By-law 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “R4-612”:

(a) **Front Yard**: 4.5m to a dwelling and 6m to an attached garage.

(b) All other zone provisions of Subsection 12.2, Residential “R4” Zone, and Section 7 shall 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], 2010.

City of Hamilton

__________________________  __________________________
Fred Eisenberger            Rose Caterini
Mayor                      Clerk

25T-200518
ROPA-05-003
OPA-05-015
ZAC-05-077
Appendix “D” to Report PED10176
Draft Zoning (Ancaster)
(Page 4 of 4)

This is Schedule "A" to By-Law No. 10-
Passed the .......... day of ..................., 2010

Schedule "A"
Map Forming Part of
By-Law No. 10-
to Amend By-law No. 87-57

Subject Property
1169 Garnet Road East

Block 1 - Change in Zoning from the Agricultural "A" Zone to the Multiple Residential "RM8-611" Zone, Modified
Block 2 - Change in Zoning from the Agricultural "A" Zone to the Residential "R4" Zone
Block 3 - Change in Zoning from the Agricultural "A" Zone to the Residential "R-612" Zone, Modified
Refer to By-Law 05-200
CITY OF HAMILTON

BY-LAW NO. __________________

To Amend Zoning By-law No. 05-200, as amended, Respecting Lands Located at 1169 Garner Road East, Part of Lots 52 and 53, Concession 3 (Ancaster)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

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. 90-145-Z (Flamborough) be amended as hereinafter provided;

AND WHEREAS the By-law will be in conformity with the Official Plan of the City of Hamilton (Formerly the Official Plan of the Town of Ancaster), upon approval of Official Plan Amendment No. _____, proposed by the City of Hamilton, but not yet approved in accordance with the provisions of the Planning Act.
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map Nos. 1233, 1286, and 1339 of Schedule “A” to Zoning By-law No. 05-200, is amended, by incorporating additional Conservation/Hazard Land (P5) Zone boundaries for the applicable lands, the lands the extent and boundaries which are shown on Schedule “A” annexed hereto and forming part of this By-law.

2. 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 [ ] day of [ ], 2010.

City of Hamilton

______________________________  ________________________________
Fred Eisenberger               Rose Caterini
Mayor                           Clerk

25T-200518
ROPA-05-003
OPA-05-015
ZAC-05-077
Schedule "A"

Map Forming Part of By-Law No. 10-

to Amend By-law No. 05-200

Map # 1233, 1286 and 1339

Subject Property
1199 Gainer Road East

Block 4 - Lands to be zoned Conservation / Hazard
Lands (P5) Zone

Refer to By-Law 87-57
Appendix “F” to Report PED10176
Revised Draft Plan of Subdivision - Cimino-D’Amico Lands (25T-200601)
(Page 1 of 1)
Special Subdivision Conditions

Development Engineering:

1. That, prior to servicing, the owner agrees to:

   i) Submit a detailed Stormwater Management Report, prepared by a qualified professional engineer, verifying that Blocks 72 and 73 are adequately sized to accommodate the proposed Stormwater Management Facilities, to be designed in accordance with Ministry of Environment (MOE) and City of Hamilton guidelines; the recommendations of the Meadowlands Neighbourhood 3, 4, and 5 Class Environmental Assessment Master Plan, City of Hamilton Criteria and Guidelines for Stormwater Infrastructure Design (September 2007); City of Hamilton Landscape Design Guidelines for Stormwater Management Facilities (May 2009), and accommodate the external drainage areas for adjacent development. The owner further agrees to dedicate more land to the City for the Stormwater Management Facilities, if required;

   ii) Inspect and monitor the stormwater management facilities upon commencement of construction or pre-grading of the land;

   iii) Create an operation and maintenance manual, and keep detailed logs concerning stormwater management facilities performance and maintenance, including costs for cleaning and removal of sediment, and submit such logs to the City during pre-grading and construction activities in accordance with the operational manual;

   iv) Construct, operate, and maintain, at the owner’s expense, the stormwater management facilities, in a manner acceptable to the City, including any changes to conditions of the MOE’s approval, throughout servicing of all stages of draft plan registration and development of all registered lots and blocks, or until such time as determined by the Director of Development Engineering;

   v) Remove sediment from the stormwater management facilities attributed to development, carry out a bathymetric survey, and verify volumetric capacity of the stormwater management facility, prior to release of the owner’s operation and maintenance responsibilities for the stormwater management facility;
vi) Submit an operation and maintenance manual, as per the City of Hamilton Operation and Maintenance Report for Stormwater Management Facilities (May 2009), for approval by the Director of Development Engineering, prior to release of the owner’s operation and maintenance responsibilities for the stormwater management facilities; and,

vii) Enter into a private maintenance agreement with the adjacent developer of “Ancaster Meadows - Phase 2” (25T200601) stipulating how the maintenance responsibilities for the stormwater management facilities are to be addressed between owners until such time as 100% of dwellings within the lots and blocks in both developments have been built;

all to the satisfaction of the Director of Development Engineering.

2. That, prior to servicing, the owner shall include in the engineering design, a plan demonstrating that all minor and major overland flow from the rear yards can be safely conveyed to roadways and/or the Stormwater Management Facilities, to the satisfaction of the Director of Development Engineering.

3. That, prior to servicing, the owner shall submit a revised Functional Servicing Report confirming the system capacities for the sanitary sewer system and watermain system, based on the densities proposed, to the satisfaction of the Director of Development Engineering.

4. That, prior to servicing, the owner shall agree to provide, to the satisfaction of the Director of Development Engineering, a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works, as well as the contractor/agent contact information, so that the City can direct works be completed, as necessary.

5. That, prior to servicing of the draft plan, the owner shall prepare a street parking plan providing a total number of street parking spots equivalent to 40% of the total single family units and street townhouse units, to the satisfaction of the Director of Development Engineering. The driveway location/on-street parking plan shall be submitted showing the following:

i) The location of driveways, driveway ramps, and curb openings for all lots;
ii) The pairing of driveways, except where considered impractical or unnecessary by the Director of Development Engineering;

iii) Where lots in the subdivision abut a park entrance or a public walkway, as the case may be; and,

iv) The location of transit pads, community mailbox pads, and fire hydrants, where the location has been determined by the appropriate authorities.

6. That, prior to servicing, the owner shall include in the engineering design for the draft plan lands installation of a minimum 1.5 metre high chain link fence along the rear and/or side yards of Lots 32 to 48 (inclusive) and Lots 49 to 57 (inclusive), which rear and/or side yards abut the stormwater management ponds and/or storm drainage channels, to the satisfaction of the Director of Development Engineering.

7. That, prior to servicing, the owner shall include in the engineering design for the draft plan lands installation of a minimum 1.5 metre high chain link fence along the side yards of Lot 65 (west side of municipal easement) and Block 69, abutting City owned lands (Municipal Reservoir), to the satisfaction of the Director of Development Engineering.

8. That, prior to servicing, the owner shall include in the engineering design for the draft plan lands provisions for the construction of a sanitary sewer on Garner Road East, from the east limit of the lands of the draft plan, westerly to the west limit of the lands of the draft plan, to the satisfaction of the Director of Development Engineering.

9. That, prior to servicing, the owner shall include in the engineering design for draft plan lands provision for installation of a 300mm dia. municipal watermain through Block 69 within the required easement in favour of the City of Hamilton, to the satisfaction of the Director of Development Engineering.

10. That, prior to servicing, the owner shall submit a Hydrogeological report to the City, prepared by a qualified professional, to assess impacts, identify any significant recharge and discharge zone, and provide recommendations to mitigate the groundwater impacts during any construction within the subdivision, including but not limited to house construction, and to undertake the works, as recommended, including monitoring. The report shall also provide a groundwater contingency plan to ensure that an appropriate mitigation strategy is available to be implemented in the case whereof: i) an aquifer is breached during excavation; ii) groundwater is encountered during any construction within the subdivision, including but not limited to house construction; iii) sump pumps are found to be continuously
running; and, iv) water supply and sewage disposal systems and any surface and groundwater related infrastructure are negatively impacted, all to the satisfaction of the Director of Development Engineering.

11. That, **prior to registration**, the owner shall dedicate a road widening along the entire length of the subject lands, to establish the widened limit of Garner Road at a distance of 18.29m (60 ft) from the centreline of construction of Garner Road, by Certificate on the Final Plan of Subdivision, to the satisfaction of the Director of Development Engineering.

12. That, **prior to registration** of the final plan of subdivision, the owner shall pay their proportionate share for the future urbanization of Garner Road East, adjacent to Block 69, based on the City’s “New Roads Servicing Rate” in effect at the time of payment, to the satisfaction of the Director of Development Engineering.

13. That the owner shall submit the necessary transfer deeds to the City’s Legal Department to convey Blocks 72 and 73 of the draft plan to the City for Stormwater Management Ponds; and Blocks 78 to 81 (inclusive) of the draft plan to the City for storm drainage channels, to the satisfaction of the Director of Development Engineering.

14. That the owner shall include in the engineering design, concrete sidewalks in the locations listed below:

   - Street A (Woodhouse Street extension adjacent to Block 66 and Lot 27 - south side; full length
   - Street A - outer loop; full length
   - Street B - not required
   - Street C - not required
   - Street D - not required
   - Street E - south side; full length

   to the satisfaction of the Director of Development Engineering.

15. That, **prior to registration** of the final plan of subdivision, sanitary sewers, storm sewers, watermains, and road access shall be available to service the lands of the draft plan or, alternatively, the owner shall acquire the necessary land and pay the full cost, less over-sizing, to construct sanitary sewers, storm sewers, watermains, and road access to service the lands of the draft plan, to the satisfaction of the Director of Development Engineering.
16. That the applicant shall prepare and implement an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:

a) All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been re-vegetated;

b) All erosion and sediment control measures shall be inspected after each rainfall, to the satisfaction of Authority staff;

c) Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

d) All disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.

17. That the applicant shall prepare and implement a stormwater management plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall address stormwater quantity and quality to current Provincial standards.

18. That the subdivision shall not proceed to construction until the stormwater management facility to service the site has been substantially completed, to the satisfaction of the Hamilton Conservation Authority.

19. That the stormwater management facility is dedicated to the City of Hamilton for ownership and maintenance.

20. That the applicant shall prepare and implement a landscaping plan for the stormwater management facility, to the satisfaction of the Hamilton Conservation Authority.

21. That the applicant shall prepare and implement a tree preservation and landscaping plan for the area abutting Tiffany Creek Headwaters Environmentally Significant Area (ESA), to the satisfaction of the Hamilton Conservation Authority.
22. That the applicant shall install chain link fencing, or other acceptable type, in a location on the rear lot lines of all lots and blocks that abut the ESA, PSW, and/or watercourse channels, to the satisfaction of the Hamilton Conservation Authority.

23. That the lands containing the ESA, PSW, and watercourse channels be dedicated to the Hamilton Conservation Authority, to ensure long-term protection.

24. That the applicant shall obtain a permit from the Hamilton Conservation Authority (HCA), pursuant to our Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04, prior to any development within the HCA’s regulated area.

Traffic Engineering:

25. That, prior to registration of the final plan of subdivision, the owner shall identify driveway locations along the proposed cul-de-sacs (Lots 5-13, 29-32, 37-44, and 54-61) on approved engineering drawings, to the satisfaction of the Manager of Traffic Engineering.

Public Health Services:

26. That, prior to registration of the final plan of subdivision, the owner shall undertake an assessment of the lands to determine whether there are any abandoned septic tanks or wells. The owner shall take proper measures to ensure that any existing or non-functioning septic tank be emptied by a Ministry of Environment licensed sewage hauler, and filled with soil to reduce the potential for a safety hazard. The owner shall ensure that any former well found on the property is abandoned according to Regulation 903 under the Ontario Water Resources Act, to the satisfaction of the Director of Public Health Services.

Planning Division:

27. That, prior to registration, the owner shall investigate the noise levels on site, and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment’s recommended sound level limits. An acoustical report, prepared by a qualified Professional Engineer containing the recommended control measures, shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant, and shall be submitted, to the satisfaction of the City of Hamilton, Director of Planning.
Donato Cascioli 76 Bridgeport Cres, Ancaster Ont. L9K 1K4 (905) 304 5120 Cell (905) 920 5773

Dec. 15 2005

Anita Fabac, Senior Planner
City of Hamilton, Planning & Economic Development Department
Development and Real Estate Division
Development Planning Section
City Hall, 71 Main Street West, 7th Floor
Hamilton On L8P 4Y5

RE 1157, 1175, 1169 Garner Rd. Ancaster

Hello Anita, here are some concerns I have in regards to Regional Official Plan Amendment Application ROPA-05-03, City Initiated Official Plan Amendment Application CI-O5-J, Official Plan Amendment Application OPA-05-15, Zoning By-law Amendment Application ZAC-05-77 and Draft Plan of Subdivision Application 25T200518, 1169 Garner Road East, Ancaster, Ward 12.

I am interested in developing 1157, and 1175 Garner road, Ancaster, Ont. into high density. I will be submitting applications in the future that will show drawing of multiple units allowable by the city on each individual property. I wish to utilize EXISTING entrances to both properties from Garner Rd. I am concerned with traffic flow as to the location of the private Road entrance from garner Rd. to 1169 RM6 Residential multiple zone.

Myself, along with 1169 property owners were informed (?) that the city may need 1157, and part of 1169 garner Rd. for utilities (possible expansion of the Ancaster water pump station) The Draft plan shows Mr. Dimico, and Mr. Cimino both have re designated a large portion of land from “Utility” to “High Density Residential”. I am EXTREMELY concerned with this potential change, because the City of Hamilton may look at my property as the last resource to expand the utilities, greatly depreciating my property. They own a much larger parcel of land, when comparing my ¾ Acre of land known as 1157 Garner Rd.

Regards,

Donato Cascioli