SUBJECT: Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 591 Garner Road West (Ancaster) (PED08047) (Ward 12)

RECOMMENDATION:

(a) That approval be given to **Official Plan Amendment Application OPA-06-23, Monterey Heights Development Corp. (Anthony DiCenzo), applicant**, for a change in designation on Schedule “A” – Land Use Concept of the Ancaster Official Plan, to identify the area as “Specific Policy Area ___” to permit an increase in the maximum density from 62 residential dwelling units per hectare to 105 residential dwelling units per hectare; and an increase in the maximum permitted height from 3 storeys to 4½ storeys, on lands located at 591 Garner Road West (Ancaster), as shown on Appendix “A” to Report PED08047, on the following basis:

(i) That the subject lands be identified as Specific Policy Area ___ on Schedule “F”, Specific Policy Areas.

(ii) That the draft Official Plan Amendment, attached as Appendix “D” to Report PED08047, be adopted by Council.

(iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Zoning By-law Amendment Application ZAC-06-087, Monterey Heights Development Corp. (Anthony DiCenzo), applicant**, for a change in zoning from the Agricultural “A-216” Zone and the Rural Commercial “C5-261” Zone to the modified Holding Multiple Residential “H-RM6-570” Zone, to permit two 4½ storey and one 3½ storey apartment buildings for lands located at 591 Garner Road West (Ancaster), as shown on Schedule “A” of Appendix “E” to Report PED08047, on the following basis:
(i) That the draft By-law, attached as Appendix “E” to Report PED08047, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to the subject lands, by introducing the Holding symbol ‘H’ as a prefix to the proposed Zoning. The Holding provision will prohibit the development of the subject lands until such time as:

1. The owner conducting an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Culture, and the City of Hamilton, Director, Planning Division.

2. The owner investigating the noise levels on the site and determining 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, Planning Division.

3. The owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, Director, Planning Division, including an acknowledgment of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current administration fee.

4. The owner entering into a Development Agreement with the City of Hamilton for the extension of the sanitary sewer at the intersection of Shaver Road and Garner Road West, to the east limit of the lands, to the satisfaction of the City of Hamilton, Director, Development Engineering.

5. The owner paying their fair share for the existing sanitary sewer constructed within the intersection of Garner Road West and Shaver Road, based on as-constructed costs, to the satisfaction of the City of Hamilton, Director, Development Engineering.

6. The owner dedicating to the City by deed, sufficient lands for road allowance widening purposes to establish the property line 18.29m (60 ft) from the centreline of the Garner Road West road allowance,
SUBJECT: Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 591 Garner Road West (Ancaster) (PED08047) (Ward 12) - Page 3 of 14

to the satisfaction of the City of Hamilton, Director, Development Engineering.

7. The owner entering into a Development Agreement to allow the temporary connection and provide for future re-routing of the sanitary sewer, to the satisfaction of the City of Hamilton, Director, Development Engineering.

8. The owner verifying the sightlines from all driveways to Garner Road West, looking easterly, to the satisfaction of the City of Hamilton, Manager of Traffic. If acceptable sightlines are not available given the existing road profile, then road elevation modifications may be required at the expense of the applicant.

City Council may remove the ‘H’ symbol and, thereby, give effect to the “RM6-570” Zone provisions, by enactment of an amending By-law once the conditions are satisfied.

(iii) That the amending By-law be added to Map 1 of Schedule “B” of Zoning By-law 87-57.

(iv) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Town of Ancaster Official Plan upon finalization of proposed Official Plan Amendment No.___.

__________________________
Tim McCabe
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the Official Plan Amendment and Zoning By-law Amendment Applications is to facilitate the development of the lands for three residential apartment buildings (one 3½ storey and two 4½ storey buildings) having a total of 153 dwelling units and 293 parking spaces (see Appendices “B” and “C”) on the lands located at 591 Garner Road West. Staff recommends that the approval of the Zoning By-law Amendment Application include a parking standard of 2.1 spaces per dwelling unit as required in Zoning By-law No. 87-57, in order to achieve a total of 322 parking spaces. The applicant has agreed to the staff recommendation with regard to parking.

The ‘H’ Holding provision is being added to ensure the subject lands are connected to municipal services; the entrances are designed safely; a road widening is dedicated; and a Record of Site Condition, a Noise Assessment, and Archaeological Assessment are conducted to the City’s satisfaction prior to development.
The proposal has merit and can be supported since the proposed Official Plan Amendment and change in zoning are consistent with the Provincial Policy Statement, and conform with the Hamilton-Wentworth Official Plan. The proposed use is compatible with existing and planned development in the area.

**BACKGROUND:**

**Proposal**

The application proposes the development of three apartment buildings with underground parking (refer to Appendices “B” and “C”). A height of 3½ storeys is proposed for the building fronting onto Garner Road West, and a height of 4½ storeys for the other two buildings on the rear portion of the lands. The proposed development includes a total of 153 dwelling units, 293 parking spaces, and 3 loading spaces.

**Details of Submitted Application**

<table>
<thead>
<tr>
<th>Location:</th>
<th>591 Garner Road West (Ancaster) (see Appendix “A”)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner:</td>
<td>George and Sylvia Mae Nuell</td>
</tr>
<tr>
<td>Applicant:</td>
<td>Monterey Heights Development Corp.</td>
</tr>
<tr>
<td>Agent:</td>
<td>Planning and Engineering Initiatives Ltd.</td>
</tr>
<tr>
<td>Property Description:</td>
<td></td>
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<tr>
<td>Frontage:</td>
<td>81m</td>
</tr>
<tr>
<td>Depth:</td>
<td>153m</td>
</tr>
<tr>
<td>Total Land Area:</td>
<td>1.50 ha (3.7 acres)</td>
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</tbody>
</table>

**Existing Land Use and Zoning:**

<table>
<thead>
<tr>
<th>Subject Land:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Detached Dwelling and Rural Commercial</td>
<td>Agricultural “A-216” and Rural Commercial “C5-261” Zones</td>
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</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Land:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Utilities</td>
</tr>
<tr>
<td>West</td>
<td>Single Detached Dwelling, Commercial Earth Moving Contractors’ business, and Utility</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:

   (i) It is consistent with the Provincial Policy Statement.

   (ii) It conforms to the Hamilton-Wentworth Official Plan.

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

2. Official Plan Amendment

   The purpose of the Amendment is to add a Site-Specific Policy to permit an increase in the maximum density from 62 residential dwelling units per hectare to 105 residential dwelling units per hectare, and to permit a maximum building height of 4½ storeys above grade instead of the permitted 3 storeys. The basis for permitting the increase in density and the number of occupied storeys is as follows:

   • The proposal is consistent with the Provincial Policy Statement and conforms to the former Region of Hamilton-Wentworth Official Plan.

   • The property is located on a major arterial road, adjacent to existing churches, a public works yard, a commercial shopping area, and is not within a low density residential community. The proposed high density use is compatible with these existing uses.

   • There is sufficient sanitary sewer capacity and water services to accommodate the increase in density.

3. The proposed residential development is to be regulated by a Site-Specific Residential Multiple “RM6-570” Zone. Several special zoning provisions are required to implement the proposed development concept plan (see Appendix “B” and “C”). A discussion of the special zoning provisions is provided below:

   (i) Density

   The applicant is proposing a density (105 dwelling units per hectare) that will result in a total of 153 dwelling units. The proposed density is supportable as the subject lands are designated as “High Density Residential” in the Official Plan, and the surrounding properties are
designated as “High Density Residential” and “Institutional”. Furthermore, the subject lands are suitably located along a major arterial road, near a major commercial area.

(ii) Maximum Lot Coverage

The applicant is proposing an increase in the maximum lot coverage from 25% to 35% which is consistent with the density coverage in the urban areas of Hamilton. The proposed 35% lot coverage for “High Density Residential” development is not uncommon for this form of development and is in keeping with the Zoning By-laws of Stoney Creek, Dundas and Hamilton.

(iii) Minimum Side and Rear Yard Setbacks

The applicant is proposing a reduction in the required setbacks from the rear and side lot lines. The proposed side yard setback of 4 metres and a rear yard setback of 3 metres, instead of the required 9 metres, are supportable. The side and rear yards do not abut lands zoned or designated for sensitive land uses. As well, the side and rear yard setbacks include a one metre planting strip and privacy fencing, and a grade separation exists along the rear yard providing additional buffering.

(iv) Parking

The applicant had originally requested a reduction in the parking requirement from 2.33 spaces per dwelling unit (for occupants and visitors) to 1.9 spaces per dwelling unit (for occupants and visitors). Staff is of the opinion that this will create a deficient number of parking spaces as the only mode of transportation available in this area is vehicular, until public transit is extended. There are currently no sidewalks along Garner Road West in this location, which increases the reliance on cars as the principal mode of transportation.

Based on the foregoing, the applicant has agreed to comply with the By-law requirement of providing 2 parking spaces per dwelling unit and reducing the By-law requirement for visitor parking spaces per dwelling unit from 0.33 to 0.1 visitor parking spaces per dwelling unit. The additional spaces from the applicant’s original request can be achieved through an additional layer of underground parking below one apartment building, or a reduction in the number of proposed dwelling units.

(v) Height

The applicant is proposing a building height of 17.0 metres for the two rear buildings and 14 metres for the building along the Garner Road West, instead of the maximum 10.5 metres, which is supportable as the lands are
designated for “High Density Residential” development in the Ancaster Official Plan, which typically includes a taller built form. By permitting the increased height, residential intensification can be achieved with a smaller footprint. The single family dwellings located to the east are also designated for future “High Density Residential” development in the Shaver Neighbourhood Secondary Plan, and will be buffered from the additional height as the building proposed along the frontage of the subject lands is proposed at 3½ storeys in height, and setback 4.9 metres from the easterly property line, including a planting strip.

(vi) Landscaping and Open Space

The applicant has requested a reduction in landscaping (planting strips) from 3 metres to 1 metre, with a privacy fence, and the elimination of the children’s play area. These variances are supported as the proposed development currently abuts a commercial earth moving contractor’s business, a public works yard, and the large rear yard of a church. The proposed privacy fence and 4.9 metre setback will provide an adequate buffer for the abutting single family dwelling to the east. It should be noted that lands along Garner Road West, extending from the Heritage Fellowship Baptist Church located at 557 Garner Road West westerly to Shaver Road, are designated for future “High Density Residential” development, and the lands to the rear are designated for future “Institutional” uses.

The elimination of the required children’s play area is also supportable for this development as a public park is proposed within the neighbourhood (to the north) and private balconies are included in the proposal for the provision of private outdoor amenity areas. The development will contain a majority of one and two bedroom units that are geared more for adults and seniors, also reducing the need for a children’s play area.

(vii) Planting Strip

The applicant has requested a change to the definition of the Planting Strip to include a fence, retaining wall, and curbing. This change is minor and supportable.

(viii) Balcony Encroachment

The applicant has requested an increase from 0.45m (side yard) and 1.5m (front yard) to 2.0m to allow for the encroachment of balconies into the required yards. The provision of balconies is desirable in this type of development, and as none of the balconies will overview the private amenity area of a more sensitive land use, this change is supportable.
(ix) **Reduction to the Minimum Required Planting Strip where Parking abuts One or Two Dwelling Units**

The applicant has requested a change in the minimum width of the planting strip from a parking area containing four or more parking spaces to a single family dwelling from 3 metres to 1 metre. This reduction is supportable as the planting strip will include a solid fence and the planned development abutting the subject lands does not include any Low Density Residential development.

4. The following issues were raised from the public in response to the pre-circulation (refer to Appendix “F”):

(i) **Impact on the Traffic Pattern and Traffic Safety**

As Garner Road West is a major arterial road, and with a significant amount of lands fronting onto it designated for “High Density Residential” Development”, the traffic is expected and planned to increase on this road in the future.

The applicant will have to dedicate lands for the future widening of Garner Road West, and provide detailed information about the sightlines for the entrances given the proposed location of the entrances and the grading of the road. If any changes to the road are required for the safe exiting and entering of the site, the owner will have to pay for these upgrades. In this regard, an ‘H’ Holding provision should be applied until the City’s Manager of Traffic is satisfied that acceptable sightlines from all driveways can be provided. The owner will be required to construct suitable entrance driveways to address any issues related to sightlines at the site plan approval stage.

(ii) **Setbacks from Garner Road West**

There were two issues relating to setbacks raised. One letter is concerned about reducing setbacks to accommodate the density, while the other letter objects to a reduced front yard setback from Garner Road West.

The proposed front yard setback is 9 metres. The Multiple Residential “RM6” Zone requires a minimum 7.5 metres, plus an applicable distance as specified in Schedule “C”. The proposed zoning will require a 9 metre setback from the widened road allowance limit. As the road widening dedication is required prior to development, the proposed development will have to meet this setback requirement. Schedule “C” requires any development to be setback 10 metres from the centreline of Garner Road West, and the City is requiring the owner dedicate sufficient lands for widening purposes to establish a property line of 18.29 metres from the
The following issues raised from the public in response to the pre-circulation are discussed in Comment (3) (refer to Page 4): parking; reductions to rear and side yard setbacks; elimination of the Children’s Play Area; and height increase.

5. Future development will be subject to Site Plan approval, at which time matters such as landscaping, access driveways, parking, tree preservation, site servicing, grading and drainage, etc., will be reviewed in detail.

6. This property will be serviced through the extension of the existing sanitary services located at the intersection of Garner Road West and Shaver Road to the easterly limit of the subject property, and by the existing watermain within the Garner Road West road allowance. The costs of extending the sanitary service is to be borne by the developer, and a Development Agreement for the extension of this service is required to be entered into prior to the removal of the ‘H’ Holding provision.

7. The developer is required to pay their proportionate share of the existing sanitary services located at the intersection of Garner Road West and Shaver Road prior to the removal of the ‘H’ Holding Provision.

8. The future width of Garner Road West is 36.58m (120 ft). The owner will be required to dedicate to the City, by deed, sufficient lands for road allowance widening purposes to establish the property line 18.29m (60 ft) from the centreline of the Garner Road West allowance prior to the removal of the ‘H’ Holding provision.

**ALTERNATIVES FOR CONSIDERATION:**

If this application is denied, then agricultural uses are permitted in accordance with the current Agricultural “A-216” Zone; except piggeries, poultry operations, feed lot operations, mushroom farms, and mink farms; and an earth moving contractor’s operation and one detached dwelling in accordance with the Rural Commercial “C5-261” Zone.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial - N/A.

Staffing - N/A.

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

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS). The application is consistent with the policies that focus growth in settlement areas 1.1.3.1.

However, Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintain the heritage integrity of the site may be permitted. An Archaeological Assessment must be completed, to the satisfaction of the Director, Planning Division, and the Ministry of Culture, prior to the removal of the ‘H’ Holding provision.

Policy 1.1.1(c) outlines that healthy liveable and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.

Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use such that there will be no adverse effects. Therefore, due to the former use of the site (Commercial), and the proposed use (Residential), Ontario Regulation 153/04 requires a mandatory filing of a Record of Site Condition (RSC). A Record of Site Condition (RSC) is required prior to the removal of the ‘H’ Holding provision.

Policy 1.7.1(e) outlines that long-term economic prosperity will be supported by planning so that major facilities (such as transportation corridors, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered, and separated from each other to prevent adverse effects from odour, noise, and other contaminants, and minimize risk to public health and safety. Due to the proximity of the subject lands to Garner Road West (Arterial Road) and the adjacent large scale commercial facilities (City Works Yard, and business at 611 Garner Road West), a noise assessment is to be conducted, to the satisfaction of the Director, Planning Division, prior to the removal of the ‘H’ Holding provision.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” in the Hamilton-Wentworth Official Plan. Policy C-3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the “Urban Areas”. “Urban Areas” are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.
Policy B-9.2 states that the City shall consider the protection and preservation of regionally significant historical and cultural resources, including recognized archaeological sites, in the review of proposals for development and redevelopment. Where possible, these attributes will be incorporated into the overall design in a manner that minimizes adverse impacts and encourages maintenance and protection. An archaeological assessment is required prior to the removal of the ‘H’ Holding provision.

Policy B-2.3 states that the identification of contaminated sites is essential. Redevelopment must not occur until it has been demonstrated that a proposal will not put people in significant risk. A Record of Site Condition (RSC) is required prior to the removal of the ‘H’ Holding provision.

**Town of Ancaster Official Plan**

The subject property is designated as “Residential” in the Town of Ancaster Official Plan. Policy 4.4.1 outlines that a range of residential dwelling types are permitted in areas supplied with urban servicing.

Policy 4.4.8 outlines the criteria for locating attached housing (defined as townhouses, apartment buildings, and other forms of attached housing) as follows:

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

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

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

iv) The implementing Zoning By-law shall incorporate appropriate setback, coverage and building massing regulations."

The subject property is located on an arterial road (Garner Road) and not in a central area consisting of homogenous single family dwelling lots. The subject land is adjacent to two churches and a larger commercial area. The proposal conforms with the intent of the “Residential” policies of the Town Ancaster Official Plan.

**Shaver Neighbourhood Secondary Plan**

The subject lands are designated as “High Density Residential” in the Shaver Neighbourhood Secondary Plan. The designation is defined as including low-rise
apartments with a maximum density of 62 units per gross/net residential hectare (Policy 6.2.5.1 (l)(v)). While the application is for low-rise apartments, the requested density is higher than the permitted maximum. The applicants have requested an amendment to the Plan to increase the permitted density to 105 dwelling units per gross hectare for the subject lands.

Policy 6.2.5.1 (w) states that residential buildings in the high density areas will have no more than three occupied storeys above grade. The application proposes two 4½ storey buildings (4 occupied storeys, plus half a storey for parking) towards the rear of the property, with a 3 ½ storey building (3 occupied storeys, plus half a storey for parking) fronting onto Garner Road West.

A detailed discussion of these requests is included in the Analysis/Rationale Section of this report.

RELEVANT CONSULTATION:

Agencies/Departments Having No Concern or Objections:

- Hamilton Municipal Parking Services, Parking Services.
- Corporate Services Department, Budgets, Taxation and Policy Section.
- Culture and Recreation Department, Community Services Division.
- Public Works Department, Capital Planning and Implementation Division.
- Bell Canada.
- Hamilton-Wentworth District School Board.
- Horizon Utilities.

Grand River Conservation Authority (G.R.C.A)

The G.R.C.A staff has provided the following comments: that a portion of this property is regulated under the Grand River Conservation Authority’s Development, Alterations to Shorelines and Watercourses and Interference with Wetlands Regulation (150/06) due to the presence of a wetland feature located north of the subject lands. The GRCA has no objection to the proposed Official Plan and Zoning By-law Amendments, however, a permit for the proposed works will be required from the GRCA.

Public Works Department, Traffic Engineering and Operations Section

An ‘H’ Holding condition is requested until such time as verification of the sightlines from any driveways to Garner Road looking easterly is provided, to the satisfaction of the Manager of Traffic. The applicant must incorporate TAC methods in the calculations and must be based on 10km/hr over the posted speed limit. If acceptable sightlines are not available given the existing road profile, then road elevation modifications may be required at the expense of the applicant.
Public Works Department, Road Operations and Maintenance

The east limits of the District 2 Works Yard are abutting the proposed lands in question. We are aware of the potential conflicts concerning noise and perhaps 24 hr. operations during winter control operations. The long range plans for our West End Operations Site is to relocate near or in the Ancaster Industrial Park. At this point in time, staff doesn’t believe there are few options knowing this land will eventually be developed as planned.

Public Works Department, Forestry and Horticulture Section

An assessment of the Rezoning and Official Plan Amendment Applications for the above noted development show that there are Municipal Forestry conflicts. There are trees located on the Road Allowance of Garner Road West. These trees are governed under the City of Hamilton Tree By-law 06-151. With the current information supplied, and the scope of this extensive development, it appears that trees located on/adjacent to Municipal property will be impacted.

The department would request that all trees within this development area be identified as municipal or private, and that a Tree Management Plan be submitted for all trees on municipal property so a final determination of impact can be made. A Letter of Intent for Public Tree Removal, as per the Public Tree Removal Policy in Tree By-law 06-151, will be required for all live Municipal removals. Once approval is granted, any associated fees shall be remitted before the Tree Management Plan can be considered accepted.

\textbf{Note}: The Tree Management Plan would be required for evaluation at the Site Plan Approval stage.

Public Consultation

In accordance with Council’s Public Participation Policy, the application was pre-circulated to all property owners within 120 metres of the subject property and a sign was posted on the site. A total of 13 notices were circulated on December 7, 2006. Two letters were received and are discussed in the Analysis/Rationale Section of this report (refer to Appendix “F”).

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.

\textbf{CITY STRATEGIC COMMITMENT:}

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

\textbf{Community Well-Being is enhanced.} ☑ Yes ☐ No
Shelter, care and satisfying employment are accessible to all Hamiltonians.
SUBJECT: Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 591 Garner Road West (Ancaster) (PED08047) (Ward 12) - Page 14 of 14

Environmental Well-Being is enhanced. ☑ Yes □ No
Human health and safety are protected.

Economic Well-Being is enhanced. ☑ Yes □ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.

Does the option you are recommending create value across all three bottom lines? ☑ Yes □ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants? □ Yes ☑ No

:KW
Attachs. (6)
Development Concept Elevations – Monterey Heights
Draft Amendment No. ____

to the

Official Plan of the Former Town of Ancaster

The following text together with Schedule “F” – Specific Policy Areas, attached hereto, constitutes Official Plan Amendment No. ____.

Purpose:

The purpose of this Amendment is to:

(1) Identify the subject lands as Specific Policy Area ___ on Schedule “F”, Specific Policy Areas;

(2) Add a site-specific policy to permit an increase in the maximum density from 62 residential dwelling units per hectare to 105 residential dwelling units per hectare; and,

(3) Add a site-specific policy to permit an increase in the maximum height from 3-storeys to 4.5-storeys.

Location:

The lands affected by this Amendment are located at 591 Garner Road West in Ancaster.

Basis:

The basis for this Official Plan amendment is as follows:

• The proposed development is consistent with the Shaver Neighbourhood Secondary Plan;

• The proposal is consistent with the Places to Grow Plan by encouraging higher density development on greenfield areas;

• The proposal provides for new multiple unit residential uses as encouraged by the residential policies contained in the Ancaster Official Plan; and,

• The proposal is in conformity with the Region of Hamilton-Wentworth Official Plan.
Actual Changes:

That the Official Plan of the former Town of Ancaster be amended as follows:

Schedule Changes:

1. Schedule "F" – Specific Policy Areas – to be revised by including the subject lands as Specific Policy Area ____, as shown on the attached Schedule “A” of this amendment.

Text Changes:

2. That Section 5.7, Other Specific Policy Areas, be amended by adding Subsection 5.7. X as follows:

   “5.7.X Notwithstanding the maximum density requirements of Subsection 6.2.5.1(l) v) High Density Residential areas and the height requirement of Subsection 6.2.5.1 (w) of the Shaver Neighbourhood Secondary Plan, for the lands known municipally as 591 Garner Road West in the High Density Residential Area, and identified as Specific Policy Area ____ on Schedule “F”, High Density Residential apartments shall be permitted subject to the following provisions:

   i) the residential density shall not exceed 105 dwelling units per gross/net residential hectare; and,

   ii) the height of residential buildings shall have no more than 4.5 storeys entirely above grade.

Implementation:

A Zoning By-law amendment and Site Plan will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No._____, passed on the ___th day of _________, 2008.

The City of Hamilton

Kevin Christenson, Clerk                                  Fred Eisenberger, Mayor
WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The 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 Section ______ of Report ______ of the Economic Development and Planning Committee at its meeting held on the day of ______ , 2008, 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 Official Plan of the City of Hamilton (the Official Plan of the former 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. Map 1 to Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Rural Commercial “C5-261” Zone to the modified Holding Residential Multiple “H-RM6-570” Zone, the lands comprised of Block 1, and from the Agricultural “A-216” Zone to the modified Holding Residential Multiple “H-RM6-570” Zone, the lands comprised of Block 2, the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.

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

   "H-RM6-570" Notwithstanding the provisions of Section 19.2 (b), (c), (d), (f), (h), (i), (j), (k), and (l), Section 3.109, Section 7.12 (c), Section 7.14 a)(xv) and b)(i)(C) of By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned "RM6-570":

   19.2 Development Regulations

   (b) Maximum Lot Area 1.7 hectares

   (c) Maximum Density 105 dwelling units per hectare

   (d) Minimum Front Yard 9 metres

   (f) Maximum Lot Coverage 35 percent

   (h) Minimum Side Yard 4.0 metres, including a 1.0 metre planting strip

   Minimum Rear Yard 3.0 metres, including a 1.0 metre planting strip

   (k) Maximum Height 4½ storeys and 17 metres, except 3½ storeys and 14 metres within 40 metres of the Garner Road West frontage

   (l) Minimum Landscaping 32 percent
| Section | Planting Strip | For the purposes of this By-law, a Planting Strip shall also include fencing to provide a solid and effective screen (except within a required front yard setback), and/or a retaining wall and curbing. |
|---------|----------------|
| 3.109   |                |

<table>
<thead>
<tr>
<th>Section</th>
<th>Balconies or open stairways are permitted to encroach into any minimum front or side yard a distance of not more than 2.0 metres.</th>
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<td>7.12 c)</td>
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<tr>
<th>Section</th>
<th>Where a parking area which is required to provide for more than four vehicles abuts a lot containing a dwelling comprising of one or two dwelling units, a permanently maintained planting strip of a minimum width of 1 metre shall be provided and shall include fencing to provide a solid and effective screen (except within a required front yard setback).</th>
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<td>7.14 a)(xv)</td>
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<tr>
<th>7.14 b)(i)(C)</th>
<th>Parking 2.1 spaces per dwelling unit, including visitor parking, and except as otherwise stated, the provisions of Section 7.14 shall apply</th>
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</table>

3. That the ‘H’ symbol shall only be removed conditional upon:

(a) The owner conducting an archaeological assessment of the entire development property and mitigating, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found, to the satisfaction of the Ministry of Culture, and the City of Hamilton, Director, Planning Division.

(b) The owner investigating the noise levels on the site and determining 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, Planning Division.

(c) The owner submitting a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, Director, Planning Division, including an
acknowledgment of receipt of the RSC by the MOE, and submission of the City of Hamilton’s current administration fee.

(d) The owner entering into a Development Agreement with the City of Hamilton for the extension of the sanitary sewer at the intersection of Shaver Road and Garner Road West, to the east limit of the lands, to the satisfaction of the City of Hamilton, Director, Development Engineering.

(e) The owner paying their fair share for the existing sanitary sewer constructed within the intersection of Garner Road West and Shaver Road, based on as-constructed costs, to the satisfaction of the City of Hamilton, Director, Development Engineering.

(f) The owner dedicating to the City by deed, sufficient lands for road allowance widening purposes to establish the property line 18.29m (60 ft) from the centreline of the Garner Road West allowance, to the satisfaction of the City Of Hamilton, Director, Development Engineering.

(g) The owner entering into a Development Agreement to allow the temporary connection and provide for future re-routing of the sanitary sewer, to the satisfaction of the City of Hamilton, Director, Development Engineering.

(h) The owner verifying the sightlines from all driveways to Garner Road West, looking easterly, to the satisfaction of the City of Hamilton, Manager of Traffic. If acceptable sightlines are not available given the existing road profile, then road elevation modifications may be required at the expense of the applicant.

4. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this __________ day of____________________ , 2008.

_________________________________________  ___________________________
Fred Eisenberger  Kevin C. Christenson  
Mayor  Clerk  

OPA-06-023 & ZAC-06-87
Appendix “E” to Report PED08047 (Page 5 of 5)

Schedule "A"

Map Forming Part of By-Law No. 87-57

Subject Property
591 Garner Road West

Block 1 - Change in Zoning from the Rural Commercial "C5-261" Zone, Modified to the Holding Multiple Residential "H-RM6-570" Zone, Modified

Block 2 - Change in Zoning from the Agricultural "A-216" Zone, Modified to the Holding Multiple Residential "H-RM6-570" Zone, Modified

This is Schedule "A" to By-Law No. 08-

Passed the .......... day of ...................., 2008

Clerk

Mayor
BETHESDA UNITED CHURCH
584 Garner Road West
Ancaster, Ontario

Kristen West, Planner,
City of Hamilton,
71 Main Street West,
Hamilton, Ontario, L8P 4Y5

Dear Ms. West:

The congregation of Bethesda United Church, on January 21/07, approved unanimously the following resolution Re File: OPA-06-23 and ZAC-06-87.

Our greatest concern with the proposed development, is the primary access on to Garner Road. Garner Road is an arterial road and the site lines are poor at this location. Our suggestion is for the developer to acquire the three single family homes, between the proposed development and Shaver Road (a secondary road) and have the primary access on Shaver Road. This would answer many of our objections to the zoning modifications as itemized below:

1. no objection
2. front yard setback must accommodate Garner Road widening if and when needed
3. no objection
4. no objection
5. the density move from 60 units per hectare to 110 units per hectare is too severe
6. no objection
7. the play area must be retained - if eliminated, would the church property become the play area?
8. no objection
9. no objection
10. no objection
11. no objection
12. no objection
13. no objection
14 & 15 the parking spaces must be maintained at 2.0 per residential unit. Without sufficient parking, residents will seek other available parking - church parking lot
16. visitor parking must be maintained at 0.33 per residential unit
17. no objection
18. parking must not be allowed on the front yard setback

Current mature trees removed, must be required to be replaced, on the subject property. The current front elevation shows trees planted in the main and secondary accesses.

Peter M. Lindley
Congregational Chair

Please correspond directly with Peter M. Lindley
@ 14-40 Wesleyan Court
Ancaster, Ontario. L9G 5C7
Received

January 23, 2007

c/o Kristen West

Dear Planning Board Members,

With this letter I would like to voice my opposition to the proposed plan of allowing three, four and a half story apartment buildings to be constructed at 591 Garner Road West for the following reasons:

1) This area was always a suburban part of Ancaster, zoned residential single dwelling homes.

2) This proposal will deflate the market value of the residences immediately to the east.

3) This proposal will change the traffic pattern of our area and will pose a danger to traffic since the proposed entrance to this apartment complex lies over a hill just a few hundred feet west of its crown.

4) Why should Ancaster be required to allow so many Zoning Modifications to be made to make this apartment complex viable? Particularly troubling is to allow:
   a) 18M height restriction as opposed to the 10.5
   b) set back requirements to be greatly reduced so that 110 units can be constructed instead of the 60 permitted per hectare presently
   c) that only 1.25 parking spaces are required per unit instead of the normal 2 spaces.

While I do not in any way want to stifle or block “progress” in view of the reasons stated above I do not believe that the magnitude of the proposed apartment complex is in the best interests of our community.

Yours sincerely,

[Signature]

Mr. & Mrs. Laurens Roth
577 Garner Road W.
Ancaster, On
L9G 3K9