SUBJECT: Change in Zoning for Lands Located at 411 and 421 Kitty Murray Lane and the Rear of 431, 441, 451 and 461 Kitty Murray Lane, Ancaster (PED05180) (Ward 12)

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAC-05-78 Redeemer University College, owner, for a change in zoning from the “A” Agriculture Zone to the “I” – ‘H’ Institutional Holding Zone, to permit a range of institutional uses including student residences and a day care centre, for lands at 411 and 421 Kitty Murray Lane and the rear of 431, 441, 451 and 461 Kitty Murray Lane, Ancaster, as shown on Appendix “A” to Report PED05180, on the following basis:

(a) That the subject lands be rezoned from the “A” Agriculture Zone to the “I” – ‘H’ Institutional Holding Zone.

(b) That the draft By-law, attached as Appendix “D” to Report PED05180, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(c) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed Zone. The Holding provision will prohibit the development of the subject lands until such time that the owner receives approval from the Ministry of Culture of an archaeological assessment for the subject lands. City Council may remove the ‘H’ symbol and, thereby, give effect to the “I” Zone provisions, by enactment of an amending By-law once the condition is fulfilled.

(d) That upon satisfying the condition of the ‘H’ symbol and submitting the required fee, the General Manager, Planning and Economic Development Department, be authorized and directed to give the prescribed notice in accordance with the provisions of the Planning Act and to prepare a By-law, in a form satisfactory to Corporate Counsel, to remove the ‘H’ symbol for presentation to City Council.
SUBJECT: Change in Zoning for Lands Located at 411 and 421 Kitty Murray Lane and the Rear of 431, 441, 451 and 461 Kitty Murray Lane, Ancaster (PED05180) (Ward 12) - Page 2 of 7

(e) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

__________________________
Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

An application has been submitted for a change in zoning to permit a range of institutional uses including student residences and a day care centre, for the lands known municipally as 411 and 421 Kitty Murray Lane and the rear of 431, 441, 451 and 461 Kitty Murray Lane, as shown on the attached Appendix “A”.

The application has been amended to add a Holding provision, which will prohibit development of the lands until the owner receives approval from the Ministry of Culture of an archaeological assessment for the lands.

The application has merit and can be supported as the proposal is consistent with the policies of the Provincial Policy Statement, conforms to the Hamilton-Wentworth Official Plan and the general intent of the Meadowlands Neighbourhood III Secondary Plan of the Town of Ancaster Official Plan, and the uses are considered accessory to Redeemer University College.

BACKGROUND:

Proposal

The owner has submitted an application for a change in zoning from the “A” Agricultural Zone to the “I” Institutional Zone. The purpose of the Zoning By-law Amendment application is to allow the subject lands to be used for a range of institutional uses including student residences and a day care centre, in conjunction with the existing Redeemer University College lands located north and east of the subject lands (Appendix “B”).

The application has been amended to add a Holding provision, which will prohibit development of the lands until the owner receives approval from the Ministry of Culture of an archaeological assessment for the lands.
The applicant has submitted a Site Plan Application (DA-05-149) for the development of a 2-½ storey student residence and a 1 storey storage building on the subject lands (refer to Appendix “C”). The proposed student residence will have thirteen dwelling units, having a total gross floor area of approximately 2,000 square metres, and sixteen parking spaces adjacent to the residence. The proposed storage building will contain forty storage units and have a gross floor area of approximately 230 square metres.

Previous Development Applications

Severance Applications AN/B-03:148 (431 Kitty Murray Lane), AN/B-03:149 (441 Kitty Murray Lane), AN/B-03:150 (451 Kitty Murray Lane) and AN/B-03:151 (461 Kitty Murray Lane)

The purpose of the applications was to sever vacant parcels of land from these lots, which contained single detached dwellings, and add approximately 22,600 m² of land to the Redeemer University College campus (refer to Appendix “B”). The applications were scheduled to be heard at the September 17, 2003, meeting of the Committee of Adjustment and were tabled until the timing of services on Kitty Murray Lane was verified. The applications were rescheduled for the September 1, 2004, meeting and were subsequently granted final approval.

Details of Submitted Application

Owner/Applicant: Redeemer University College

Agent: Mathieu R. J. Koevoets, Brabant International

Location: 411 and 421 Kitty Murray Lane and the rear of 431, 441, 451 and 461 Kitty Murray Lane, Ancaster (see Appendix “A”)

Description: Frontage: Approximately 83m
Depth: Approximately 205m
Area: Approximately 4 hectares

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Surrounded Lands:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>North</td>
<td>Redeemer University College</td>
<td>“I” Institutional Zone</td>
</tr>
<tr>
<td>East</td>
<td>Redeemer University College</td>
<td>“I” Institutional Zone</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
<td>“A” Agricultural Zone</td>
</tr>
<tr>
<td>West</td>
<td>Ancaster Fairgrounds</td>
<td>“P” Public Zone</td>
</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. The proposed Zoning By-law Amendment has merit and can be supported for the following reasons:

   (i) The proposal is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and to the Meadowlands Neighbourhood III Secondary Plan of the Town of Ancaster Official Plan.

   (ii) The proposed uses (student residence, day care, etc.) are considered accessory to the College.

   (iii) The proposal would be compatible and complementary to the existing uses of the surrounding area.

   (iv) The regulations of the “I” Institutional Zone, including building height and setbacks, will provide an adequate buffer and protection for the single detached dwellings remaining along Kitty Murray Lane.

2. As a result of the potential for significant archaeological resources on the subject lands, an archaeological assessment will be required. As such, the subject lands should be placed in a Holding (H) Zone, pursuant to Section 36(1) of the Planning Act. Prior to development of the subject lands, the owner will be required to satisfy the following condition:

   i) Receive approval from the Ministry of Culture of an archaeological assessment for the subject lands.

3. The owner should be made aware that the subject lands must be assessed to determine whether or not there are any heritage trees on the site. Heritage trees comprise trees with a diameter at breast height of 18 inches (45 centimetres) or more but do not include Norway Maples, Siberian Elms, Poplar and Willow species and Manitoba Maples. If it is determined that any heritage trees do exist and are to be removed, a permit will be required under the Ancaster Tree Cutting By-law.

   Also, under the Servicing Agreement for Kitty Murray Lane and Redeemer University College, the owner is required to provide municipal services for the subject lands and urbanize part of Kitty Murray Lane. No additional urbanization costs will be required for the subject lands. In addition, no additional lands will be required for widening purposes on Kitty Murray Lane.
ALTERNATIVES FOR CONSIDERATION:

If the application is denied, then the applicant has the option of using the property for the current range of “A” Agricultural Zone uses.

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 a Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement. 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.

As such, the owner will be required to conduct an archaeological assessment of the subject lands and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or soil disturbances shall take place on the subject property prior to the approval of the Ministry of Culture. Therefore, the lands should be made subject to a Holding (H) provision until an archaeological assessment has received final approval from the Ministry of Culture.

Hamilton-Wentworth Official Plan

The subject property is designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 3.1 states 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. Therefore, as the nature of the application is to modify the existing zoning to facilitate the development of the lands for future institutional uses, the proposal conforms with the intent of the Hamilton-Wentworth Official Plan policies.
SUBJECT: Change in Zoning for Lands Located at 411 and 421 Kitty Murray Lane and the Rear of 431, 441, 451 and 461 Kitty Murray Lane, Ancaster (PED05180) (Ward 12) - Page 6 of 7

Town of Ancaster Official Plan

The subject lands are located within the Meadowlands Neighbourhood III Secondary Plan. The rear portion of the lots at 411, 421, 431, 441, 451 and 461 are designated “Low Density Residential 1”. The Redeemer University College lands, located to the rear (east) of these lots, are designated “Institutional”.

Policy 6.6.8 (b) of the Meadowlands Neighbourhood III Secondary Plan states that “expansion of the institutional use as designated on Map 1 to this Secondary Plan onto lands or portion of lands designated “Low Density Residential 1” by this Plan may occur without amendment to this plan, provided that it can be demonstrated to Council that the expansion will not hinder or preclude development of adjacent lands for residential purposes”.

As part of the assessment of the severance/lot addition applications for the rear of the lots of 431, 441, 451 and 461 Kitty Murray Lane, it was noted that the use of the rear of these lots for institutional purposes would not hinder the development potential of the lands to the north and the south for residential purposes. As such, the severances were permitted.

The front of the lots along Kitty Murray Lane are generally designated “Low Density Residential (Infill)” in the Meadowlands III Neighbourhood Plan. According to the policies of the Plan, institutional uses are not permitted on these lands. However, Policy 6.6.18 (a) of the Plan states that “the boundaries between the land use designations shown on Map 1 – Land Use are approximate, except where they coincide with major roads, the wetland or any other clearly defined physical feature. Minor adjustments shall not require an amendment to this Secondary Plan as long as the intent of its policies is maintained”. Therefore, the front of the lots at 411 and 421 Kitty Murray Lane may be interpreted as being in the “Low Density Residential 1” designation which permits the expansion of institutional uses subject to the criteria noted above.

The lands to the north of 411 and 421 Kitty Murray Lane are owned by Redeemer University College and the lands to the south are the retained lots created by severance applications AN/B-03:148, AN/B-03:149, AN/B-03:150 and AN/B-03:151, each of which contains single detached dwellings. As the use of the front of the lots of 411 and 421 for institutional uses will not hinder or preclude residential development on the lands to the south, the criteria for institutional expansions in the “Low Density Residential 1” designation is satisfied.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department, Operations and Maintenance.
- Corporate Services, Budgets and Finance.
- Downtown Renewal, Hamilton Municipal Parking System.
Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was pre-circulated to seven property owners within 120 metres of the subject lands. No responses were received. Notice of the Public Meeting will be provided to the same property owners and a sign has been posted on the site advising of the Public Meeting date.

**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.

Community Well-Being is enhanced. ☑ Yes ☐ No
Arts, culture, archaeological and cultural heritage are supported and enhanced.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☑ Yes ☐ No
Investment in Hamilton is enhanced and supported.

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

:AF
Attach(s). (4)
Subject Property

411 & 421 Kitty Murray Lane
rear of 431, 441, 451, 461 Kitty Murray Lane

Change in zoning from "A" Agricultural Zone to "I"- ‘H’ Institutional Holding Zone

Ward 12
Keymap
Appendix “D” to Report PED05180 (Page 1 of 3)

Authority: Item, Planning and Economic Development Committee
Report PD05180
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 411 and 421 Kitty Murray Lane and the Rear of 431, 441, 451 and 461 Kitty Murray Lane (Ancaster)

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

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

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

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

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

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

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


1. Schedule “B, Map 1 of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agricultural “A” Zone to the Institutional Holding “I” – ‘H’ Zone, the lands the extent and boundaries of which are more particularly shown on Schedule “A” annexed hereto and forming part of this by-law.

2. The Holding provision will prohibit the development of the subject lands until such time that the owner receives approval from the Ministry of Culture of an archaeological assessment for the subject lands. City Council may remove the ‘H’ symbol and, thereby, give effect to the “I” Zone provisions, by enactment of an amending By-law once the condition is fulfilled;

3. That the amending By-law be added to Schedule “B” Map 1 of Ancaster Zoning By-law No. 87-57.

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

PASSED and ENACTED this                  day of                      , 2005.

________________________________________  ______________________________________
MAYOR                                          CLERK

ZAC-05-78
Schedule "A"

Map Forming Part of By-Law No. 05-

to Amend By-Law No. 87-57

Subject Property
411 & 421 Kitty Murray Lane
rear of 431, 441, 451, 461 Kitty Murray Lane

Change in zoning from "A" Agricultural Zone to "I"-"H" Institutional Holding Zone

Scale: Not to Scale
File Name/Number: ZAC-05-78
Date: October 2005
Planner/Technician: AF/LM

Plan done for Hamilton Planning and Economic Development Department

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

Passed the __________ day of __________, 2005

Clerk

Mayor