SUBJECT: Applications for a Draft Plan of Subdivision Known as “Alaqua Ancaster” and for a Change in Zoning for Lands Located at 444, 452, 460 and 468 Southcote Road (Ancaster) (PED07047) (Ward 12)

RECOMMENDATION:

(a) That approval be given to Subdivision Application 25T-200602, Jason and Consuelo Robinson, Ray and Christine Mudge, Les and Diane Strong, and Erich and Gisela Lieske, owners, to establish a Draft Plan of Subdivision known as “Alaqua Ancaster” on lands located at 444, 452, 460 and 468 Southcote Road (former Town of Ancaster), as shown on Appendix “A” to Report PED07047, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision “Alaqua Ancaster” 25T-200602, prepared by Lorelei Jones and Associates, and certified by David B. Searles, OLS, dated December 19, 2005, showing twenty-two lots for single detached dwellings, one block (Block 23) for open space and a cul-de-sac extending Street “F” of the “Southcote Woodlands” draft plan of subdivision, attached as Appendix “B” to Report PED07047, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, with the following special conditions included therein;

1. That the Owner dedicates a road widening, 2.048 metres (10 feet) in width, to the City of Hamilton from 444, 452, 460 and 468
SUBJECT: Applications for a Draft Plan of Subdivision known as “Alaqua Ancaster” and for a Change in Zoning for Lands Located at 444, 452, 460 and 468 Southcote Road (Ancaster) (PED07047) (Ward 12) - Page 2 of 16

Southcote Road by Certificate on the Final Plan of Subdivision to the satisfaction of the Manager of Development Engineering;

2. That the Owner make a cash payment to the City for the future urbanization of Southcote Road adjacent to the lands of Nos. 444, 452, 460 and 468 Southcote Road in accordance with the City’s Financial Policies for New Development;

3. That the Owner agrees to provide street lighting on the adjacent sections of Southcote Road, where deemed necessary, to the satisfaction of the Manager of Development Engineering;

4. That the Owner agrees to extend the existing sanitary sewer on Southcote Road to service Nos. 444, 452, 460 and 468 Southcote Road, to the satisfaction of the Manager of Development Engineering;

5. That the Owner agrees that the servicing of the site shall not commence until the Stormwater Management Facility has been substantially completed, to the satisfaction of the Manager of Development Engineering;

6. That the Owner shall prepare a Hydrogeological study to identify and mitigate the potential impacts of a high ground water table on proposed buildings, to the satisfaction of the Manager of Development Planning;

7. That the Owner shall prepare a Groundwater Study which shall assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the owner shall propose appropriate mitigative measures to address the concerns to the satisfaction of the Manager of Development Engineering;

8. That the Owner agrees to remove all dead or diseased trees within the City’s road allowance and that the removal and replacement of street trees, as required by the reconstruction of the roads, will be at the sole expense of the owner;

9. That the Owner submit a detailed plan for approval which illustrates the driveway locations on Lots 3 – 12 and Lots 16 – 19 to the satisfaction of the Supervisor of Traffic Planning. The driveway locations to these lots shall be shown on approved engineering drawings;
10. That the applicant install chainlink fencing, or other acceptable type of fencing, at the rear of Lots 7, 8, 9, and 10, to the satisfaction of the City’s Manager of Open Space Development;

11. That any existing septic tank be pumped out by a licensed contractor and refilled with suitable material to prevent it from collapsing, to the satisfaction of the City’s Environmental Health Section;

12. That any existing abandoned water wells are plugged in accordance with Environment Ontario’s Facts Sheet entitled: “Water Wells and Groundwater Supplies Recommended Methods for Plugging Water Wells”, to the satisfaction of the City’s Environmental Health Section;

(ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of 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.

(b) That approval be given to Zoning Application ZAC-06-05, Jason and Consuelo Robinson, Ray and Christine Mudge, Les and Diane Strong, and Erich and Gisela Lieske, owners, for a change in zoning from the Agriculture “A-216” Zone to the site-specific Residential “R4-553” Zone (Block 1) to permit twenty-two single detached dwellings on separate lots, and from the Agriculture “A-216” Zone to the Public Open Space “O2” Zone (Block 2) to permit open space uses, on lands located at 444, 452, 460 and 468 Southcote Road (former Town of Ancaster), as shown on Appendix “A” to Report PED07047, subject to the following:

(i) That Block “1” be rezoned from the Agriculture “A-216” Zone to the site-specific Residential “R4-553” Zone.

(ii) That Block “2” be rezoned from the Agriculture “A-216” Zone to the Public Open Space “O2” Zone.
SUBJECT: Applications for a Draft Plan of Subdivision known as “Alaqua Ancaster” and for a Change in Zoning for Lands Located at 444, 452, 460 and 468 Southcote Road (Ancaster) (PED07047) (Ward 12) - Page 4 of 16

(iii) That the draft By-law, attached as Appendix “C” to Report PED07047, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

EXECUTIVE SUMMARY:

The purpose of the applications is for changes in zoning and draft plan of subdivision approval to facilitate the development of the lands for twenty-two single detached dwellings, an open space block, and extension of Street “F” of the previously approved “Southcote Woodlands” draft plan of subdivision.

The proposal has merit and can be supported since the change in zoning and draft plan of subdivision are consistent with the Provincial Policy Statement, comply with the Hamilton-Wentworth Official Plan, the Town of Ancaster Official Plan and the Garner Neighbourhood Secondary Plan. The proposed lots are compatible with existing and planned residential development in the area.

BACKGROUND:

The proposed development applications are for a change in zoning and approval for a draft plan of subdivision, for the western half of the lands located at 444, 452, 460 and 468 Southcote Road, as shown on Appendix “A”. The plan of subdivision (Appendix “B”) is comprised of twenty-two lots for single detached dwellings, an open space block, and includes the extension of Street “F” of the previously approved “Southcote Woodlands” draft approved plan of subdivision.

In order to implement the draft plan of subdivision, the applicant has applied to change the zoning from Agriculture “A-216” Zone to the site-specific Residential “R4-553” Zone to permit single detached dwellings on minimum lot frontages of 12 metres and minimum lot areas of 360 square metres. The proposed rezoning also includes modifications to the maximum lot coverage, and minimum front and exterior side yard requirements.
Details of Submitted Application

Applicant: Alaqua Development Corporation (c/o Peter Berczi)

Owners: Jason and Consuelo Robinson, Ray and Christine Mudge, Les and Diane Strong, and Erich and Gisela Lieske

Agent: Lorelei Jones & Associates (c/o Lorelei Jones)

Location: 444, 452, 460 & 468 Southcote Road - Part of Lot 47, Concession 3, Ancaster (see Appendix “A”)

Description: Area: 1.48 hectares (3.66 acres)  
Width: 153.66 metres (504.13 feet)  
Depth: 95.82 metres (314.37 feet)

Existing Land Use and Zoning

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tbody>
<tr>
<td>Vacant</td>
<td>Agriculture “A-216” Zone</td>
<td></td>
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<tr>
<th>North</th>
<th>Open Space and Proposed Single Detached Dwellings</th>
<th>Public Open Space “O2” Zone, and Residential “R4-516” Zone</th>
</tr>
</thead>
<tbody>
<tr>
<td>East</td>
<td>Single Detached Dwellings and Ancaster Fair Grounds</td>
<td>Agriculture “A” Zone and Public “P” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Vacant – Proposed Single Detached Dwellings</td>
<td>Residential “R4-516” Zone</td>
</tr>
<tr>
<td>West</td>
<td>Vacant – Proposed Single Detached Dwellings and Townhouse Dwellings</td>
<td>Residential “R4-517” Zone and Residential Multiple “RM2-515” Zone</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

Circulation of the proposed applications to various City Departments and outside agencies resulted in no significant issues with respect to the zone changes, although a number of requests to impose specific conditions of draft approval for the proposed plan of subdivision were received. Planning staff’s evaluation of the proposed applications is set out below.

1. This proposal has merit and can be supported for the following reasons:
SUBJECT: Applications for a Draft Plan of Subdivision known as “Alaqua Ancaster” and for a Change in Zoning for Lands Located at 444, 452, 460 and 468 Southcote Road (Ancaster) (PED07047) (Ward 12) - Page 6 of 16

(i) The proposed draft plan of subdivision and changes in zoning are consistent with the Provincial Policy Statement and conform to the Hamilton-Wentworth Official Plan.


(iii) The proposed lots for single detached dwellings are compatible with the existing and planned residential development in the surrounding area, and the proposed Residential “R4-553” Zone is consistent with the zoning of the lots for single detached dwellings in the first phase of the “Southcote Woodlands” draft plan of subdivision.

2. The subject lands are currently zoned Agriculture “A-216” Zone in Zoning By-law No. 87-57. The proposed development is within the Ancaster Urban Area, but is not permitted under the current zoning. A change in zoning to permit residential and public open space uses will allow for the easterly expansion of the “Southcote Woodlands” subdivision located to the west.

The changes in zoning for the subject lands, as shown in Appendix “C”, from the Agriculture “A-216” Zone to the site-specific Residential “R4-553” Zone (Block 1) and to the Public Open Space “O2” Zone (Block 2) will ensure the proper integration of the development with the adjacent neighbourhood. The lands fronting onto Southcote Road will maintain the existing Agriculture “A-216” Zone (Block 3).

The Residential “R4” Zone has been modified to permit a reduced lot area, an increase in the maximum lot coverage, and reductions to the minimum front and exterior side yard setbacks. The Residential “R4-553” Zone modification will include a reduction in the minimum lot area from 400 square metres to 360 square metres, a reduction in the minimum front yard setback from 7.5 metres to 6 metres, a reduction in the exterior side yard setback from 5.2 metres to 4.5 metres (except to an attached garage or carport where a minimum 6.0 metres is required), and an increase in the maximum lot coverage from 35% to 45%. These modifications will allow for a more compact urban form, and bring the dwellings closer to the street while maintaining the lot frontages and sizes consistent with the surrounding area.

The Public Open Space “O2” Zone will retain Block 23 as a conservation/natural area, while the remaining portion of the owner’s lands will retain the existing Agricultural “A-216” zoning (Block 3) until these lands are developed in the future.
3. The applications were pre-circulated to 28 property owners within 120 metres of the subject lands. One letter was received from a neighbouring property owner (see Appendix “D”). The letter expressed concern with respect to tree preservation, traffic, guidelines for the future development of the properties with existing single detached dwellings, and the continued operation of legal non-conforming businesses.

As part of the Standard Form Subdivision Agreement, the applicant will be required to submit a tree preservation plan to be reviewed by relevant City staff and the Hamilton Conservation Authority (HCA). As part of the development process, all trees that are to be preserved will require protective fencing according to City and HCA standards during construction.

Guidelines for the future development of the lands in which the existing single detached dwellings are situated outside the subject lands have been established through the Garner Neighbourhood Secondary Plan. In addition, the redevelopment of these lands would also require the applicant to address the legal non-conforming business on 444 Southcote Road.

With respect to the issue of traffic and the ability of the streets servicing “Southcote Woodlands” to handle additional development in this area, and possible future development of the large tract of lands to the west, the Town of Ancaster prepared a secondary plan for this area. The Garner Neighbourhood Secondary Plan identified a Principal Local Road to connect from Southcote Road (Street “A” within “Southcote Woodlands”) through the lands to the west and down to Garner Road. This will be the main linkage for traffic through this area and appropriate density and volume has been determined through traffic studies as part of the Secondary Plan process. In addition, traffic studies will be required for larger developments in this area and will be reviewed by the City’s Traffic Planning Section.

4. In accordance with the City’s Parkland Dedication and Cash-in-lieu of Parkland By-law, the proposed development is subject to Cash-in-Lieu of Parkland Dedication payment at building permit stage.

5. The municipal road, sewers and watermain to service these lands will be constructed and extended from the “Southcote Woodlands” Subdivision 25T200401. As such, the final plan shall not be registered until such time as a road and municipal services have been constructed and available to service the subject lands. This requirement is included in the City’s new Standard Form Subdivision Agreement.

6. There is no sanitary sewer on Southcote Road to service the proposed development or existing residences at 444, 452, 460 and 468 Southcote Road.
As a result, the applicants will be required to extend the existing sanitary sewer on Southcote Road to service these lands (Special Condition (a) (i) 4).

7. The Stormwater Management Facility is located on lands further to the west of this draft plan of subdivision in accordance with the Garner Neighbourhood Master Drainage Plan. The design and construction of the facility will be funded through the Development Charges By-law. Servicing of the site shall not commence until the Stormwater Management Facility has been constructed, as a condition in the Subdivision Agreement (Special Condition (a) (i) 5).

**ALTERNATIVES FOR CONSIDERATION:**

If these applications are denied, the lands will remain as 4 large lots on private services within the Ancaster Urban Boundary and may be used in accordance with the Agriculture “A-216” 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 applications for a Zoning By-law Amendment and a Draft Plan of Subdivision.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement (PPS)**

The applications are consistent with Policy 1.1.3.1 of the PPS, which focuses growth in urban areas.

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 maintains the heritage integrity of the site will be permitted. Therefore, as the subject lands have archaeological potential, an archaeological assessment of the property is required and will be included as a condition within the Standard Form Subdivision Agreement.

In addition, Policy 1.7.1(e) outlines that long term economic prosperity will be supported by planning so that major facilities (such as airports, transportation corridors, sewage
treatment facilities, waste management systems, industries and aggregate activities) and sensitive land uses are appropriately designed, buffered and separated from each other to prevent adverse effects from odour, noise and other contaminants, and to minimize risk to public health and safety. Due to the proximity of the subject lands to Garner Road and Hwy. 403, the owner will be required to complete a noise assessment as a condition within the Standard Form Subdivision Agreement.

Hamilton-Wentworth Official Plan

The subject lands are designated as “Urban Area” within the Hamilton-Wentworth Official Plan. Policy 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. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. Therefore, as the nature of the applications is for the development of a residential plan of subdivision on full municipal services, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.

Ancaster Official Plan

The subject lands are designated as “Residential” on Schedule “B” Land Use – Urban Area and recognized as Specific Policy Area No. 32 on Schedule “F” – Specific Policy Areas to the Ancaster Official Plan.

Policy 4.4.1 of the Ancaster Official Plan indicates that lands designated “Residential” shall:

“…be for dwellings in areas which will be supplied with urban services (sanitary and storm sewers and watermains). Other uses which are considered necessary to serve the needs of the residents may also be permitted such as schools, parks, community centres, churches, day nurseries, and public utilities.”

Policy 4.4.2 states that:

“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.”

Section 5.10 – Specific Policy Area No. 32 of the Official Plan outlines that no development in this area shall occur until a Secondary Plan has been prepared and adopted by Council. This section also sets out specific policies for the development of the area.
Policy 5.10.1 states that:

“...The area represents a logical extension of the Urban Area resulting in the establishment of one neighbourhood and the rounding out of one other neighbourhood. A broad mix of uses is provided in order that all supporting uses for neighbourhood development can be accommodated.”

Policy 5.10.3 states that:

“The Shaver and Garner Secondary Plans shall ensure that a broad range and mix of residential units are provided in terms of lot and unit size and type and tenure. The range and mix of residential units provided shall be suitable for different income groups, age levels, lifestyles and household structures.”

In review, the proposal maintains the intent of Specific Policy Area No. 32 and the “Residential” designation of the Official Plan, it is compatible with the surrounding development, and it achieves a logical and sequential extension of roads and water and sewer systems. There is an approved Secondary Plan for this area. Therefore, the proposal complies with the policies of the Ancaster Official Plan.

Garner Neighbourhood Secondary Plan

The subject lands are designated as “Low Density Residential 2” within the Garner Neighbourhood Secondary Plan. The Secondary Plan sets out the infrastructure requirements and development standards to guide the development of these lands, while protecting the natural and historic resources in the Garner Neighbourhood.

Policy 6.4.5.1 (1) of the Secondary Plan indicates the minimum lot frontage and residential density types for the “Low Density Residential 2” designation, as follows:

“iii) Low Density Residential 2 areas shall include single detached dwelling units on minimum 10.7 m frontage lots. The residential density in Low Density Residential 2 areas shall not exceed 20 dwelling units per gross/net residential hectare.”

In review of the proposed residential development, it maintains the frontage (minimum 12 metres) and density provisions for the “Low Density Residential 2” designation (18 units per gross/net residential hectare), it is compatible and appropriately integrates with the surrounding proposed development. Therefore, the proposal conforms to all the pertinent land use and development policies of the Garner Neighbourhood Secondary Plan.
RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department, Strategic and Environmental Planning
- Public Works Department – Water and Wastewater Division – Plant Capital and Planning Section
- Community Services Department – Culture and Recreation Division
- Corporate Services Department – Revenues Division.
- Corporate Services Department – Budgets and Finance Division
- Hamilton-Wentworth Catholic School Board.
- Hamilton-Wentworth District School Board.
- Ministry of Transportation.
- Assessment Department.
- Hamilton Emergency Services.
- Hydro One Networks Inc.
- Cogeco Cable Solutions.
- Canada Post.
- Union Gas.

Public Health and Community Services Department – Environmental Health Section

The Environmental Health Section has commented that based on the information provided, the lot size of 460 Southcote Road is less than 0.4 hectares and the installation of a Class 5 Sewage System (Holding Tank) in accordance with the Building and Licensing Division’s requirements, and the decommissioning of the existing septic tank by a licensed sewage hauler, would reduce the likelihood of a safety hazard and alleviate public health concerns.

In addition, the information provided by D.R. Barker and Associates Consulting Engineers on February 2, 2006, indicates that there is knowledge of the existence of water wells on the subject properties that are or will no longer be used; it is recommended that the water wells on the subject properties be abandoned according to Regulation 903 under the Ontario Resources Act. As a result, the Environmental Health Section would have no objection to the applications provided the development is connected to municipal sewers and a municipal water supply, and that any existing water wells and septic systems are properly decommissioned and plugged. These requirements are to be included as special conditions in the Standard Form Subdivision Agreement as per Recommendation (a) (i) 11 - 12 of this report. The requirement for municipal servicing is included as part of the Standard Form Subdivision Agreement.
Public Works Department – Operations and Maintenance Division, Traffic Planning Section

The Traffic Planning Section advised that they have no comment with respect to the zoning application. However, as a condition of subdivision approval staff requires that the driveway locations on Lots 3 – 12 and Lots 16 – 19 be located to the satisfaction of the Supervisor of Traffic Planning (Recommendation (a) (i) 9 of this report). The driveway locations to these lots must be shown on approved engineering drawings submitted with the registered Subdivision Agreement.

Public Works Department – Open Space Development and Park Planning Section

The Open Space Development and Park Planning Section has advised that they have no comment with regard to the zoning application; however, they request the following conditions of Draft Plan approval:

Open Space:

The property lines that are adjacent to this open space shall be fenced with 1.5 metre high fencing, to City standards (Recommendation (a) (i) 10 of this report).

Record of Site Condition:

If the Owner is conveying to the City naturalized open space blocks, tableland for parkland uses and any other lands for public usage, then the owner shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE (Clause 1.5(a) of the Standard Form Subdivision Agreement).

Tree Preservation Study and Plan:

The Owner agrees to submit a detailed Tree Preservation Study and Plan prepared by a Certified (ISA) Arbourist or a full member, in good standing, of the Ontario Association of Landscape Architects (OALA) at the owner’s expense and to the satisfaction of the Director of Operations and Maintenance. The Tree preservation Study and Plan shall show full protective measures and techniques in accordance with the City of Hamilton’s tree preservation policy (Clause 3.4 (a) (iii) of the Standard Form Subdivision Agreement).
Development Construction:

Undeveloped blocks within the Subdivision Plan which have been disturbed from their natural state or are difficult to maintain in a controlled state shall be graded, seeded, and maintained by the Owner until construction commences thereon.

The Owner agrees not to dispose or stockpile any waste or surplus fill material on the Subdivision Plan lands except in a manner and in a location approved by the City. The open space areas shall not be used for topsoil or other construction material or equipment storage (Clause 1.32(c) of the Standard Form Subdivision Agreement).

Streetscape Plan:

The Owner agrees to provide and implement, at the Owner's expense, a Streetscape Plan detailing any enhanced boulevard landscaping treatment, fencing and street lighting for the required streets, prepared by a full member of the Ontario Association of Landscape Architects (OALA) and to the satisfaction of the Director of Capital Planning and Implementation (Clause 4.1(e) of the Standard Form Subdivision Agreement).

Public Works Department, Operations and Maintenance Division, Forestry Section

The Forestry Section has advised that the proposed development has Municipal Forestry concerns as the submitted plan shows numerous trees located on the site behind the existing homes that will conflict with the construction of Street “A” and the 22 lots. This section requests 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 can be made. Due to the number of trees located on this site, all trees must be tagged with numbers that correspond to the inventory being prepared.

If it is determined that existing trees can remain, a detail with notes showing tree preservation techniques should be included as per the Protective Measures For Trees During Construction Policy. All tree removals shown on the Tree Management Plan which are off Municipal property will be subject to the Tree Cutting By-law. A permit must be applied for and approved prior to the removal of any trees.

This section also requests that a Landscape Plan be submitted by the developer for comments as per the New Development Tree Planting Policy. The developer shall also agree to provide and implement, at the developer’s expense, a Street Tree Planting Plan for road allowance trees as prepared by a Certified Arborist or Landscape Architect (Clause 4.1(f) of the Standard Form Subdivision Agreement).
Hamilton Conservation Authority (HCA)

Hamilton Conservation Authority has advised that they have no objection to the proposed rezoning application and that a tributary of Ancaster Creek traverses the Southcote Woodlands subdivision, file 25T-200401, in close proximity to the subject lands. In conjunction with their review of both the Southcote Woodlands subdivision and a preliminary layout plan for the proposed residential development of the subject lands, staff from the HCA previously reviewed a Preliminary Water Course Analysis report prepared by Odan/Detech Group, dated August 12, 2004, which delineated the flood plain associated with the Ancaster Creek tributary, both on the Southcote Woodlands property and the subject property. In this regard, they note that Block 23, being the extreme north-westerly portion of the subject property, situated behind and to the north of Lot 7, is the only land within the proposed subdivision that will be located in the floodplain.

In order to recognize that lot creation is not permitted within floodplain hazard lands, in accordance with both the 2005 Provincial Policy Statement and the HCA August 2005 Planning and Regulation Policies, the subject rezoning application identifies that Block 23 will be rezoned from Agricultural “A” Zone to Public Open Space “O2” Zone. The remaining portion of the property is located partially within an area affected by HCA’s Development, Interference with Wetlands, and Alterations to Shorelines and Watercourses Regulation 161/06 under Ontario Regulation 97/04. As such, prior to any filling, grading or construction activities occurring on these lands, a permit from the HCA and the installation of sediment and erosion control measures will be required.

Authority staff has reviewed the Preliminary Engineering Report for the Alaqua Development Corporation, prepared by D. R. Barker & Associates Ltd., dated November 2005, which indicates that “servicing of the Southcote Woodlands site will address servicing capacity for the Alaqua Development site with service connections at the west limit of Alaqua’s Street “A””. In this regard, they wish to advise that HCA staff reviewed and approved the servicing for Southcote Woodlands, which included the proposed stormwater management for both Southcote Woodlands and the Alaqua development site.

Based on the above noted concerns, the Authority recommend that the following conditions of draft plan approval be included:

1. That the applicants prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority. The 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 revegetated;
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 revegetated with permanent cover immediately following completion of construction.

2. That the applicants prepare and implement a lot grading plan to the satisfaction of the Hamilton Conservation Authority.

3. The applicants install chainlink fencing, or other acceptable type of fencing, at the rear of Lots 7, 8, 9, and 10, to the satisfaction of the Hamilton Conservation Authority.

4. The Block 23 be zoned as Open Space to prevent future development.

The above-noted concerns are included in the Standard Form Subdivision Agreement as per Clauses 3.3 and 4.1(b) of the Standard Form Subdivision Agreement and as part of recommended special condition (a) (i) 10 of this report. In addition, recommendation (b) (ii) of this report includes the requested rezoning.

Hamilton Street Railway

The Hamilton Street Railway has advised that they currently operate Route 5 Delaware & 16 Ancaster buses along Golflinks Road, but they are beyond a 400 metre walk from this proposed development and that there are no plans to extend regular public transit service to the Southcote and Garner area.

Bell Canada

Bell Canada has requested that a condition requiring the developer to enter into a Letter of Understanding for underground servicing be imposed on the draft plan of subdivision (Clause 2.6 of the Standard Form Subdivision Agreement).

Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, these applications were pre-circulated to 28 property owners within 120 metres of the subject lands. One written response was received. The concerns raised in the letter are with respect to tree preservation, traffic, guidelines for the future development of lands with the existing single detached dwellings, and the continued operation of legal non-conforming businesses. These issues are discussed in more detail in the Analysis/Rationale Section of this report.
SUBJECT: Applications for a Draft Plan of Subdivision known as “Alaqua Ancaster” and for a Change in Zoning for Lands Located at 444, 452, 460 and 468 Southcote Road (Ancaster) (PED07047) (Ward 12)

In accordance with the requirements of the Planning Act, 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
The public are involved in the definition and development of local solutions.

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

:JT

Attachs. (4)
Appendix “A” to Report PED07047 (Page 1 of 1)

Planning and Economic Development Department

Location Map

File Name/Number: ZAC-06-05/25T-200602
Date: January 2, 2007
Appendix “A”

Scale: N.T.S
Planner/Technician: JT/LMM

Subject Property
444, 452, 460 and 468 Southcote Road

- **Block 1** - Change in Zoning from Agriculture “A-216” Zone to Residential “R4-553” Zone.
- **Block 2** - Change in Zoning from Agriculture “A-216” Zone to Public Open Space “O2” Zone.
- **Block 3** - Lands to remain Agriculture “A-216” Zone.

Ward 12
Keymap N.T.S
Bill No.

CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 87-57, Respecting Lands Located at 444, 452, 460 and 468 Southcote Road (Ancaster)

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 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 of the former area municipalities 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 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;

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 _______, 2007, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

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 Agricultural “A-216” Zone to the following:

(a) Residential “R4-553” Exception Zone, for lands comprised in Block “1”; and,

(b) Public Open Space “O2” Zone, for lands comprised in Block “2”,

the extent and boundaries of which are more particularly 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:

R4-553

That notwithstanding any provisions to the contrary of Subsection 12.2 – Regulations of Section 12: Residential “R4” Zone of Zoning By-law No. 87-57 (Ancaster), the following special provisions shall apply to the lands zoned “R4-553”:

**Development Regulations:**

(a) Minimum Lot Area: 360 square metres

(b) Maximum Lot Coverage: 45%

(c) Minimum Front Yard: 6.0 metres

(d) Minimum Side Yard: 1.2 metres, except on a corner lot, the minimum side yard abutting a street shall be 4.5 metres except 6.0 metres to an attached garage or attached carport.

(e) All other provisions of Zoning By-law No. 87-57 as applicable to the Residential “R4” Zone shall apply.

3. That the amending By-law be added to Map 1 to Schedule “B” 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 , 2007.

__________________________________________
MAYOR
ZAC-06-05 & 25T200602

__________________________________________
CLERK
Appendix "C" to Report PED07047 (Page 3 of 3)

Subject Property

Block 1 - Change in Zoning from Agriculture "A-216" Zone to Residential "R4-553" Zone.
Block 2 - Change in Zoning from Agriculture "A-216" Zone to Public Open Space "O2" Zone.
Block 3 - Lands to remain Agriculture "A-216" Zone.

This is Schedule "A" to By-Law No. 07—

Clerk

Passed the __________ day of __________, 2007

Mayor

Schedule "A"

Map Forming Part of By-Law No. 07-____
to Amend By-Law No 87-57

Planning and Economic Development Department

Hamilton

File Name/Number: ZAC-06-05/25T200602

Date: January 3, 2007

Planner/Technician: JT/LMM

444, 452, 460 and 468 Southcote Road
March 8, 2006

Re: Zoning Amendment and Draft Plan of Subdivision Applications ZAC-06-05 & 25T200602 – City of Hamilton (Ancaster), Ward 12

1. Tree Preservation Plan: More work should be done to preserve trees not located within the building envelope. Actual protective fencing should be installed prior to any activity on the site.

2. Will the streets servicing Southcote Woodlands be able to handle the extra load and the possible future development to the west?

3. While this development suggest that the existing single detached homes on Southcote will remain the same… guidelines should be provided to ensure that any future development of these properties blend in with the existing fabric of single family homes on larger lots that currently exist on this section of road.

4. Business’s operating under a grandfather clause should no longer be allowed to operate if the front portions of the property are developed in the future.

5. Is it possible to be provided with more detail on the open space adjacent to 444 Southcote.

Hopefully this development will not follow the poor example set by the Southcote Woodlands developers.

Sincerely,

Paul and Maryann Graham
416 Southcote Rd.
Ancaster, Ontario L9G 2W3