SUBJECT: Applications for Approval of a Draft Plan of Subdivision, "Springbrook Meadows", and a Change in Zoning for Lands Located at 221, 285, 305 and 323 Springbrook Avenue (Ancaster) (PED06163) (Ward 12)

RECOMMENDATION:

(a) That approval be given to Amended Subdivision Application 25T200510, Adisco Limited and 839891 Ontario Inc. (A. DiSilvestro), owners, to establish a draft plan of subdivision comprising 56 lots for single detached dwellings, 1 block for a park, 11 blocks for future single detached dwellings, and 7 blocks for 0.3 metre reserves, as shown on Appendix “B” to Report PED06163, on lands located at 221, 285, 305 and 323 Springbrook Avenue (Ancaster), subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “D” to Report PED06163 and the following:

(i) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following:

(a) Contribution toward road urbanization costs for Springbrook Avenue for only those properties where a dwelling exists, on the west side of Springbrook Avenue only for an approximate distance of 290 metres, between the north end of Springbrook Avenue adjacent to municipal number 250 Springbrook Avenue and the future intersection north of municipal number 343 Springbrook Avenue. This cost shall form part of a future capital budget submission;

(b) Construction of services (sanitary sewer, watermain, storm sewer and road works) required along the frontage of Block 60, the future Neighbourhood Park; and,
SUBJECT: Applications for Approval of a Draft Plan of Subdivision, “Springbrook Meadows”, and a Change in Zoning for Lands Located at 221, 285, 305 and 323 Springbrook Avenue (Ancaster) (PED06163) (Ward 12) - Page 2 of 15

(c) One-half the cost of a 1.5 metre high chainlink fence to be installed between the residential lots and Block 60, the future Neighbourhood Park;

all in accordance with the Financial Policies for Development, as approved by Council.

(b) That approval be given to **Amended Zoning Application ZAC-05-55, Adisco Limited and 839891 Ontario Inc. (A. DiSilvestro), owners**, for a change in zoning from the Agricultural “A” Zone to the Residential “R4-548” Zone (Block 1), the Residential “R4-549” Zone (Block 2), and the Public Open Space “O2” Zone (Block 3) to permit the development of 56 single detached dwellings, a park, and 11 future single detached dwellings, for lands located at 221, 285, 305 and 323 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED06163, on the following basis:

(i) That Block 1 be rezoned from the Agricultural “A” Zone to the Residential “R4-548” Zone.

(ii) That Block 2 be rezoned from the Agricultural “A” Zone to the Residential “R4-549” Zone.

(iii) That Block 3 be rezoned from the Agricultural “A” Zone to the Public Open Space “O2” Zone.

(iv) That the Draft By-law, attached as Appendix “E” to Report PED06163, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(v) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The applicant has submitted amended applications for a draft plan of subdivision and change in zoning to facilitate the development of 56 lots for single detached dwellings, 1 block for a park, 11 blocks for future single detached dwellings, and 7 blocks for 0.3 metre reserves (see Appendix “B”).
This proposal has merit and can be supported since the changes in zoning and draft plan of subdivision are consistent with the Provincial Policy Statement and comply with the Hamilton-Wentworth Official Plan. The proposal will implement the approved Meadowlands Neighbourhood IV Secondary Plan of the Town of Ancaster Official Plan. In addition, the proposal is compatible with existing and planned development in the immediate area.

**BACKGROUND:**

**Proposal**

The amended applications are for a change in zoning and approval of a draft plan of subdivision, for lands located at 221, 285, 305 and 323 Springbrook Avenue, as shown on Appendix “A”. The plan of subdivision (Appendix “B”) is comprised of the following:

- 56 lots for single detached dwellings.
- 1 block for Neighbourhood Park purposes (Block 60).
- 11 blocks for future development for single detached dwellings (Blocks 61 to 71).
- 7 blocks for 0.3 metre reserves (Blocks 72 to 78).

The draft plan attached as Appendix “B” has been amended from the original submission to provide wider lots along the Springbrook Avenue frontage (Block “2” – Appendix “A”). The applicant has revised the plan to provide larger lot frontages along Springbrook Avenue, ranging from 15.0m to 16.96m (whereas on the original submission the lots ranged in width from approximately 12m to 14m). The modification has been made in response to concerns from existing residents that would prefer to see larger lots on Springbrook Avenue, as was discussed during the preparation of the Secondary Plan for this neighbourhood at several neighbourhood meetings. As a result of this modification, the total number of proposed lots was reduced from 61 to 59.

The draft plan (Appendix “B”) has been red-line revised to show Lots 57 to 59 inclusive as one Block (Block 71). These lots shall not be developed until such time as full municipal services are available on the north leg of Springbrook Avenue and the road is fully urbanized in conjunction with adjacent lands. The plan has been further red-line revised to add a 0.3 metre reserve (Block 77) adjacent to Street “A”.

The proposed Zoning By-law Amendment, attached as Appendix “E”, would rezone the lands from the Agricultural “A” Zone to the Residential “R4-548” Zone (Block 1), Residential “R4-549” Zone (Block 2) and Public Open Space “O2” Zone (Block 3). The applicant has requested the following modifications to the “R4” Zone, which permits single detached dwellings:

**Block 1**

- 45% maximum lot coverage, whereas the Zoning By-law permits a maximum lot coverage of 35%.
A minimum front yard of 3.0 metres to the dwelling and a minimum of 6.0 metres to the attached garage, whereas the Zoning By-law requires a minimum front yard for both of 7.5 metres.

A minimum flankage side yard of 3.0 metres, whereas the Zoning By-law requires a minimum flankage side yard of 5.2 metres.

A minimum lot area of 370m², except on corner lots, whereas the Zoning By-law requires a minimum lot area of 400m² (except on a corner lot, the minimum required lot area is 500m²).

Block 2

45% maximum lot coverage, whereas the Zoning By-law permits a maximum lot coverage of 35%.

A minimum front yard of 6.0 metres, whereas the Zoning By-law requires a minimum front yard of 7.5 metres.

A minimum lot frontage of 15 metres, whereas the Zoning By-law requires a minimum lot frontage of 12 metres.

A minimum rear yard setback of 3.5 metres for the decks on the existing dwellings along Springbrook Avenue, whereas the Zoning By-law requires a minimum setback of 6.0 metres for decks from the rear lot line.

Staff is supportive of these requested modifications, as they are consistent with the zoning that was applied to the lands to the east as part of the Draft Plan of Subdivision "Meadowlands of Ancaster - Phase 8", and because the modifications implement the policies of the Meadowlands Neighbourhood IV Secondary Plan.

Details of Submitted Application

Owner/Applicant: Adisco Limited & 839891 Ontario Inc. (A. Di Silvestro)

Agent: Urbex Engineering Limited (Angelo Cameracci)

Location: 221, 285, 305 and 323 Springbrook Avenue, Ancaster

Description: Frontage: Approximately 146 metres (Springbrook Ave. east side) Depth: Approximately 202 metres Area: 4.126 ha
EXISTING LAND USE AND ZONING:

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Surrounding Land Uses

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ANALYSIS/RATIONALE:

1. The proposal 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.
   (ii) The proposal implements the approved Meadowlands Neighbourhood IV Secondary Plan of the Town of Ancaster Official Plan.
   (iii) It is compatible with existing and planned development in the surrounding area.

2. The proposed draft plan is comprised of 56 lots for single detached dwellings, as shown on Appendix “B”. The draft plan also includes one block for a public park (Block 60), 11 blocks for future development (Blocks 61 to 71), and 7 blocks for 0.3 metre reserves (Blocks 72 to 78). The draft plan is consistent with the land use designations and road network established by the Meadowlands Neighbourhood IV Secondary Plan, and will extend the road pattern previously established by approved Draft Plan of Subdivision “Meadowlands of Ancaster - Phase 8” to the east.
The proposed draft plan has been amended from the original submission to provide wider lots along the Springbrook Avenue frontage. On the original submission, the lots fronting onto Springbrook Avenue ranged from 12.42m to 14.93m in width. The applicant has revised the plan to provide larger lot frontages along Springbrook Avenue, which range from 15.0m to 16.96m. This will require the applicant to relocate or remove two of the existing dwellings on the subject lands. The applicant will be required to relocate or remove these dwellings, and any other structures that straddle the proposed lot lines, prior to registration of the plan (Development Planning Special Condition No. 24). The modification has been made in response to concerns from existing residents that would prefer to see larger lots on Springbrook Avenue. This issue was discussed during the preparation of the Secondary Plan for this neighbourhood at several neighbourhood meetings, and it was agreed upon at that time that larger lots would be required along this frontage. As a result of this modification, the total number of proposed lots was reduced from 61 to 59.

The draft plan (Appendix “B”) has been red-line revised to show Lots 57 to 59 inclusive as one Block (Block 71). As per Development Engineering Special Condition No. 17, these lots shall not be developed until such time as full municipal services are available on the north leg of Springbrook Avenue and the road is fully urbanized in conjunction with adjacent lands. The plan has been further red-line revised to add a 0.3 metre reserve (Block 77) adjacent to Street “A”.

3. The subject lands are proposed to be rezoned to the Residential “R4-548” Zone and the Residential “R4-549” Zone (Blocks 1 and 2 respectively on Appendix “A”), and the Public Open Space “O2” Zone (Block 3). The following modifications have been included in the amending By-law attached as Appendix “E” at the request of the applicant and through discussions with staff:

Yards - Front and Flankage (Blocks 1 and 2)

The Residential “R4” Zone of the Town of Ancaster Zoning By-law requires a minimum front yard of 7.5 metres, plus any applicable distance as specified on Schedule “C”. Schedule “C” requires a minimum 10 metre setback from the centre line of the road which, in the case of an 18 metre Right of Way, requires an additional 1 metre to be added to the minimum front yard and exterior side yard. For Block 1 (Appendix “A”), the applicant has requested a modification to provide a minimum front yard of 3.0 metres to the main wall of the dwelling and a minimum 6.0 metres to the attached garage. With regards to exterior side yards, the “R4” Zone requires a minimum yard of 5.2 metres plus any applicable distance as specified in Schedule “C”. The applicant has requested a modification to provide a minimum flankage yard of 3.0 metres for Block 1. This is consistent with the zoning that has been applied to the lands to the east as part of the approved “Meadowlands of Ancaster - Phase 8” and “Meadowlands of Ancaster - Phase 9” Draft Plans of Subdivision. Therefore, staff is supportive of
these modifications for Block 1. The proposed amending By-law has been structured to exempt these lands from the requirements of Schedule “C”, as well as the front yard and flankage yard regulations of the “R4” Zone.

For Block 2, staff is not supportive of the reduced front yard to a minimum 3.0 metres. There are existing dwellings on Springbrook Avenue with front yards ranging from approximately 6.0 metres to over 20 metres. After discussions with the applicant, staff is recommending a modification to permit a minimum 6.0 metre front yard for both the dwelling and the garage. The applicant is in agreement with this modification. The modification for Block 1 relating to flankage yards is not included in the modified zoning for Block 2 as it is not applicable to these lands.

Lot Coverage (Blocks 1 and 2)

The applicant has requested a modification to the zoning to permit a maximum lot coverage of 45%, whereas the Zoning By-law permits a maximum coverage of 35%. Maximum lot coverage was increased in the modified zoning for the lands to the east, and the modification is consistent with the policies of the Secondary Plan. Therefore, staff is supportive of this modification in zoning for Blocks 1 and 2.

Lot Area (Block 1)

The “R4” Zone requires a minimum lot area of 400m², except on a corner lot where the minimum lot area shall be 500m². The applicant has requested a modification to permit a minimum lot area of 370m² for the lands in Block 1 (Appendix “A”). The minimum lot area for a corner lot would not be changed. Reducing the minimum lot area to 370m² enables the applicant to better accommodate the existing structures along Springbrook Avenue, by ensuring that sufficient rear yard amenity area will be provided for the existing dwellings in Block 2. For example, the depth of some of the lots in Block 1 has been reduced to allow an increased depth for the lots in Block 2. Staff is supportive of this modification as it is consistent with the policies of the Meadowlands Neighbourhood IV Secondary Plan which speaks to providing smaller lots in the interior of the neighbourhood in order to make efficient use of the land.

Lot Frontage (Block 2)

A modification has been included for Block 2 to require a minimum lot frontage of 15 metres, whereas the Zoning By-law requires a minimum frontage of 12 metres. As discussed above in Comment 2, during the planning stage of the Meadowlands Neighbourhood IV Secondary Plan, residents requested that larger lots be required along Springbrook Avenue. Staff is supportive of this amendment and has requested that the applicant revise their plan to provide
minimum 15 metre lots along Springbrook Avenue. The applicant has complied with this request and revised their plan accordingly.

**Existing Decks (Block 2)**

The amending By-law has been written to permit the existing decks on the dwellings in Block 2 to be setback a minimum 3.5 metres from the rear lot line; whereas the Zoning By-law requires a deck to be setback a minimum 6.0 metres from the rear lot line. The proposed rear yards of the existing dwellings (to the main wall of the dwelling) will comply with requirements of the Zoning By-law (minimum 7.5 metres). Since sufficient amenity space is being provided for these dwellings, the modification can be supported.

4. Block 60 on the proposed draft plan will be dedicated to the City of Hamilton for future parkland. The owner will be required to install a 1.5 metre high chain link fence around the perimeter of the park adjacent to any residential lots or blocks (Development Engineering Special Condition No. 16). This block will be added to a block designated on the approved draft plan to the east "Meadowlands - Phase 8". Block 60 is 0.178 ha, which is equivalent to 4.31% of the total lot area of the subdivision. In accordance with the City of Hamilton's Parkland Dedication and Cash-in-Lieu of Parkland By-law, the application is subject to a parkland dedication of 5% of the net land to be developed. Given that Block 60 is equivalent to 4.31% of the lot area of the subdivision, the applicant is required to pay the difference of 0.69% as a Cash-in-Lieu of parkland dedication payment. Therefore, in accordance with City By-laws, a cash payment to the City of Hamilton, equivalent to the value of 0.69% of the subject lands, will be required prior to registration of the plan (Development Planning Special Condition Nos. 19 and 20).

5. Approval of the Meadowlands Neighbourhood IV Secondary Plan was appealed to the Ontario Municipal Board (OMB) by local residents and a local church. One of the issues brought forward by local residents dealt with the potential costs to existing property owners on Springbrook Avenue for the future installation of sanitary sewers on Springbrook Avenue. There are no existing municipal sanitary and storm sewers within the Springbrook Avenue road allowance. The residents stated at the OMB Hearing that they should be able to hook into any future sanitary sewer on Springbrook Avenue without paying for the installation work. In OMB Decision No. 1493, the Board states that it is incumbent on the municipality and/or the developer to assume a substantial percentage of the cost of installing sanitary sewers on public property. This issue of who will pay for the installation of services on Springbrook Avenue was raised in the letter received from the public, attached as Appendix "F". As part of the conditions of draft plan approval, the applicant is required to construct Springbrook Avenue with full municipal services from the north end adjacent to municipal number 250 Springbrook Avenue to the future intersection north of municipal number 343 Springbrook Avenue, and to cost share with the existing residents of Springbrook
Avenue for a substantial portion of the sanitary sewer costs as per OMB Decision No. 1493 (Development Engineering Special Condition Nos. 14 and 18).

It is noted that the applicant has proposed to phase the development of the draft plan of subdivision, as shown on Appendix “C”. Phase 1 will be developed first, which does not include the creation of any lots fronting onto Springbrook Avenue. Therefore, the installation of services on Springbrook Avenue, and the subsequent cost-sharing with existing residents for the installation of these services, will not occur until development commences on Phase 2 of the plan of subdivision.

There is an existing municipal watermain on Springbook Avenue to service this development directly. The owner is required to provide sufficient back-up information to confirm the adequacy of the proposed water distribution system in the absence of a proper looped system (Development Engineering Special Condition No. 13). There are provisions for municipal sanitary sewer, storm sewer, and a watermain on Chambers Drive, within the “Meadowlands of Ancaster - Phase 8” subdivision, to service a portion of this development directly, and there is an existing municipal storm and sanitary sewer on Stonehenge Drive to service a portion of this development directly.

6. Temporary turning circles will be required at the south limits of Street “A” and Street “B" whereby sufficient lands and a 0.3 metre reserve will be conveyed to the City by deed. The required radii for the turning circles are 13.0 metres pavement and 18.0 metres right-of-way. Upon extension of Street “A” and Street “B”, in conjunction with future development whereby the temporary turning circles are no longer required, the City is authorized to transfer the Block(s) of land back to the adjacent lands for nominal consideration (Development Engineering Special Condition Nos. 6 and 7).

7. In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was circulated to 30 property owners within 120 metres of the subject lands. One letter was received in response to the preliminary circulation, attached as Appendix “F”. The following issues were raised: lot sizes along Springbrook Avenue, cost of servicing along Springbrook Avenue, inclusion of sidewalks, access to the development, and staging of development within the neighbourhood. The issue of lot sizes along Springbrook Avenue and the costs related to the installation of services along Springbrook Avenue are discussed in comments 2 and 5 above. The remaining issues are discussed below:
Inclusion of Sidewalks

As per the Development Engineering Guidelines, sidewalks will be required along the east side of Street ‘A’, both sides of Street ‘B’, and along both sides of Springbrook Avenue (Development Engineering Special Condition No. 9).

Access to the Development

Access to the development will be provided through the subdivision to the east ("Meadowlands - Phase 8"), through an extension of Street ‘B’, as per the approved Meadowlands Neighborhood IV Secondary Plan. In the future, should the lands to the south develop, a second access will be provided to the development by providing a link from Springbrook Avenue to Street ‘A’ and Street ‘B’. In order to ensure appropriate development of the subject lands and adjacent lands, final subdivision approval for “Springbrook Meadows” shall not be granted until such time as “Meadowlands - Phase 8” has been registered (Development Planning Condition No. 22).

Timing of Development on Springbrook Avenue

The letter attached as Appendix “F” from residents on Springbrook Avenue includes a comment which states that existing residents would prefer that all development on Springbrook Avenue proceed at the same time rather than at separate stages. Several developers own property along this road, but at this time, development applications have not been received for any of the lands to the south on Springbrook Avenue. Staff cannot prohibit land owners from making application to develop their land at any time. As each application is received, it is reviewed by staff and, if approved, appropriate conditions of approval are included to ensure orderly development of the lands, compatibility with surrounding developments, and to minimize disruption and impact to adjacent residents.

8. Approval of this Draft Plan of Subdivision will be subject to the conditions included in Appendix “D”, including the applicable City’s standard conditions of approval. Several special conditions will also apply, many of which have already been referenced in this report. In addition, conditions relating to conveyance of any required easements, 0.3 metre reserves, payment for survey monumentation, submission of a Stormwater Management Report, daylight triangles, provision of an adequate storm sewer outlet, requirement for a hydro geological report, street lighting, and restriction on the issuance of building permits on Blocks until consolidation with adjacent lands has occurred have been included (Development Engineering Special Condition Nos. 3 to 5, 8, 10 to 12, and 15, and Development Planning Special Condition No. 21).
9. Policy 6.8.8 of the Meadowlands Neighbourhood IV Secondary Plan deals with Secondary Plan Funding and Cost Recovery. The policy states that the Planning and Development Department established a budget of $45,000 to fund the preparation of the Secondary Plan. This budget was front ended by Meadowlands of Ancaster and Paletta International. All developments within the Meadowlands Neighbourhood IV Secondary Plan area will be required to contribute their fair share towards the allotted budget based on a per hectare basis of developable lands within their holding. The total land area of Meadowlands Neighbourhood IV is 204 hectares. As the total land area of the subject property is 4.127 hectares, the owner will be required to pay their share of $910.37 toward the cost of preparation of the Secondary Plan (Development Planning Special Condition No. 23).

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, then the applicant has the option of developing the lands for the range of uses permitted under the Agricultural “A” Zone (agricultural uses and buildings including one detached dwelling). Only one single detached dwelling would be permitted on each of the four properties that comprise the subject lands if the application to subdivide the lands is denied.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: City cost-sharing for Springbrook Avenue road urbanization (Capital Budget) and park frontage costs and share of park fencing (Development Charge Reserve)

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for approval of a draft plan of subdivision and change in zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). Staff recognizes that the applications have shown proper regard towards focusing growth in urban areas (Policy 1.1.1(a)). 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. The applicant, as a condition of draft plan approval, will be required to conduct an
archaeological assessment of the entire development property 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 Director of Development and Real Estate and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource conservation requirements. This condition has been addressed through Development Planning Standard Condition No. 10, as contained in Appendix “D”, Condition 2(b).

**Hamilton-Wentworth Official Plan**

The subject property is designated “Urban Area” in 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. 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 where full municipal services are available, the proposal conforms to the Hamilton-Wentworth Official Plan.

**Town of Ancaster Official Plan**

The subject property is designated “Low Density Residential” and “Park/Open Space” on Map 1 – Land Use of the Ancaster Meadowlands Neighbourhood IV Secondary Plan of the Town of Ancaster Official Plan. The following policies of the Town of Ancaster Official Plan, among others, are applicable to the subject lands:

“6.8.6 (b) In an effort to make best use of lands currently located within the City’s urban area higher densities will be encouraged throughout this neighbourhood. This can be achieved through the provision of smaller lots in interior locations and higher density developments located at external locations within the neighbourhood.

(c) The Residential densities within the respective Residential land use designations identified on Map 1 – Land Use, shall be as follows:

(i) Low Density: Approximately 1 to 30 units per Net Residential Hectare. This designation permits predominantly single family detached dwellings, duplex and semi-detached dwellings. These types of uses are to be generally located at the interior of residential neighbourhoods adjacent to local and/or collector roads.

6.8.7 This Secondary Plan incorporates a number of design considerations in order to take advantage of the unique physical setting of the area and to create a visually and aesthetically distinct neighbourhood. Principles
embodied in the design of this area and which should be addressed during the processing of a development application shall include:

(d) Streetscape features such as decorative streetlamps, landscaped traffic circle islands, reduced front yards, front and side yard porches, recessed or detached garages.”

The proposed 59 single detached dwellings are consistent with the density provisions under the “Low Density Residential” designation of the Meadowlands Neighbourhood IV Secondary Plan. The applicant has requested modifications to the zoning to permit reduced lot areas and front yards which are consistent with the policies of the Secondary Plan. The proposed development includes a block which will be added to adjacent lands to the east for a public park, as indicated on Map 1 – Land Use Plan to the Meadowlands Neighbourhood IV Secondary Plan. Therefore, the proposal complies with the Meadowlands Neighbourhood IV Secondary Plan.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Public Works Department (Traffic Engineering and Operations Section).
- Corporate Services Department (Budget & Fiscal Policy Services).
- Corporate Services Department (Revenues Division).
- Public Health Services Department (Environmental Health Section).
- Hamilton Wentworth District School Board.
- Hamilton Wentworth Catholic District School Board.
- Hydro One.
- Union Gas.

Open Space Development and Park Planning Section (Public Works Department) has stated that the draft plan of subdivision shows a park block (Block 60), covering 0.178 ha, or 4.31% of the site. This parcel of parkland is an extension of the park in the subdivision adjacent to this application. As 5% of the land area is normally required for parkland dedication, it is recommended that the equivalent of the remaining 0.69% be paid as Cash-in-Lieu for parkland dedication (Development Planning Condition Nos. 19 and 20).

Capital Planning & Implementation Section (Public Works Department) has reviewed the application and has no objections as it is understood that there are no new arterial or collector roads proposed, which would require a Class Environmental Assessment, and that access will be obtained through local public roads.
Forestry Section (Public Works Department) has completed an on-site inspection of the subject lands and notes that there are potential municipal forestry concerns. There is a row of conifers located between 311 and 285 Springbrook Avenue, which may be located on the road allowance of the proposed development. The Section requests that a Tree Preservation Plan be required as a condition of approval. This condition has been addressed through Development Planning Standard Condition No. 12, as contained in Appendix “D”, Condition 2(b). All tree removals shown on the proposed draft plan which are off municipal property will be subject to By-law 2000-118 of the former Town of Ancaster, and a permit must be applied for and approved prior to the removal of any trees.

The Hamilton Street Railway (HSR) has advised that this area is presently beyond a 400 metre walk to a bus stop. The provision of sidewalks on all streets helps to encourage walking and use of public transit. Street orientation and pedestrian entrances are important. Direct short walking distances between dwellings and transit service are preferable. These comments have been addressed by Development Engineering Special Condition No. 9 regarding the inclusion of sidewalks in this development.

The Hamilton Conservation Authority has advised that the subject property is within the Tiffany Creek subwatershed. The proposed development will require an increase in the amount of impervious area currently on the site. As such, the Authority will require storm water quality and quantity controls to be implemented as per Ministry of Environment guidelines.

The Authority had submitted previous comments which indicated that the subject property was traversed by two tributaries of Tiffany Creek. A subsequent site inspection by Authority staff revealed that the watercourses no longer exist. It appears that as a result of the historical residential subdivisions downstream, the watercourse features have been lost. On this basis, the subject property is no longer affected by the Authority’s Fill, Construction and Alteration to Waterways regulation, Ontario Regulation 151/90. Therefore, the residential development does not require a permit from the HCA.

The Authority has requested that Hamilton Conservation Authority Standard Condition Nos. 1 and 2 (Appendix “D”, Condition 2(d)) and Hamilton Conservation Authority Special Condition No. 25 be included in the draft plan of subdivision approval.

Bell Canada has determined that there are adequate telecommunication facilities existing within the area and, therefore, Bell Canada does not require any easement or lease. 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. In this regard, Bell Canada Standard Condition No. 1 (Appendix “D”, Condition 2(c)) has been included in the draft plan of subdivision approval.
Public Consultation

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application was circulated to 30 property owners within 120 metres of the subject lands. One letter was received in response to the preliminary circulation, attached as Appendix “F”. The following issues were raised: inclusion of sidewalks, lot sizes along Springbrook Avenue, cost of servicing along Springbrook Avenue, access to the development, and staging of development within the neighbourhood. These concerns have been addressed in the Analysis/Rationale Section of this report. In addition, a Public Notice sign has been posted on the property and Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act.

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
  Infrastructure and compact 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

:HT
Attachs. (6)
Appendix “A” to Report PED06163 (Page 1 of 1)

Location Map

Subject Lands
221, 285, 305, and
323 Springbrook Avenue, Ancaster

- Block 1 - Change in Zoning from Agricultural “A” Zone to Residential “R4-548” Zone
- Block 2 - Change in Zoning from Agricultural “A” Zone to Residential “R4-549” Zone
- Block 3 - Change in Zoning from Agricultural “A” Zone to Public Open Space “O2” Zone

Ward 12
Keymap
N.T.S
“Springbrook Meadows” (25T200510) – Conditions of Draft Approval

1. That this approval apply to the Draft Plan of Subdivision entitled “Springbrook Meadows”, for Part of Lot 50, Concession 3, Geographic Township of Ancaster, City of Hamilton, as revised in red, dated May 1, 2005, prepared by Urbex Engineering Limited, as shown on Appendix “B” to Report PED06163, showing fifty-six (56) lots for single detached dwellings (Lots 1 to 56), one (1) block for a park (Block 60), eleven (10) blocks for future single detached dwellings (Blocks 61 to 71) and six (6) blocks for 0.3 metre reserves (Blocks 72 to 78).

2. That the following standard conditions of draft plan approval from Appendix “A” of Report PD01184 (Streamlining and Harmonization of Subdivision, Condominium and Part Lot Control Approvals and Administration Processes) shall apply;

   (a) Development Engineering
       Standard Conditions Nos. 1, 7, 11, 13, 15, 16, 17, 21, 22, 24, 25, 26, 29, 33, 35;

   (b) Development Planning
       Standard Conditions Nos. 2, 3, 4, 5, 10, 12, 16, 17, 18, 20, and 21;

   (c) Bell Canada
       Standard Condition No. 1;

   (d) Hamilton Conservation Authority
       Standard Conditions Nos. 1 and 2;

Development Engineering

3. That the Owner agree in writing to convey such easements as may be required for utility or drainage purposes to the appropriate authority, by deed, prior to registration of any portion of the draft approved plan.

4. That the Owner agrees in writing to terminate any dead-ends or open side of the road allowance created by registration of the final plan, with a 0.30 metre reserve(s) and to transfer these reserve(s) to the City, by deed.

5. That the Owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.

6. That where registration of a draft approved plan, or any portion thereof, results in the creation of lots which front onto a dead-end street of 45 metres or more in length, with no cul-de-sac bulb, then the Owner agree, in writing, to provide a temporary turn-around with sign and convey sufficient land and 0.30 metre reserves to the City, by deed, over the Owner’s lands and to provide securities
for the removal of the turn-around and restoration of the effected area to the satisfaction of the Manager of Development Engineering

7. That the Owner agree in writing to erect a sign to the satisfaction of the City at any temporary turn-around created by registration of any portion of the draft approved plan indicating that the street will be extended in conjunction with future development.

8. That the Owner agree in writing to submit a Stormwater Management Report, prepared by a qualified professional engineer, to demonstrate how quality and quantity control criteria will be handled in accordance with the MOE Stormwater Management Planning & Design Manual – 2003, the Meadowlands Neighbourhood 3, 4 and 5 Class Environmental Assessment Master Plan, and the City of Hamilton Stormwater Management Policies.

9. That the Owner agrees in writing to install concrete sidewalks in the locations listed below:

   Street “A”: East side, full length;

   Street “B”: Both sides, full length;

   Springbrook Avenue: Both sides, full length

10. That the Owner dedicates sufficient lands to the City of Hamilton in order to establish 5m x 5m daylight triangles on Street “B” at the intersections of Street “A” and Street “B” and dedicate the lands to the City by certificate on the final plan

11. That the final plan of subdivision shall not be registered until such time as an adequate storm sewer outlet is provided to the limit of the draft plan of subdivision.

12. The Owner agree in writing that in the event groundwater is encountered during any construction within the subdivision, including but not limited to house construction, the Owner will submit a Hydrogeological report to the City, prepared by a qualified professional, to assess the impacts, provide recommendations to mitigate the groundwater impacts and undertake the works as recommended including monitoring, to the satisfaction of the Manager of Development Engineering.

13. That the final plan of subdivision shall not be registered until such time as an adequate watermain is provided to the limit of the draft plan of subdivision and sufficient back up information is provided to confirm the adequacy of the proposed water distribution system in the absence of a proper looped system.

14. The Owner agrees to construct Springbrook Avenue with full municipal services, from the north end adjacent to municipal number 250 Springbrook Avenue, to the future intersection north of municipal number 343 Springbrook Avenue, to the satisfaction of the Manager of Development Engineering.
15. That the owner agree to provide street lighting throughout the subdivision to the limits of the subdivision and on Springbrook Avenue where deemed necessary, to the satisfaction of the Manager of Development Engineering.

16. That the owner agrees, in writing, to install a 1.5 metre high chain link fence around the perimeter of the park adjacent to any residential lots or blocks prior to the issuance of any building permits on the adjacent lands.

17. That the owner agrees that Lots 57, 58, and 59 will not be developed until such time as there are adequate municipal services on the north leg of Springbrook Avenue and the road has been fully urbanized in conjunction with the adjacent lands.

18. That the owner agrees to cost share with the existing residents of Springbrook Avenue for a substantial portion of the sanitary sewer costs as per the OMB Decision No.1493.

Development Planning

19. That the owner agrees to convey Block 60 to the City of Hamilton, as provided for under Section 51 of the Planning Act as contribution toward the parkland dedication requirement.

20. That the owner makes a cash payment in-lieu of the conveyance of 0.69% of the land included in the plan to the City of Hamilton, as provided for under Section 51 of the Planning Act.

21. That the owner agrees that a building permit will not be issued for Blocks 61 to 70 until such time as they are consolidated with adjacent lands.

22. That final subdivision approval not be granted until such time as “Meadowlands of Ancaster - Phase 8” (25T200410) has been registered.

23. That the owner agrees to pay their share of the cost of the Meadowlands Neighbourhood IV Secondary Plan.

24. That the owner agrees to remove and/or relocate the existing dwellings and structures on the subject lands that straddle the proposed lot lines, prior to registration of the subdivision, to the satisfaction of the Director, Building and Licensing.

Hamilton Conservation Authority

25. That the applicant prepares and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority.
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 87-57 (Ancaster), as amended,
Respecting Lands Located at 221, 285, 305, and 323 Springbrook Avenue
(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 _______, 2006, 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” of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by changing from the Agriculture “A” Zone:
(a) to the Residential “R4-548” Zone, the lands comprised in Block “1”;
(b) to the Residential “R4-549” Zone, the lands comprised in Block “2”; and,
(c) to the Public Open Space “O2” Zone, the lands comprised in Block “3”;
the extent and boundaries of which are more particularly shown on Schedule “A”
annexed hereto and forming part of this by-law.

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

**R4-548** That notwithstanding the provisions of paragraphs (a), (c), (d) and
(e)(ii) of Subsection 12.2 “Regulations” of Section 12: Residential
“R4” Zone, and Schedule “C”, the following special provisions shall
apply to the lands zoned “R4-548”:

**Regulations:**

(a) Minimum Lot Area 370 square metres, except for a
corner lot, where the minimum lot
area shall be 500 square metres.

(b) Maximum Lot Coverage 45 percent.

(c) Minimum Front Yard 3.0 metres to the dwelling and
6.0 metres to a garage shall be
provided.

(d) Minimum Side Yard On a corner lot, the minimum
side yard abutting a street shall
be 3.0 metres.

**R4-549** That notwithstanding the provisions of paragraphs (b), (c), and (d)
of Subsection 12.2 “Regulations” of Section 12: Residential “R4”
Zone, paragraph (a) of Section 9.10 of Section 9: General
Provisions for Residential Zones, and Schedule “C”, the following
special provisions shall apply to the lands zoned “R4-549”:

**Regulations:**

(a) Minimum Lot Frontage 15 metres.

(b) Maximum Lot Coverage 45 percent.

(c) Minimum Front Yard 6.0 metres.
(d) The minimum setback from a rear lot line for a deck existing on the day of the passing of this By-law, being the day of __________, 2006, shall be 3.5 metres.

3. That the amending By-law be added to Map 1 of 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 __________, 2006.

_________________________________________  ________________________________
MAYOR  CLERK

ZAC-05-55 / 25T200510
This is Schedule "A" to By-Law No. 06—

Passed the __________ day of __________, 2006

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

Schedule "A"
Map Forming Part of By-law No. 06-______
to Amend By-law No. 87-57

Subject Lands
221, 285, 305, and 323 Springbrook Avenue, Ancaster

Block 1 - Change in Zoning from Agricultural "A" Zone to Residential "R4-548" Zone

Block 2 - Change in Zoning from Agricultural "A" Zone to Residential "R4-549" Zone

Block 3 - Change in Zoning from Agricultural "A" Zone to Public Open Space "O2" Zone
July 25, 2005

Heather Travis,
Develpoment Planner 11,
City of Hamilton,
71 Main Street West,
Hamilton, Ontario,
L8P 4Y5.

Dear Madam:

Re: File No EAC-05-55/25T200510

At a meeting of the residents of Springbrook Ave. held on July 18, 2005, I was instructed to write you on their behalf indicating some areas of concern re: this application.

Items of concern:

1 - There appears to be no mention of sidewalks

2 - Lot sizes - The size of lots fronting on Springbrook Ave. are in the area of 13 metres. All the present lot sizes are from 68 feet to 100 feet or more. Presently there are approximately 22 properties that could be effected if the proposed lot size is allowed. Lots in the rear of Springbrook could be of the smaller size.

3 - What will be the cost to residents for services on Springbrook especially sanitary sewers. Under the OMB decision dated Sept. 15, 2004, Decision Order 1493. Delivered by J. Flint and Order of the Board, on page 10 line 7 it states "The Board notes, however, that in the Meadowlands Neighbourhood Area 4 Secondary Plan, Springbrook Avenue is identified as a collector road; and that, under that designation, it is incumbent on the Municipality and/or a developer to assume a substantial percentage of the cost of installing sanitary sewers on public property."

This issue has to be clarified before any application for subdivisions can be agreed to by the residents. We would suggest that a meeting be called with the appropriate City officials and residents to clarify this item as soon as possible.

4 - Where will access to the development be.
5 - That all development on Springbrook proceed at the same time rather than by stages. This would provide for proper alignment between areas to be developed, we believe that there are 6 developers with property on Springbrook and don’t want 6 separate disruptions for development on the road.

Potential developers are:

- A. Di Silvstro
- Landmark
- Tony Dussin
- James Dussin
- Steve Caso
- Redeemer

We would appreciate receiving copies of the Staff report prior to any meetings that may be held re this application.

Thanking you in advance for your co-operation re this request.

On behalf of the residents of Springbrook Ave., I remain.

Yours truly,

Jerry Shea
390 Springbrook Ave.,
Ancaster, Ontario,
L9G 3K9
905-648-2128

cc: Residents