SUBJECT: Application for a Change in Zoning for Lands Known as 5 and 9 Hampton Brook Way, Former Township of Glanbrook (PED06390) (Ward 11)

RECOMMENDATION:

That approval be given to Zoning Application ZAR-06-53, by 1536708 Ontario Inc. (Anthony DiCenzo), owner, for a change in zoning from the Deferred Development “DD” Zone to the Holding - Residential Multiple “H-RM3-215” Zone, in order to permit the development of 41 block townhouse units, and 3 four-storey, 16 unit, apartment buildings on the lands located at 5 and 9 Hampton Brook Way, as shown on Appendix “A” to Report PED06390, on the following basis:

(a) That the subject lands be rezoned from the Deferred Development “DD” Zone to the Holding - Residential Multiple “H-RM3-215” Zone.

(b) That the draft By-law, attached as Appendix “D” to Report PED06390, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The purpose of the application is to permit the development of block townhouses and apartment buildings on the subject lands.

Staff supports the application as it is consistent with, and complementary to, the existing and proposed development in the immediate area, and conforms to the Hamilton-Wentworth and Glanbrook Official Plans. An ‘H’ Holding provision has been applied in order to address the requirement for an acoustical study.

BACKGROUND:

Proposal:

The application is for a change in zoning from the Deferred Development “DD” Zone to the Residential Multiple “RM3-215” Zone to permit 41 block townhouse dwelling units, and three four-storey, 16 unit, apartment buildings for a total of 89 units on the subject lands (see Appendix “C”). The proposal includes 207 parking spaces; of which 52 spaces are to be provided underground for the three apartment buildings. Two driveway accesses are to be connected to Hampton Brook Way. The proposal is subject to site plan control.

Location: 5 and 9 Hampton Brook Way (Glanbrook)

Owner/Applicant: 1536708 Ontario Inc. (Anthony DiCenzo)

Property Description: Frontage: 84.23m Depth: 209.53m Lot Area: 15,971m²

Servicing: Full municipal services available

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>North</td>
<td>Drainage Channel</td>
<td>Public “P” Zone</td>
</tr>
<tr>
<td>South</td>
<td>Residential</td>
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</tr>
</tbody>
</table>
ANALYSIS/RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Provincial Policy Statement as it represents an opportunity for growth in settlement areas.
   
   (ii) It conforms to the Hamilton-Wentworth Official Plan.
   
   (iii) It conforms to the Official Plan for the former Township of Glanbrook.
   
   (iv) It implements the “High Density Residential” designation of the Mount Hope Urban Settlement Area Land Use Plan.
   
   (v) The proposed form of development is considered to be compatible with the existing development in the immediate area.

2. Circulation of the proposed application to various City Departments and outside agencies resulted in no significant issues with respect to the proposed zone change.

Zone Change

The subject lands are proposed to be rezoned to a site-specific Residential Multiple “H-RM3-215” Zone. The proposed zoning modification is to add low-rise apartment buildings as a permitted use in addition to the permitted block townhouses. Although the application is proposing a density of 56 units per hectare, the Residential Multiple “RM3” Zone permits a maximum density of 35 units per hectare, which would be lower than the 40-60 units per net residential hectare permitted in the “High Density Residential” designation applied to the subject lands. Accordingly, the draft By-law (Appendix “D”), specifies a minimum (40 units/ha) and maximum (60 units/ha) density to ensure the “High Density Residential” policies of the Official Plan are maintained.

The proposed zoning includes reductions to the front, side and rear yard setbacks of the “RM3” zone regulations. The applicant has requested a reduction in the required minimum front yard setback from 9.0 metres to 6.0 metres for the proposed apartment buildings and to 4.6 metres for the townhouses, and a reduction in the required minimum rear and side yard setbacks from 7.5 metres to 4.5 metres for both apartments and townhouses.
The proposed modifications to the front yard setback can be supported as it will provide for a street-oriented form of development along Hampton Brook Way. The proposed modifications to the side and rear yard setbacks are supportable as they abut a drainage channel and the elevated White Church Road right-of-way and adequate rear yard amenity space plus a landscape buffer can still be provided.

As the proposal is to add apartments on a permitted use to the “RM3” townhouse zoning, the amending By-law includes regulations from the apartment “RM4” Zone (e.g. minimum floor area per dwelling unit, maximum height, minimum amenity area, etc.) that specifically permits and regulates apartment buildings.

The approved noise study, “Southampton Estates Acoustical Study”, dated September 29, 2005, completed as a condition of approval for the “Southampton Estates” subdivision, recommended a separate noise study be completed for the subject lands once the land use and building location has been determined. Therefore, a Holding ‘H’ provision has been applied in order to ensure the completion of a noise study.

3. In response to the Public Consultation Process, one comment was received from a neighbouring land owner located at 9157 White Church Road. The concerns raised by this neighbour relate to the availability of municipal water and the impact of this development on groundwater. The neighbour is interested in having access to municipal water located along White Church Road, however, the servicing currently only extends along White Church Road from Highway No. 6 to Hampton Brook Way, and there are no plans to extend municipal services further along White Church Road.

The concern regarding the potential impact that this development may have on groundwater relates to the stormwater management facility that was approved as part of the approval of the plan of subdivision “Southampton Estates” and the prepared Groundwater Study. The subject lands were designated for “High Density Residential” at that time, and all stormwater management and groundwater studies and reports reviewed as part of the approval for “Southampton Estates” took into account this block being developed for “High Density Residential”. This concern relates to what effect the full development of “Southampton Estates” may have on the quality of his well water. The Stormwater Management Report, dated January 2003, and prepared by S. Llewellyn & Associates Limited, and the Groundwater Study, adequately addresses both the quality and quantity of the overland stormwater flows and the impact of the proposed development on the area’s groundwater. The water is treated in the pond on-site.
ALTERNATIVES FOR CONSIDERATION:

The subject lands could be used for the uses permitted in the existing Deferred Development “DD” Zone, including agricultural 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 an application for a Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Provincial Policy Statement

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

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 minimize risk to public health and safety. Due to the proximity of the subject lands to the Highway 6 bypass and White Church Road, staff recommends a noise assessment be conducted to address this concern.

Recommendation #3 from the Southampton Estates Acoustical Study dated September 29, 2005, as prepared by Planning & Engineering Initiatives Ltd., states:

“That a separate noise study be prepared for future Blocks 146 and 149 at the time of site plan approval when land use and building location has been prepared for these Blocks. The site plan should take into consideration the acoustical effects of the realignment of Highway 6 on the development.”

An ‘H’ Holding provision is to be applied to address this requirement and is discussed in the Analysis/Rationale Section of this report.
Hamilton-Wentworth Official Plan

The subject property is 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. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. As the nature of the application is for a change in zoning to allow for the development of 89 townhouse and apartment units within a registered plan of subdivision, the proposal conforms with the policies of the Hamilton-Wentworth Official Plan.

Mount Hope Urban Settlement Area/Township of Glanbrook Official Plan

The subject property is designated “High Density Residential” in the Mount Hope Urban Settlement Area Land Use Plan of the Glanbrook Official Plan (see Appendix “B”). The “High Density Residential” designation within the Official Plan is defined as primarily low-rise apartments with a density range between 40 to 60 units per net residential hectare.

When evaluating townhouse dwellings and other forms of housing not fronting on a public road (e.g. forming part of a private condominium development), net residential density includes the lands for dwellings, private internal roads, parking areas, open space and other associated amenities directly related to and forming part of the development and/or redevelopment. Based on a lot area of 1.59 hectares, the proposal (89 units or 56 units/ha) conforms with the Glanbrook Official Plan.

RELEVANT CONSULTATION:

The following Departments and Agencies had no comments or objections:

- Corporate Services Department (Budgets Section).
- Public Works Department (Open Space Development and Park Planning Section).
- Public Works Department (Forestry and Horticulture).
- Community Services Department (Culture & Recreation).
- Niagara Peninsula Conservation Authority.
- Bell Canada.

Public Works, Operations and Maintenance

Staff advised that driveway access to this block may be restricted to the north area of this property.

Hamilton Street Railway

Public transit is presently provided by the Glanbrook Trans-Cab shared-ride taxi service, Monday through Saturday, until 7:00 PM. There are no plans to extend the conventional fixed bus route service to this area.
PUBLIC CONSULTATION

In accordance with the Public Participation Policy that was approved by Council on May 29, 2003, this application and notice of Public Meeting was pre-circulated to all property owners within 120 metres of the subject property. A total of 37 notices were circulated. A Public Notice Sign was also posted on the subject lands. One comment opposing the development was received (Appendix “E”). A discussion of the concerns is included in the Analysis/Rationale Section of this report.

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
Shelter, care and satisfying employment are accessible to all Hamiltonians.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Consumption of all natural resources is reduced.

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

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

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

:KW

Attachs. (5)
Change in Zoning from the Deferred Development "DD" Zone to the Holding – Residential Multiple "RM3-215" Zone
Mount Hope Urban Settlement Area Land Use Plan

OFFICIAL PLAN FOR THE TOWNSHIP OF GLANBROOK
SCHEDULE C
MOUNT HOPE URBAN SETTLEMENT AREA
LAND USE PLAN

LEGEND:
Residential Uses:
- Low Density
- Medium Density
- High Density

Other Uses:
- Industrial
- Commercial
- Recreational
- Office
- LA/B
- Storm Drainage Facilities
- — Existing Property Lines
- Unserviced Lots
- Settlement Area

[Diagram of Mount Hope Urban Settlement Area Land Use Plan]
Development Concept Plan
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 5 and 9 Hampton Brook Way

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" 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. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993; 

AND WHEREAS the Council of the City of Hamilton, in adopting Section _______ of Report 06-______ of the Planning and Economic Development Committee at its meeting held on the ______ day of ______, 2006, recommended that Zoning By-law No. 464 (Glanbrook), 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 Township of Glanbrook); 

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

1. Schedule “F”, appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the Deferred Development “DD” Zone to the Residential Multiple-Holding “H-RM3-215” Zone, the lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding a new special provision, "H-RM3-215", to include the following:

**“H-RM3-215  5 and 9 Hampton Brook Way”**

1. In addition to the uses permitted in Subsection 19.1 PERMITTED USES of SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE, an apartment building shall also be permitted on the lands zoned “H-RM3-215”, subject to regulations (h) through (m), of Subsection 20.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1 (APARTMENT BUILDING) of SECTION 20: RESIDENTIAL MULTIPLE “RM4” Zone and the following regulations.

Notwithstanding the regulations of paragraphs (d), (e), (f), and (n)(ii) of Subsection 19.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS), as amended above, the following regulations shall apply to the lands zoned “H-RM3-215”:

<table>
<thead>
<tr>
<th>Regulation</th>
<th>Description</th>
<th>Minimum/Maximum</th>
</tr>
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<tbody>
<tr>
<td>(d)(i)</td>
<td>Minimum Density</td>
<td>40 units per hectare</td>
</tr>
<tr>
<td>(d)(ii)</td>
<td>Maximum Density</td>
<td>60 units per hectare</td>
</tr>
<tr>
<td>(e)</td>
<td>Minimum Front Yard</td>
<td></td>
</tr>
<tr>
<td>(i)</td>
<td>Block Townhouse Dwellings</td>
<td>4.6 metres</td>
</tr>
<tr>
<td>(ii)</td>
<td>Apartment Buildings</td>
<td>6.0 metres</td>
</tr>
<tr>
<td>(f)</td>
<td>Minimum Side and Rear Yards</td>
<td>4.5 metres</td>
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<tr>
<td>(n)</td>
<td>Minimum Parking Requirements</td>
<td></td>
</tr>
<tr>
<td>(ii)</td>
<td>No parking space or area shall be located closer to a front lot line than 4.6 metres or closer to a side lot line than 3 metres.</td>
<td></td>
</tr>
<tr>
<td>(o)</td>
<td>Minimum Setback from the hypotenuse of the Daylight Triangle</td>
<td>4.3 metres</td>
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</table>

(ii) The ‘H’ symbol may be removed by a further amendment to this By-law, at such time as an acoustical report prepared by a qualified Professional Engineer containing the recommended control measures has been approved by the City of Hamilton, Director of Development and Real Estate.
3. 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-06-53
Appendix “D” to Report PED06390 (Page 4 of 4)

Subject Property
Change in Zoning from Deferred Development “DD” Zone to the Holding - Residential Multiple “H-RM3-215” Zone

Schedule “A”
Map Forming Part of By-law No. 06-_____
to Amend By-law No. 464
Public Comment

From: john valvasori  
Sent: Thursday, August 10, 2006 11:44 PM  
To: West, Kristen  
Cc: Mitchell, Dave; ldianni@hamilton.ca  
Subject: File # ZAC-06

Dear Kristen West

I am responding to the communication sent by Paul Moore for Peter De Iulio. With regard to the proposal to rezone the lands on the north-west corner of Whitechurch Rd. and Hampton Brook Way, to provide for high density housing, I have a number of concerns.

I have resided at 9157 Whitechurch Rd., directly across from the proposed townhouse site, for the past 25 years. The peace and quiet of this pastoral setting compensated for the lack of services (eg. water, sewers, lighting, sidewalks etc.) during this time. However, over the past 3 years, the landscape has changed considerably. I now look out my front windows to the side of a ramp from an overpass for the new Hwy. 6, complete with guardrails and weeds. Beyond that is a new survey on previously agricultural land, about 3/4 completed. The development of this land resulted in so much dirt and dust, it made outdoor living unbearable for 2 summers. As one cannot hinder progress (?), we hoped that the compensation would be the ability to tap into the water lines brought down Whitechurch to accomodate this new survey. In fact, after an appropriate petition, we were informed in writing that we would get water, along with the approximate cost per household. When I questioned the intended date for this project 6 months ago, I was told that the decision had been reversed (with no communication to me). So I still have the lack of services I had 25 years ago, despite the addition of a new highway and new survey within shouting distance. I am concerned with the proposed placement of high density homes directly across the street from me. The existing level of peace and quiet and privacy to which we have long become accustomed will be destroyed. I know that you can't put a financial value on this lifestyle issue, but after 25 years here, we should have some rights in terms of preserving our quality of life. In fact, I question the placement of high density housing in a community that has few amenities, no recreation centers, no bus service and little for the residents to do.

Secondly, I have major concerns with the impact of this development on our drinking water. We are serviced by a well, as are most of our neighbours on Whitechurch. Immediately next to my property is a stream which receives all the ground water from the survey. Previously, most rainwater from the survey would be absorbed and filtered by the natural area of this agricultural setting. Now it goes through storm sewers into a pond which feeds this stream. All the dirt, debris and run-off from the survey feeds directly into this stream which is less than 100 metres from my well. Will it have an impact? I expect so. Has an engineering study complete with well tests been done. I don't think so. Will the addition of high density housing across the street exacerbate the problem? Absolutely.

In summary, I am opposed to the noise, the loss of privacy, the increased traffic and the impact this development will have on our quality of living. I abhor the thought of the return of the dust and dirt that accompany the installation of services and building of roads. But mostly, I am concerned that my source of water will be compromised, and with it, the health of my family.
Public Comment

If it does become contaminated, can I expect the City of Hamilton to provide access to the water lines on our street to ameliorate the situation?

I hope you will consider these issues in developing your report.

John Valvasori
9157 Whitechurch Rd.
Mt. Hope, ON
L0R1W0.