



**CITY OF HAMILTON**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 18, 2014
<b>SUBJECT/REPORT NO:</b>	Waterdown Village Core – Traffic Management and Land Use Options (PED14047) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Anita Fabac (905) 546-2424 Ext. 1258
<b>SUBMITTED BY:</b>	Joe-Anne Priel Acting General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

- a) That the following strategy be approved in respect to traffic management and land use for the Waterdown Village Core area:
  - i) Continue with the traffic calming review for the Waterdown Village Core;
  - ii) Initiate the Growth Management Road Infrastructure Implementation Strategy;
  - iii) Initiate the Waterdown Community Node Secondary Plan;
  - iv) Initiate a Transportation Management Plan for the Waterdown Community Node;
  - v) Require a Traffic Impact Study for all residential development in the Waterdown Core; and,
  - vi) The City not pursue an Interim Control By-law or a Holding By-law for the Waterdown Village Core.

**EXECUTIVE SUMMARY**

At the February 4, 2014, Planning Committee, a motion was passed which directed staff of the Planning and Economic Development Department and the Public Works Department, along with Legal Services, to investigate and report back to the March 18,

**SUBJECT: Waterdown Village Core – Traffic Management and Land Use Options  
(PED14047) (Ward 15) – Page 2 of 9**

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2014, Planning Committee, with respect to options and a recommendation regarding a traffic management and land use strategy for the Waterdown Village Core area.

A number of projects are planned or underway for Waterdown including:

- a traffic calming review by the Public Works Department to address neighbourhood traffic issues, including cut-through traffic, in the Hollybush Drive and Griffin Street/Barton Street area; and,
- The Growth Management Division will be developing an implementation strategy that will include all approved road infrastructure projects, that will be implemented over the next few years, within the Waterdown area including Parkside Drive, the East/West Corridor, Waterdown Road, Mill Street culvert replacement, and the urbanization of Mountain Brow Road.

In addition to these studies, the Public Works Department has planned for various intersection improvements. As well, the Planning Division's approved work plan includes a Secondary Plan for the Waterdown Community Node (which includes the Waterdown Village Core).

Staff have reviewed the projects underway and projects to be completed, and recommend the following traffic management and land use strategies for Waterdown:

- completion of the traffic calming review and implementation strategy that are underway or planned;
- undertake a Secondary Plan and a Transportation Management Plan for the Waterdown Community Node, which would include a review of the recommendations of the Waterdown-Aldershot Transportation Master Plan (2008); and,
- require a Traffic Impact Study for all residential development in the Waterdown Village Core.

***Alternatives for Consideration – See Page 8***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

**Financial:** There are no financial implications relating to the traffic calming review, implementation strategy, the Waterdown Community Node Secondary Plan and Transportation Management Plan, as these form part of approved work plans. Financial implications relating to implementation of the projects and studies will need to be determined.

**SUBJECT: Waterdown Village Core – Traffic Management and Land Use Options  
(PED14047) (Ward 15) – Page 3 of 9**

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**Staffing:** There are no staffing implications. The projects and works planned or underway will be administered by existing staff in the Public Works and Planning and Economic Development Departments.

**Legal:** Legal Services was consulted and have no concerns.

## **HISTORICAL BACKGROUND**

A number of decisions relating to residential growth within the Waterdown urban area have been made at the Ontario Municipal Board (OMB) on the basis of planned road and network improvements, and the Ward Councillor has expressed concern that development has been proceeding in advance of the planned infrastructure.

At the February 4, 2014, Planning Committee, a motion was passed which directed staff of the Planning and Economic Development Department and Public Works Department, along with Legal Services, to investigate and report back to the March 18, 2014, Planning Committee, with respect to options and a recommendation regarding a traffic management and land use strategy for the Waterdown Village Core area.

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Urban Hamilton Official Plan (UHOP) identifies the Waterdown Village Core area as a Community Node. Section 2.3.3 of the UHOP outlines the function, scale and design of Community Nodes. Policy No. 2.3.3.2 states that “within each Community Node a range of uses shall be provided that allow for access to housing, employment, services, and recreation in close proximity to each other and transit. The Community Nodes shall provide services to residents within the former area municipalities and surrounding neighbourhoods in a mixed use environment”.

The UHOP policies state that Community Nodes shall generally be planned to achieve a target density of 100 persons and jobs per hectare. As well, they shall be planned to accommodate generally between 25,000 and 100,000 square metres of retail floor space. Policy No. 2.3.3.11 states that a detailed Secondary Plan shall be undertaken to provide greater direction on the mix of uses, heights, densities, built form, and design. Policy No. 2.3.3.13 a) also states that intensification shall not be permitted in the Waterdown Community Node until infrastructure and transportation constraints have been alleviated.

The UHOP includes policies that detail how Holding By-laws are to be used. Policy No. F.1.8.1 states that “Council may use the Holding “H” symbol in conjunction with the Zoning By-law to identify the ultimate use of land but to limit or to prevent the ultimate use in order to achieve orderly, phased development, and to ensure that servicing and design criteria established in this Plan have been met prior to the removal of the “H”

symbol”. Policy No. F.1.8.2 states that a Holding symbol may be applied where municipal infrastructure is not adequate or available to support the ultimate use.

The UHOP includes policies that detail how Interim Control By-laws are to be used. Policy No. F.1.10 states that “interim control by-laws are intended to be used, prior to approval of any Planning Act applications, in areas where the City wishes to undertake a comprehensive study in an area that is experiencing development and/or redevelopment pressures. Matters related to land use, transportation, infrastructure, environment and other aspects of development may be addressed during the study period”. Policy No. F.1.10.1 states that “Council may enact an interim control by-law to allow the City to limit the use of land and buildings where Council has directed study(ies) be undertaken for land use planning purposes in a defined area of the City”.

## **RELEVANT CONSULTATION**

The following staff were consulted in the preparation of this report:

- Growth Management Division regarding the implementation strategy;
- Traffic Engineering, Public Works Department, regarding the Traffic Calming Review and proposed intersection improvements;
- Transportation Planning, Public Works Department; and,
- Legal Services.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

There are a number of projects and works underway or planned for Waterdown that address transportation and growth in the Waterdown Village Core area. The following provides a summary of these works and studies.

### *Traffic Calming Review*

The Traffic Engineering Section, Public Works Department, is currently undertaking a traffic calming review on a number of roadways throughout the City, including Waterdown. The Public Works Department is looking at ways to address neighbourhood traffic issues, including cut-through traffic in the Hollybush Drive and Griffin Street/Barton Street area. Currently, staff are awaiting traffic count data (both volumes and speed). Public Works staff have advised that these counts will be completed in early April.

In addition, Public Works staff have identified the following projects to be added to the Capital Budget:

**SUBJECT: Waterdown Village Core – Traffic Management and Land Use Options  
(PED14047) (Ward 15) – Page 5 of 9**

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- New signalized intersection at Centre Road and Concession 6 East;
- Modernization of the intersection of Burke Street and Dundas Street East;
- Conversion to full signal modernization for the intersection of Dundas Street East and Riley Street;
- New signalized intersection at Hollybush Drive/Sadielou Boulevard and Parkside Drive; and,
- New signalized intersection at Braeheid Avenue/Wimberly Avenue, and Parkside Drive.

Timing of implementation of these improvements has yet to be determined.

*Road Infrastructure Implementation Strategy*

The Growth Management Division will be developing an implementation strategy that will include all approved road infrastructure projects that will be implemented over the next few years, within the Waterdown area. These works include Parkside Drive, the East/West Corridor, and Waterdown Road. Currently there are a number of projects that still require Ministry of Environment (MOE) approval, and cannot proceed to implementation until this approval is given. These projects include the East/West Corridor and Waterdown Road. It should be further noted that the Ministry of Transportation has completed a Transportation Environmental Study Report (TESR) Addendum for the Highway 5 and 6 interchange and associated municipal road projects. The project is not within their five year project timeframe, and there are a number of Part 2 order bump up requests which are currently under review by the MOE.

The Public Works Department has expressed a need to rehabilitate/repair the existing culvert on Dundas Street East, east of Mill Street. The timing for this work is not determined and will require coordination with the planned road projects.

*Secondary Plan*

As part of the 2009 City Wide Secondary Plan Review (Report PED08017(a)), the Waterdown Community Node was identified as an immediate priority area for future secondary plan work, due to the need to protect the heritage characteristics of the historical downtown, integrate old Waterdown with the newer developing areas, and address concerns related to traffic and access along Hamilton Street.

The UHOP identifies the Waterdown Village Core area as a Community Node. The UHOP states that a detailed Secondary Plan shall be undertaken to provide greater direction on the mix of uses, heights, densities, built form, and design. The UHOP policies also state that Community Nodes shall generally be planned to achieve a target

density of 100 persons and jobs per hectare. As well, they shall be planned to accommodate generally between 25,000 and 100,000 square metres of retail floor space.

It was anticipated that work on the Community Node would begin in late 2014.

The traffic calming review, intersection improvements, implementation strategy and the Secondary Plan, will all contribute to managing traffic and land use in the Waterdown Core. The Secondary Plan will assist in achieving the UHOP policies while ensuring that appropriate intensification occurs. Staff will continue to study and implement recommendations that result from these projects.

### Options for a Land Use Strategy

In addition to the planned projects and works discussed above, there are a number of planning tools that could be used to assist in developing and implementing a land use strategy in Waterdown.

#### *Interim Control By-law*

The Planning Act permits a municipality to enact an Interim Control By-law that will prohibit the use of land, buildings or structures, for purposes set out in the By-law, for up to one year, but can be renewed for up to an additional year. An Interim Control By-law will temporarily freeze development of land and is used typically where an unforeseen issue arises to give municipalities some breathing space, during which time the municipality can study the problem and determine the appropriate planning policy and controls for dealing with the situation. There must be significant planning rationale to justify using this tool.

In order to enact an Interim Control By-law, a municipality must undertake a review or study of the land use policies in the area. The study and any policy or By-law changes that result from the study must be enacted before the Interim Control By-law expires. An Interim Control By-law can be passed without prior notice, but notice of the enactment must be given within 30 days. An Interim Control By-law may be appealed to the OMB within 60 days from the date of the passing.

Generally, an Interim Control By-law is viewed as a fairly heavy handed tool and rarely used. There must be significant planning rationale to apply interim control. In determining the appropriateness of an Interim Control By-law, the OMB has held in a number of decisions that Interim Control By-laws passed without planning grounds as a political measure to appease rate payers should be quashed.

The concern staff has with applying interim control to the Waterdown Village Core area is that Interim Control By-laws can be appealed to the OMB and preparation and participation in a board hearing would delay project implementation and utilize staff

**SUBJECT: Waterdown Village Core – Traffic Management and Land Use Options  
(PED14047) (Ward 15) – Page 7 of 9**

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resources that could be used more effectively, to develop and implement a strategy for the Waterdown Village Core area.

It is for this reason that implementing an Interim Control By-law is not preferred.

*Holding By-law*

The Planning Act permits a municipality to pass a “Holding” By-law that places an “H” symbol over the zoning of land and specifies the conditions that shall be met before the “H” symbol can be removed and the lands can be developed. A By-law could be passed that would apply a Holding provision to all appropriate uses in the Waterdown Village Core, or as individual applications are addressed. The UHOP outlines the circumstances under which a Holding can be applied including where municipal infrastructure is not adequate to support the ultimate use. Notice of the passing of the By-law to implement the Holding must be given in accordance with the Planning Act and is subject to appeal.

Once the “pre-conditions” set out in the By-law are met, the Holding symbol may be removed. Notice of Council’s intention to lift the Holding must be given to the public, but for information purposes only, as there is no right of appeal.

To successfully apply the Holding symbol, servicing deficiencies relating to a specific development or uses permitted by zoning, must be able to be addressed in the By-law itself or are capable of being addressed through feasible measures within the powers of a council under the Planning Act and other applicable legislation.

The concern staff has with applying a Holding to the Waterdown Village Core area is that the Holding By-law can be appealed to the OMB, and preparation and participation in a Board Hearing would delay project implementation and utilize staff resources that could be used more effectively to implement a strategy for the Waterdown Village Core area. In addition, the City of Hamilton has not been successful at the Board in demonstrating that development should be phased according to the delivery of transportation infrastructure. The OMB has determined that transportation deficiencies are not equal to other infrastructure deficiencies such as sewer and water, which would require development to be phased to occur as the deficiencies are addressed.

It is for these reasons that implementing a Holding By-law is not preferred.

Options for Traffic Management

In light of the traffic issues raised by the Ward Councillor, and that a Secondary Plan is planned for the Waterdown Community Node, it is recommended that a Transportation Management Plan is initiated to investigate land use and transportation within the Waterdown Community Node comprehensively, and review the recommendations of the Waterdown-Aldershot Transportation Master Plan (2008).

In addition to this, staff recommend that a Traffic Impact Study be required for all residential development in the Waterdown Village Core. Through the UHOP, staff have the ability to request this study as part of a complete application and when circumstances require it. Council endorsement of this recommendation would ensure that a Traffic Impact Study would be the requirement of all residential development applications within the Waterdown Village Core. The findings and recommendations of the Traffic Impact Study would be implemented through the development approvals process. As part of the Traffic Impact Study, proponents would be required to investigate the traffic impacts of not only the development proposal, but the cumulative impacts as well.

### Recommended Option

The recommended traffic management and land use approach for Waterdown is to continue with the projects and works that are planned or underway. These projects and works include the following:

- Traffic Calming Review;
- Planned intersection improvements;
- Implementation Strategy; and,
- Secondary Plan for the Waterdown Community Node.

In addition to these, staff recommend that a Transportation Management Plan, which would also review the recommendations of the 2008 Waterdown-Aldershot Transportation Master Plan, be undertaken when the Secondary Plan for the Waterdown Community Node is initiated.

As well, staff recommend that a Traffic Impact Study be required for all residential development in the Waterdown Village Core.

### **ALTERNATIVES FOR CONSIDERATION**

The alternatives for consideration have been discussed above. In addition to the planned studies and works, Council could consider the following:

- enacting an Interim Control By-law to temporarily freeze development of land while undertaking the appropriate studies; or,
- applying a Holding symbol to ensure that municipal infrastructure is adequate to support the ultimate uses.

For the reasons outlined in the Analysis Section, these are not the preferred planning approaches.



**ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN**

**Strategic Priority #1**

A Prosperous & Healthy Community

*WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.*

**Strategic Objective**

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.

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