



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 18, 2014
SUBJECT/REPORT NO:	Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Greg Macdonald (905) 546-2424 Ext. 4283
SUBMITTED BY:	Joe-Anne Priel Acting General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That approval be given to **Zoning By-law Amendment Application ZAC-09-030, by Mattamy Homes (Waterdown) Limited, (Owner)**, for a modification to the existing Urban Residential “R1-30” Zone, in order to remove the regulation permitting a maximum of 34 dwelling units on the subject lands, for lands located at the southwest corner of Parkside Drive and Spring Creek Drive (Flamborough), as shown on Appendix “A” to Report PED14018, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED14018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP).

EXECUTIVE SUMMARY

The purpose of the application is for a change in zoning to allow the subject lands to be developed for a maximum of 85 street townhouse dwelling units. The current zoning regulations would permit the subdivision of the subject lands into 34 lots. The rezoning would ultimately allow an additional 51 units over what is currently permitted. Given the 2.04 ha of net developable lands subject to this application, the unit yield would result in a density of up to 41.7 units per net residential hectare, and would be in accordance

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with the “Neighbourhoods” designation of the UHOP, which permits a maximum density of 60 units per hectare for low density residential uses.

The proposal can be supported, as it is consistent with the Provincial Policy Statement (PPS), and conforms to Places to Grow: Growth Plan for the Greater Golden Horseshoe, and implements the “Neighbourhoods” designation of the UHOP. It implements the existing approved draft plan of subdivision, which contemplated street townhouses at this density on the subject lands.

Alternatives for Consideration – See Page 10

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal:

The applicant has applied for a change in zoning to modify the existing Urban Residential “R1-30” Zone to remove the site-specific regulation, allowing a maximum of 34 dwelling units in order to permit up to a maximum of 85 street townhouses, in accordance with the existing draft approved subdivision. No other changes are being sought to the type of units proposed, nor to the existing development regulations (i.e. lot frontage, lot area, setbacks and coverage, etc.).

The subject property was part of a previous Zoning By-law Amendment and Draft Plan of Subdivision applications (ZAC-03-025 and 25T-200307) to consider a range of residential and commercial uses on 19.56 ha of lands between Dundas Street (Highway No. 5) and Parkside Drive. The applications were approved by City Council on August 12, 2004, and resulted in the approval of a draft plan of subdivision consisting of 352 residential dwelling units, ranging in type and tenure, that was to be phased based on the timing of transportation infrastructure improvements (se Appendix “C”).

As part of the approvals in 2004, the 2.82 ha of land subject to this development application were zoned Urban Residential “R1-30”. Site-specific provisions adopted as part of the Zoning By-law Amendment permitted up to 34 units consisting of either single detached or street townhouse dwellings on the subject lands. In addition, the

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draft plan of subdivision served to set the street pattern, which is to consist of a looped street with a connection to the existing Fellowes Crescent and Spring Creek Drive.

Chronology:

August 12, 2004: By-law No. 04-203 passed by City Council enacting the “R1-30” Zone on the subject lands proposed as part of Zoning Application ZAC-03-025.

May 17, 2007: Subdivision Application 25T-200307, “Upcountry Estates” is Draft Approved.

August 12, 2009: Zoning Application ZAC-09-030 deemed complete (along with Official Plan Amendment Application OPA-09-007 which is no longer required and has been withdrawn).

August 20, 2009: Notice of Complete Application and Preliminary Circulation for Zoning Application ZAC-09-030 (and the then proposed Official Plan Amendment) sent to all property owners and residents within 120 m of the subject lands.

August 26, 2009: Public Notice sign erected on the subject lands.

September 30, 2009: By-law No. 09-204 is passed by City Council as part of Zoning Application ZAH-09-020, removing the ‘H’ Holding Provision from the subject lands (and other portions of the “Upcountry Estates” Draft Plan of Subdivision) as the Environmental Assessment process for the Transportation Master Plan had proceeded to a stage where alternatives and the bypass routes were identified.

December 11, 2012: Phase 1B of the “Upcountry Estates” Draft Plan of Subdivision (25T-200307) is Registered as Plan 62M-1184 (see Appendix “D”) which includes 34 street townhouse lots that the “R1-30” Zone permits.

September 4, 2013: Development Planning, Heritage and Design Section advised that ownership of the subject lands had changed and that the development application has been transferred from Upcountry Estates Limited to Mattamy (Waterdown) Limited.

January 31, 2014: Notice of Public Meeting sent to all residents within 120 m of the subject lands.

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Details of Submitted Application:

Location: South side of Parkside Drive, west of Spring Creek Drive, Waterdown (see Appendix “A”)

Owner/Applicant: Mattamy Homes (Waterdown) Limited

Property Description: Area: 2.82 ha
Frontage: 126.1 m (along Parkside Drive)
Depth: 193.3 m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant	Urban Residential “R1-30” Zone

Surrounding Lands:

North	Single detached dwellings and agriculture	Agricultural “A” Zone
South	Single detached dwellings	Urban Residential “R1-27” Zone
West	Townhouse and single detached dwellings	Urban Residential “R6-4” Zone and Urban Residential “R1-7” Zone
East	Vacant	Urban Residential “R1-27” Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (PPS):

The PPS provides policy direction of Provincial interest related to land use planning and development. The Planning Act requires that in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the PPS, since Policy No. 1.1.3.1

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states that 'Settlement Areas' shall be the focus of growth, and Policy No. 1.1.3.3 states that Planning Authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated.

Places to Grow: Growth Plan for the Greater Golden Horseshoe:

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe indicates that some of the guiding principles of the Plan are to "build compact, vibrant and complete communities", and to "optimize the use of existing and new infrastructure to support growth in a compact efficient form". The application conforms with these principles since it proposes to build a more compact community by developing an underutilized area of land in a location where full services and infrastructure already exist.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

Urban Hamilton Official Plan (UHOP):

The UHOP designates the subject lands as "Neighbourhoods" on Schedule "E" – Urban Structure and on Schedule "E-1" - Urban Land Use Designations. There is no approved Secondary Plan or Neighbourhood Plan applicable to the subject lands. Therefore, the following policies, among others, are applicable to the subject lands:

"E.3.2.3 The following uses shall be permitted on lands designated "Neighbourhoods" on Schedule E-1 - Urban Land Use Designations:

- a) Residential dwellings, including second dwelling units and housing with supports;

E.3.3 Residential Uses - General Policies

Three categories of residential land use are described in this section, but are not designated on Schedule E-1 - Urban Land Use Designations. These residential categories provide general location, scale, and design directions for the purposes of secondary planning and zoning. These categories may also be applied in the redevelopment of larger sites.

E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

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E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

E.3.4 Low Density Residential

Function

E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

Scale

E.3.4.4 For low density residential areas the maximum *net residential density* shall be 60 units per hectare.”

The “Neighbourhoods” designation permits a range of residential uses that are compatible with the existing character of established neighbourhoods, including street townhouses, in accordance with the low density residential category which contemplates a density of up to 60 units per hectare (up to 41.7 units per hectare are proposed). The proposal implements a form of development previously approved through the related Draft Plan of Subdivision.

RELEVANT CONSULTATION

The following Departments and Agencies had no comments or objections:

- Traffic Engineering Section (Public Works Department).
- Hamilton Street Railway.
- Recreation Division (Public Works Department).

The following Departments and Agencies submitted the following comments:

Hamilton Municipal Parking System had originally expressed concern with respect to the amount of street parking available to accommodate the proposed townhouses. The applicant has submitted an on-street parking plan, as well as amended versions of this plan, to address Hamilton Municipal Parking System and Development Engineering Approvals Section feedback. As a result of the revisions, the amount of on-street parking possible will exceed the required amount of 40%, which has satisfied Hamilton Municipal Parking System.

PUBLIC CONSULTATION

In accordance with the provisions of the Planning Act and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 144 property owners within 120 m of the subject property in 2009, requesting public input on the application. A Public Notice sign was also posted on the property in 2009. At some point in the past, the sign had been removed but has recently been reinstated with updated information including the new owner of Mattamy Homes. Notice of the Public Meeting was also given in accordance with the requirements of the Planning Act. To date, 12 letters have been received from local residents, mainly expressing concerns about the change in land use and increase in density. A review of the concerns is contained in the Analysis and Rationale for Recommendation Section this report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the PPS and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
 - (ii) It conforms with and implements the "Neighbourhoods" designation of the UHOP;
 - (iii) It implements the Draft Approved Plan of Subdivision 25T-200307 "Upcountry Estates"; and,
 - (iv) Townhouses have always been planned for these lands and the rezoning is necessary to allow the remaining lands in Phase 1C of the "Upcountry Estates" Draft Approved Plan of Subdivision to be developed at an appropriate density and interface between the subject lands and existing dwellings to the south.

2. The proposed zoning modification would remove the regulation contained within the existing Urban Residential "R1-30" Zone that limits the total number of dwelling units on the subject lands to 34. The "R1-30" Zone permits both street townhouses and single detached dwellings. The proposed zoning modification would not change any of the other underlying zoning provisions that would apply to single detached dwellings or street townhouses. In this regard, the street townhouses must provide:
 - Minimum lot area of 156 sq m;
 - Minimum lot frontage of 6 m;
 - No maximum lot coverage applies;
 - Minimum front yard of 3.5 m except 6 m to a garage;

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- Minimum 6.5 m rear yard;
- Minimum interior side yard of 1.2 m (at the end of a group of townhouses);
- Minimum exterior side yard of 3.5 m (where a side yard abuts a road but 6 m to a garage); and,
- Additional provisions for yard encroachments are also provided for, in the By-law.

The applicant is proposing to develop the subject lands for 85 street townhouses (although the applicant has now indicated only 81 will likely be developed) in conformity with the above-noted special provisions which have already been approved and are in effect. The proposed density of up to 41.7 units/ha conforms with the UHOP which permits street townhouses at a density of up to 60 units/ha. It also should be noted that this zoning application implements an existing Draft Approved Plan of Subdivision (see Appendix “C”). Within this subdivision and abutting lands to the west, street townhouses (and block townhouses) abut single detached dwellings, and are an established form of development. No changes to the approved road pattern are proposed, and the applicant must satisfy all of the existing conditions of approval of this subdivision, prior to the development moving forward to the building permit stage.

3. In addition to the above, it should be noted that Phase 1B of the overall subdivision plan was registered on December 11, 2012, as Plan 62M-1184 (see Appendix “D”). This plan created five blocks for 34 street townhouses fronting onto Lupo Drive, and also included a short extension of Fellowes Crescent easterly, and then the construction of Lupo Drive from Fellowes Crescent to Spring Creek Drive. While individual lots within each block have not yet been created through the Part Lot Control Exemption process, these townhouses are now under construction, including units that will back onto existing single detached dwellings to the south. Therefore, all of the 34 dwelling units permitted within the entirety of the “R1-30” zoned lands have already been allocated to Plan 62M-1184 with none remaining for the rest of the “R1-30” zoned lands. Therefore, without approval of this Zoning Application to lift the 34 unit cap, no further development could occur, and the Fellowes Crescent extension may not be built. Appendix “E” shows how the remaining lands are proposed to be developed for street townhouses.
4. When the original application for the “Upcountry Estates” subdivision and related changes in zoning were reviewed and brought forward to Planning Committee in 2004, there was no unit cap or density restriction proposed by staff for the subject lands. However, in 2004 after a final review of the number of units proposed was undertaken, it was determined that due to the density of the single detached dwellings proposed in the subject lands, the overall subdivision would exceed the Town of Flamborough’s Official Plan Policy, that only permitted low density residential development at a maximum density of 26 units per hectare.

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In order to allow the subdivision to move forward and to permit additional phases to be registered (lands to the south of the subject lands), and to avoid the need for delays to conduct an Official Plan Amendment, the number of units within the subject lands to a maximum of 34 units to ensure the implementing zoning (contained in By-law No. 04-203) conformed with the Town of Flamborough Official Plan. However, since that time, additional lands have been added to the Draft Plan of Subdivision (Block 237 on 25T-200307) and the UHOP is now in effect. Therefore, the current planned density no longer exceeds any Official Plan policy.

5. The proponents submitted a Traffic Impact Study (TIS) as part of their application. The TIS was reviewed by the City's Traffic Engineering staff, who concur with the conclusion of the report, which indicates the existing road network can accommodate the incremental increase in traffic volume that may occur by the increased unit yield on the site.
6. The Public Consultation Section of this Report noted that 12 letters were received from area residents whom expressed concerns primarily about the increase in density and the proposed development of the subject lands for townhouses. In this regard, the subject lands have always been planned to allow either single detached dwellings or street townhouses, and when the original subdivision plan was reviewed, the applicant at the time (Upcountry Estates Limited) was proposing street townhouses on the subject lands. Persons who purchased abutting lots could have checked what zoning is permitted on the subject lands. In addition, a subdivision sign showing future land uses was erected at the corner of Lupo Drive and Spring Creek Drive in late 2012, indicating that the subject lands were planned for "proposed multiple residential" land uses. As noted above, an interface whereby the rear yards of street townhouses back onto the rear yards of single detached dwellings, is a normal interface between two slightly different forms of low density residential uses, and this interface exists throughout Waterdown.

Finally, since 2009 when many of the letter writers had written, Phase 1B has been registered as 62M-1184 with construction of street townhouses already proceeding abutting some of these lands. Finally, the subject lands have direct street access to Spring Creek Drive which connects to Parkside Drive and Dundas Street, as such, no traffic would infiltrate surrounding lands to the south. Therefore, staff is satisfied that the planned street townhouses at the density proposed are appropriate and represent good planning with no negative impacts to existing development.

7. All matters pertaining to engineering (grading, servicing, storm water management), archaeology clearances, tree preservation, sidewalks, road design, utilities, postal services, etc., are included as part of the Subdivision

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Agreement for “Upcountry Estates” (25T-200307) and must be addressed prior to registering any subsequent phases of development on the subject lands.

8. While the lands impacted by the proposed application only consist of the residential subdivision to contain up to 85 street townhouses, the extent of the existing Urban Residential “R1-30” Zoning also includes an existing municipal pumping station located at 460 Parkside Drive (which is surrounded by the residential lands). Such municipal infrastructure uses are permitted in all zones, and the “R1-30” Zone has no specific zoning provisions pertaining to the pumping station. However, as the text of the “R1-30” Zone is being amended by the application, it also de facto changes the zoning on this parcel of City of Hamilton owned lands. The Public Works Department has been made aware of the matter and have not raised any concerns with regard to including 460 Parkside Drive as part of the lands subject to the zoning application. Including this property as part of the zoning change does not impact the public notice or the range of properties that would have been pre-circulated the application in 2009, or circulated the public meeting notice in 2014.

ALTERNATIVES FOR CONSIDERATION

If the application is denied, the portion of the subject lands already registered as Phase 1B will still be developed for 34 street townhouses, but the remaining lands could not be developed.

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:

- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Draft Plan of Subdivision
- Appendix "D": Registered Plan 62M-1184
- Appendix "E": Sketch of the Remaining Lands Zoned "R1-30"
- Appendix "F": Public Comments

:GM

Attachs. (6)