



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 19, 2014
SUBJECT/REPORT NO:	Revisions to Parkside Hills Phase 2 Draft Plan of Subdivision (25T-201003(R)) (Waterdown) (PED14226) (Ward 15)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Cam Thomas (905) 546-2424 Ext. 4229
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Revised Subdivision Application 25T-201003(R), as red-line revised, by Parkside Hills Inc, Owner**, to establish a draft plan of subdivision (“Parkside Hills - Phase 2”) on lands located at 619 Centre Road, Waterdown (Flamborough), as shown on Appendix “A” to Report PED14226, be approved subject to the following conditions:

- (a) That this approval for the Redline Revised Draft Plan of Subdivision, 25T-201003(R), prepared by Metropolitan Consulting Inc., and certified by Tom Salb, J.D. Barnes Surveying Inc., dated April 7, 2014, as red-line revised, showing nineteen (19) Blocks consisting of, one Block (Block 11) for low density residential development; nine Blocks (Blocks 1, 2, 3, 5, 6, 7, 8, 10 and 16) for medium density residential development; three Blocks (Blocks 14, 17 and 18) for District Commercial uses; one Block (Block 12) for storm water management facility; one Block (Block 13) for Open Space; two Blocks (Blocks 9 and 15) for future development; and two Blocks (Blocks 4 and 19) for road widening purposes, be received and endorsed by City Council; and,
- (b) That the Amended Conditions of Draft Plan Approval for Revised Draft Plan of Subdivision, 25T-201003(R) provided as Appendix “B”, be received and endorsed by City Council;

- (c) That the proposed changes the Revised Draft Plan of Subdivision, as red-line revised, are consistent with the Provincial Policy Statement, and conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow), the Urban Hamilton Official Plan (UHOP) and the Waterdown North Secondary Plan; and,
- (d) That Legal Counsel be directed to bring the Revised Draft Plan of Subdivision, as red-line revised, and associated Conditions of Draft Plan Approval, attached as Appendix “B” to the Ontario Municipal Board for approval.
- (e) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:
 - (i) The City of Hamilton will share costs with the Owner for the stormwater management facility, based on the upset limit identified in the current Development Charges Background Study, and in accordance with the City’s financial policies and as outlined by the D/C Settlement Agreement between Parkside Hills Inc. and the City.
 - (ii) The City of Hamilton will share costs with the Owner for the re-alignment of the creek in accordance with the D/C Settlement Agreement between Parkside Hills Inc. and the City.
 - (iii) The City of Hamilton shall pay the full cost of construction of the East–West Corridor Road, save and except the cost for installation of any turning lanes to service the subject lands. The City shall pay the land required for the road in excess of 26.0m in accordance with the City’s financial policies.

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

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

All in accordance with the City’s Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

Parkside Hills Inc. have applied for revisions to an approved Draft Plan of Subdivision for Parkside Hills Phase 2 through the submission of Revised Draft Plan of Subdivision 25T-201003(R). The request is to permit two additional local roads and to adjust the

size and number of blocks within the plan of subdivision. The proposed changes are considered to be major revisions to an Approved Draft Plan of Subdivision and require City Council endorsement and direction to enable Legal Counsel to proceed to the Ontario Municipal Board because the OMB has retained carriage of this file.

The proposed changes are considered to be consistent with the approved plan, except that two local roads are being added. The proposed changes would otherwise not affect the land uses that were approved in January 21, 2013 by the OMB based on a negotiated settlement. Staff are also proposing minor Redline changes for clarification and to ensure consistency with the Waterdown North Secondary Plan, which are included in Recommendation (i).

The applicant is proposing to develop the subdivision in three phases (i.e 2a, 2b and 2c) The proposed Revised Draft Plan of Subdivision was submitted to allow medium density residential development to proceed for Phase 2 in light of infrastructure and access requirements that affect development on the balance of the lands. These include the development of the permanent storm water management facility on the northerly side of the East-West Arterial road to be in place for Phase 2b and the requirement for the East –West Arterial road to be constructed for development of adjacent commercial uses for Phase 2c (Appendix “C” and “E”) .

The changes are supported by Staff and can be addressed through the existing, revised and additional conditions of approval, which are provided and highlighted in Appendix “B” and “F”, and Staff recommendations (included in Recommendation (a)). There are 45 conditions of draft approval which require no changes, four conditions that require revisions and five new conditions (Appendix “B” and “F”).

Alternatives for Consideration – See Page 11.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The proposed Redline Revised Draft Plan of Subdivision is subject to further approval by the Ontario Municipal Board and does not require a Public Meeting under the Planning Act. Council’s direction is required for a Major Revision to a Draft Plan of Subdivision in order for Legal Counsel to bring the matter back to the Ontario Municipal Board for a decision.

Background:

Draft Plan of Subdivision 25T-201003 and Zoning By-law Amendment application ZAC-10-011 were appealed by the applicant to the OMB for lack of decision by Council on October 10, 2010. The applications were approved by the OMB through the decision issued on January 21, 2013 based on a negotiated settlement.

An Amendment to the Flamborough Official Plan for the Waterdown North Secondary Plan (OPA No. 127) provided changes to reflect the proposed realignment of the East-West Arterial, reduce the size of the commercial designation and to increase the size of the Live-Work designation. Official Plan Amendment application OPA-12-003 to redesignate lands within the Draft Plan from “Urban Residential” to “Mixed Use, Medium Density Residential” were also included in the appeal and the decision provided by the OMB.

Draft Approved Plan of Subdivision

The Parkside Hills Phase 2 Draft Plan of Subdivision is located in the Waterdown North community between Nisbet Boulevard and the future East-West Corridor and between White Gates Drive and Centre Road (Appendix “A”). The Parkside Hills Phase 1 subdivision was approved by the OMB on March 12, 2007, and is located south of the Phase 2 lands.

The Draft Plan of Subdivision for the Phase 2 lands approved by the Board (Appendix “D”) provides for the development of 13 blocks on lands comprising 13.74 ha and consisting of the following uses:

- One block for six single detached dwellings (Block 11);
- Four blocks for townhouses (Blocks 1, 2, 4, and 10);
- One block for stacked townhouses/apartments (Block 8);
- One block for Urban Commercial uses (Block 5);
- One block for a storm water management facility (Block 12);
- One block for open space (Block 13);
- Three blocks for future development (Blocks 6, 7 and 9); and,
- One block for a road widening (Block 3).

Parkside Hills Inc., has applied to the City for a Revision to the approved Draft Plan of Subdivision for Parkside Hills Phase 2 to permit revised blocks and introduce two new public roads to facilitate new phased residential development that is currently being planned for the area (see Appendix “C”). In particular, the proposed Revised Draft Plan is to allow development to proceed for Phase 2a in advance of the permanent stormwater management pond being in place and the East-West Arterial road being constructed, both of which are required for Phases 2b and 2c. Phases 2b and 2c are currently under Holding provisions in the site-specific Zoning By-law. The lands within

SUBJECT: Revised Subdivision Application for Parkside Hills Phase 2 Draft Plan of Subdivision (25T-201003(R)) (Waterdown) (PED14226) (Ward 15) – Page 5 of 12

Phase 2a will allow for approximately 140 units consisting of street townhouses and maisonettes and will be serviced by a temporary storm water management pond, that will be located on part of Revised Block 10 (Appendix “C”).

Proposed Revisions for 25T-201003(R)

The applicant has proposed changes to the approved Draft Plan of Subdivision (Appendix “C”) which is intended for the development of 19 blocks of land consisting of the following uses:

- One block for six single detached dwellings (Block 11);
- Nine blocks for various forms of townhouses (Blocks 1, 2, 3, 5, 6, 7, 8, 10 and 16);
- One block for Commercial uses (Block 17);
- Three blocks for future development (Blocks 9, 14 and 15);
- One block for a storm water management facility (Block 12);
- One block for open space (Block 13);
- One block for a temporary road (Block 18); and,
- Two blocks for a road widening (Block 4 and 19).

As noted, the changes are intended to allow maisonette and street townhouse development to proceed for Phase 2a which is south of Hugill Way.

The proposed changes from the draft approved plan consist of the following:

- The creation of new Blocks 1, 2 and 3 from approved Block 1 to be developed for Medium Density Residential Development;
- The creation of new Blocks 6, 7 and 8 from approved Block 4 to be developed for Medium Density Residential Development;
- The creation of new Block 18, from part of approved Block 5 to accommodate a temporary access road on lands intended for future commercial development;
- The creation of two new local roads (18 m in width) between Blocks 6 and 7 and Blocks 7 and 8; and,
- The resizing of new Block 2 (shown on Appendix “C” for Revised Plan as Block 5) from 0.53 ha to 0.32 ha to be developed for Medium Density Residential Development.

As the approved and Revised Draft Plan of Subdivision are both lotless block plans, Condition 40 (Appendix “B”) will require the provision of a lotting plan prior to registration to demonstrate that all units created will satisfy the Zoning By-law provisions

as well as the density provisions of the North Waterdown Secondary Plan to the satisfaction of the Director of Planning.

Waterdown North Secondary Plan

The proposed local roads are on lands within the Waterdown North Secondary Plan which are designated “Mixed Use Medium Density Residential”. Through the approved Board decision, this designation is permitted to have live-work housing subject to the provision of a design brief. Stand-alone residential uses are also permitted forms of development.

Policy 4.2.4.8a) permits a range of housing forms including single detached, semi-detached, duplex, street townhouses and stacked townhouses.

Policy 4.2.4.8c) requires the building height to be limited to a maximum height of four storeys.

In accordance with Section E.4.6, the maximum permitted density is permitted to be established through the implementing Zoning by-law.

Staff note that the proposal to permit 2 new local roads will allow for the development of maisonette dwellings in Phase 2a (Appendix “C” and “E”) consistent with the permitted range of housing types and permitted in the OMB approved Medium Density Residential “R6-27” Zoning. The development that is proposed in the Revised Draft Plan of Subdivision is consistent with the approved policy direction and does not require an amendment to the UHOP.

ANALYSIS AND RATIONALE FOR RECOMMENDATION:

1. Under the City’s delegated approval by-law, Staff are required to consult with Council prior to making any major decision on revisions to draft approved development proposals that Council or the Board has approved. In addition, Council’s direction is required on the proposed changes in order for Legal Counsel to bring the matter back to the Ontario Municipal Board for a decision (Recommendation d)).
2. Overall, the proposed Redline Revisions are generally consistent with the previously approved Draft Plan of Subdivision, as follows:
 - The proposed Major Revision to the previously approved Draft Plan of Subdivision would allow for development which is consistent with OPA No. 127, which was approved by the OMB on January 21, 2013. In particular, the proposed Major Revision would maintain the land use allocations for

“Medium Density Residential 3” and the “District Commercial” land use designations.

- The proposal would add two new local roads intended to permit the development of additional back-to back townhouse units (maisonettes) in the south-easterly part of the Subdivision and east of Cole Road, which are permitted under the approved Residential “R6-27” Zone;
 - The proposal does not affect the medium density residential and low density residential blocks located west of Cole Road; and,
 - The proposal would not generally affect the zoning or permitted uses approved by the OMB in January, 2013 for Parkside Hills Phase 2. Staff have proposed minor changes to the Revised Draft Plan of Subdivision Land Use Schedule for clarification of the land uses, and to maintain consistency with the Waterdown North Secondary Plan Land Use Plan as follows:
 - “Future Development” should refer to Blocks 9 and 15 consisting of an area of 0.20 ha instead of Blocks 9, 14 and 15, which are 0.24 ha;
 - The blocks for “Commercial” use should include Blocks 14, 17 and 18 consisting of an area of 1.5 ha instead of Block 17, which is 1.2 ha;
 - The Temporary Access Road is shown as Block 18 which will not function as a proper temporary road and should be removed. Block 18 should be shown as a commercial block instead because a temporary access road is not a recognized land use. The Temporary Access Road can be addressed under Condition 17, Appendix “B”; and,
 - Refer to Appendix “C” Page 2 for the above-noted changes.
3. The issues that were examined through the review of the proposed Major Revision to the approved Draft Plan of Subdivision are generally related to engineering and design requirements and include the following:
- a) Transportation Requirements;
 - b) Flood Control and Storm Water Management;
 - c) Natural Heritage;
 - d) Urban Design; and,
 - e) Redline Changes.

The changes that are proposed for the Revised Draft Plan of Subdivision would require modifications to the conditions of draft plan approval that were approved by

the OMB. The changes that are required as well as the issues are explained further in the section below.

a) Transportation Requirements

Local Roads

The proposed Right-of-Way of the two local roads is 18 m (shown between Blocks 6 and 7, and Blocks 7 and 8; Appendix “C”). Staff note that this would be consistent with the approval by the OMB for the connecting local road, which is known as Hugill Way. Although the UHOP specifies in Policy in C.4.5.2 f) ii) that local roads shall be 20.117 m in all areas outside of employment areas, the Waterdown North Secondary Plan identifies in Volume 2, Policy B.4.2.11.1 that alternative local road alignments shall be considered, provided that it can be demonstrated that the intent and objectives of the Secondary Plan can be met in a similar or superior manner. As well, Policy B.4.2.11.1 directs that changes to local roads and lanes shall not require an amendment to the Plan. A new Draft Plan condition is not required for this change. On this basis, Staff are supportive of the proposed road widths for the new local roads.

East West Arterial

Corridor Management are requesting that any connections to the East-West Arterial from the collector roads (i.e. Cole Road and White Gate Drive) require a new condition to require the proportion and approval of detailed engineering drawings to accommodate an exclusive northbound left turn lane and an exclusive northbound right-turn lane. This is provided in Condition 26 (Appendix “B”).

Daylighting Triangles

Staff originally requested 15.1 X 15.1m daylighting triangles at the intersection of the East-West Arterial and Cole Road. The applicant however is requesting that the requirement be reduced to 12.1m daylighting triangles which is in accordance with the UHOP requirements. This matter has been reviewed and is acceptable to Staff (Condition 23; Appendix “B”).

Temporary Access Road

The requirement for a temporary access road to provide interim connections between Hugill Way and Centre Road is proposed on Block 18. The temporary access was permitted by the OMB for Parkside Hills Phase 2 to permit a second access for the lands in Phase 2a (south of Hugill Way) in advance of the East-West Arterial Road being constructed. In principle, the proposed temporary access road is acceptable because it would remove the former proposed

temporary access road from future commercial lands which have been placed under Holding provisions. When the temporary road is no longer required, the block will be available for commercial development under the approved Urban Commercial (UC-10) Zone.

The proposed location of the temporary access however, has been determined to be unsatisfactory because Block 18 is too shallow and would not provide for the required geometrics for the proposed connections between Centre Road and Hugill Way. The requirement for a temporary road could proceed in this general area without reference to Block 18 because it is covered under the draft plan conditions that the design and location of the temporary road is to the satisfaction of the Senior Director of Growth Management (Condition 17; Appendix “B”).

b) Flood Control Requirements and Storm Water Management

Flood Control

Engineering Staff have identified that a new condition is required for a flood control structure to be constructed at the East-West Corridor and Borer’s Creek offsite on MC2 Homes lands prior to servicing (Condition 25, Appendix “B”). This condition is required to enable Parkside Hills Phase 2a to proceed as well as the other developments to the west (i.e. DiMarco and MC2 Homes) without risk of downstream flooding pending the completion of the major storm water management pond.

The Hamilton Conservation Authority have identified that the proposal would require that a hydraulic analysis of the flood plain be completed prior to registration as part of the natural channel design for the subdivision. This is a new requirement and is provided as Condition No. 51 (Appendix “B”).

Storm Water Management

Engineering Staff require that in order to service the lands it will be necessary to realign Borer’s Creek and to complete the storm water management facility. Alternatively, the owner would be required to demonstrate that the development can be completed by phasing with suitable temporary servicing and illustrate that the implementation will not adversely affect the servicing of the subdivision and the construction of the East-West Corridor. This is addressed by Conditions 6, 18, 19 and 24 (Appendix “B”).

The Hamilton Conservation Authority have revised requirements for storm water management and erosion control. In addition to addressing storm water quality and erosion control to Provincial standards, the storm water management ponds

are required to be in place and functional prior to development. This is provided as Condition No. 24 (Appendix “B”).

Engineering Staff also require a detailed sump pump design for all lots in the subdivision based on groundwater and severe weather conditions. This is a new requirement and is provided as Condition No. 27 (Appendix “B”).

The proposed storm water management pond is shown on the north side of the East-West Arterial Road on Block 12 (Appendix “D”) which is a location that is consistent with the approval by the Ontario Municipal Board in 2013. At the time of the OMB approval, the amending zoning and draft plan of subdivision were approved to allow for the development of the pond in a location outside of the Urban Boundary and the Waterdown North Secondary Plan. This change has been most recently addressed through the approval of RHOPA No. 5 by the OMB on August 19, 2014 to recognize the specific requirements for the storm water management pond to be located within the Rural Area for this subdivision. No further conditions are necessary for this requirement.

Overall modifications to storm water management are also recommended to require storm water management ponds to be in place and functional prior to development and for as-built drawings to be provided (Condition 48; Appendix “B”).

c) Natural Heritage

Staff have noted that the proposed changes to the subdivision may impact reptile populations because of additional roads and vehicles. It is recommended that an addendum to the EIS be added which includes the studies provided in the applicant’s approved Terms of Reference dated July 3, 2014 (Condition 41, Appendix “B”). The EIS would otherwise be required to address the proposed subdivision in terms of minimizing impacts of the development including roads and storm water management facilities on the adjacent natural heritage features (i.e. Provincially Significant Wetlands). There were no changes from the Hamilton Conservation authority with respect to natural heritage interests.

d) Urban Design

The Revised Draft Plan of Subdivision does not affect requirements for Urban Design. The approved conditions for an Urban Design Brief for a gateway feature at the intersection of the East-West Arterial and Centre Road; for lots adjacent to Centre Road, the East-West Arterial and adjacent to any park would continue to apply. However as a requirement, the design brief would need to identify details for the landscaped median (Conditions 29, 30 and 31; Appendix “B”).

4. The proposed Revised Draft Plan of Subdivision can be accommodated under the current designations for the Waterdown North Secondary Plan provided in the UHOP and through the previous approvals by the OMB and do not require any amendments. As previously noted, staff have provided several minor Redline changes to clarify the Land Use Schedule so that the land uses are consistent with the Waterdown North Secondary Plan (Appendix “C”, Page 2).

ALTERNATIVES FOR CONSIDERATION

Should the proposed Revisions to the Draft Plan of Subdivision not be approved, the applicant/owner could develop the Blocks for a range of residential uses in accordance with approved Draft Plan of Subdivision 25T-201003 and the approved zoning.

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

- 1.1 Continue to grow the non-residential tax base.
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Revised Conditions of Draft Approval for Major Revision to Draft Plan of Subdivision, “Parkside Hills, Phase 2”

SUBJECT: Revised Subdivision Application for Parkside Hills Phase 2 Draft Plan of Subdivision (25T-201003(R)) (Waterdown) (PED14226) (Ward 15) – Page 12 of 12

- Appendix “C”: Proposed Major Revision to Draft Plan of Subdivision, “Parkside Hills, Phase 2”
- Appendix “D”: OMB Approved Draft Plan of Subdivision, “Parkside Hills, Phase 2”
- Appendix “E”: Phasing Plan for “Parkside Hills, Phase 2” Draft Plan of Subdivision, as Revised
- Appendix “F”: Revised Conditions of Draft Approval with Highlighted Changes to show Previous Approved Conditions