



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

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| TO: | Chair and Members Planning Committee |
| COMMITTEE DATE: | August 11, 2015 |
| SUBJECT/REPORT NO: | Proposed Urban Hamilton Official Plan (UHOP) Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision for Lands Located at 470 Parkside Drive and 493 Dundas Street East, Flamborough (PED15120) (Ward 15) |
| WARD(S) AFFECTED: | Ward 15 |
| PREPARED BY: | Cam Thomas Senior Planner (905) 546-2424 Ext. 4229 Steve Robichaud Director of Planning and Chief Planner |
| SUBMITTED BY: | Jason Thorne General Manager Planning and Economic Development Department |
| SIGNATURE: | |

RECOMMENDATION

- (a) That approval be given to **Urban Hamilton Official Plan (UHOP) Amendment Application UHOPA-15-009 by Mattamy Homes, Owners**, to permit the lands located at 470 Parkside Drive and 493 Dundas Street East to be removed from Map F-2 Area Specific Policies of Volume 3, and to permit block and rear lane townhouse units with a density of 37.6 units per net residential hectare within the Neighbourhoods Designation, as shown on Appendix “A” to Report PED15120, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED15120, be adopted by City Council.
- (b) That approval be given to **Amended Zoning Application ZAC-13-055, Mattamy Homes**, to amend Town of Flamborough Zoning By-law 90-145-Z for lands located at 470 Parkside Drive and 493 Dundas Street East, Waterdown, from the Agricultural “A” Zone to the Urban Residential “R1-69” Zone, Modified (Block 1); from the Agricultural “A” Zone to the Urban Residential “R1-70” Zone, Modified (Block 2); from the Agricultural “A” Zone to the Medium Density Residential “R6-

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39” Zone, Modified (Block 3); from the Agricultural “A” Zone to the Medium Density Residential “R6-40” Zone, Modified (Block 4); from the Agricultural “A” Zone to the Medium Density Residential “R6-41(H)” Zone, Holding, Modified (Block 5); from the Agricultural “A” Zone to the Medium Density Residential “R6-42(H)” Zone, Holding, Modified (Block 6); from the Urban Commercial “UC(H)” Zone, Holding to the Urban Commercial “UC-16” Zone, Modified (Block 7); from the Agricultural “A” Zone to the Urban Commercial “UC-15(H)” Zone, Holding, Modified (Block 8); and, from the Urban Commercial “UC(H)” Zone, Holding to the Medium Density Residential “R6-42 (H)” Zone, Holding, Modified (Block 9), as shown on the Draft By-law, attached as Appendix “C” to Report PED15120 and, to amend Zoning By-law 05-200 to include lands to be zoned Conservation / Open Space “P5” Zone (Block 1) and Neighbourhood Park “P1” Zone (Block 2), as shown on the Draft By-law, attached as Appendix “D” to Report PED15120, and furthermore that the Amending By-law, attached as Appendix “D” to Report PED15120, be approved to revise Map Nos. 383 and 414 of Zoning By-law No. 05-200, on the following basis:

- (i) That the draft By-laws, attached as Appendices “C” and “D” to Report PED15120, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), conform with the Places to Grow – Growth Plan, and upon finalization of Official Plan Amendment No. XX will comply with the Urban Hamilton Official Plan (UHOP).
- (c) That approval be given to Revised **Draft Plan of Subdivision 25T-201308 by Mattamy Homes**, to establish a Draft Plan of Subdivision known as “Mattamy Waterdown Phase 2”, on lands located at 470 Parkside Drive and 493 Dundas Street East, Waterdown, as shown on Appendix “A” to Report PED15120, be approved subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision, 25T-201308, prepared by Korziak Urban Planning, and certified by Ross DenBroeder, O.L.S., dated September 22, 2014, attached as Appendix “E”, consisting of 22 blocks for 220 single detached dwellings (Block 2, 7-25, 33, and 34); six blocks for 58 street townhouses (Blocks 1, 3-6, 36); one block for 38 condominium townhouses (including 27 rear lane townhouses) (Block 26); one block for mixed use medium density development for 67 units consisting of rear lane townhouses, maisonettes and standard townhouses (Block 27); one commercial block (Block 35); one Neighbourhood Park (Block 28); one block for a floodplain (Block 30); three blocks for buffers and open space (Blocks 29, 31 and 32) subject to

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the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “F” to Report PED15120 ;

- (ii) Acknowledgement by the City of Hamilton that there shall be no cost sharing within this development; and,
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the *Planning Act*, prior to the issuance of each building permit. The calculation of the Cash-in-Lieu payment shall be based upon the value of the lands on the day prior to the day of issuance of each building permit.

All payment of cash-in-lieu will be in accordance with the financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

EXECUTIVE SUMMARY

The applicant has applied for approval of an Urban Hamilton Official Plan (UHOP) Amendment, Zoning By-law Amendment and Draft Plan of Subdivision, for lands located at 470 Parkside Drive and 493 Dundas Street East. The proposed applications are to permit the development of up to 390 residential units consisting of 220 single detached units, 58 street townhouse (freehold) units and 112 townhouse units (including rear lane townhouses, condominium townhouses and maisonettes), a 2.0 ha Neighbourhood Park block; a commercial block, live-work units, and three blocks for conservation / hazard lands, within a lotless block Plan of Subdivision attached as Appendix “E”. The proposed live-work units, as well as two of the townhouse units and six of the maisonette units, which will be developed in conjunction with Block 27 of the Draft Plan (Appendix “E”), are included in the Zoning By-law Amendment but are not included in the Draft Plan of Subdivision (these units are located within Block 65 of previously approved Draft Plan of Subdivision UpCountry Estates Phase 1).

The applications have merit and can be supported because they are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe. The proposal is considered to be compatible with existing and planned development in the area and represents good planning by providing a compact and efficient urban form, including a range of housing types and mix of land uses. Staff find that the proposal complies with the intent of the UHOP subject to approval of the proposed Official Plan Amendment.

Alternatives for Consideration – See Page 71.

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

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Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting to consider applications for an Official Plan Amendment, Zoning By-law Amendment and for approval of a Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Proposal

The subject lands are located between Spring Creek Drive (on the west) and the urban boundary (on the east) and between Dundas Street East (on the south) and Parkside Drive (on the north). The subject lands are generally rectangular in shape comprising an area of 21.68 ha, and are municipally known as 470 Parkside Drive and 493 Dundas Street East (see Appendix "A"). The lands were formerly used for agricultural purposes (hay and soybeans), and are sparsely vegetated with hedgerows. A Significant Woodland and Provincially Significant Wetland are located near Parkside Drive along the easterly edge of the proposed subdivision. There is also an existing watercourse and floodplain located near the easterly property boundary north of Dundas Street East.

The requested applications consist of a UHOP Amendment, Zoning By-law Amendments, and Draft Plan of Subdivision. The applications were originally received in December 2013 and were amended with a resubmission in September 2014 incorporating additional lands (heritage dwelling at Dundas Street East identified as Block 35 on Appendix "E"). The revised applications are to permit the development of up to 390 residential units consisting of 220 single detached units, 58 street townhouse (freehold) units and 112 block townhouse units (including rear lane units, condominium townhouses and maisonettes), a 2 ha Neighbourhood Park block; a commercial block, live-work units, and three blocks for conservation / hazard lands, within a lotless block Plan of Subdivision (attached as Appendix "E"). The proposed live-work units, as well as two of the townhouse units and six of the maisonette units, which will be developed in conjunction with Block 27 of the Draft Plan (Appendix "E"), are included in the Zoning By-law Amendment but are not included in the Draft Plan of Subdivision (these units are located within Block 65 of previously approved Draft Plan of Subdivision UpCountry Estates Phase 1).

The proposed applications have required the submission and review of the following technical studies and reports:

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- Planning Justification Report and Addendum;
- Draft Zoning By-laws;
- Environmental Impact Study;
- Meander Belt Assessment;
- Cut and Fill Analysis;
- Karst Assessment;
- Acoustical Study;
- Heritage Impact Assessment;
- Functional Servicing Report and Engineering Addendum Report;
- Updated Draft Plan of Subdivision and Draft Plan of Condominium Plans;
- Updated Concept Plan for both condominium blocks and for the commercial adaptive reuse;
- Sketch showing preliminary lotting;
- Elevations for Proposed Dwellings; and,
- Preliminary site plans for the condominium townhouse block (Block 26) and the Mixed Use Medium Density block including the Live-Work units (Block 27).

The proposed development will facilitate the construction of the first stage of the East-West Corridor (Waterdown By-pass) which will be constructed near the easterly boundary between Dundas Street East and Parkside Drive.

Urban Hamilton Official Plan Amendment

There are two components to the proposed UHOP Amendment. An Amendment is required to remove the subject lands from the Area-Specific Policies of Volume 3 shown as “UF-2” on Map F-2, Area Specific Policies of Volume 3. The lands designated “UF-2” include the UpCountry Subdivision (Phase 1) to the west, the subject lands owned by Mattamy (Waterdown) and the entire area that comprises Waterdown South, which is now under a Secondary Plan. The proposed UHOP Amendment for the removal of the subject lands from the “UF-2” Area Specific Policy designation would allow the lands to be recognized more appropriately under the Neighbourhoods designation.

The second part of the UHOP Amendment is with respect to the recognition of the subject lands under the Neighbourhoods designation, and is specifically for Block 26 which is proposed to be developed for standard form condominium townhouses and rear lane townhouses along a private road. This form of housing would be consistent with Medium Density Residential development, however, the proposed density of 37.6 units per hectare would not comply with the minimum UHOP requirement of 60-100 units per hectare. Thus the UHOP amendment is required to permit a block townhouse development to have a reduced density of 37.6 units per hectare.

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Zoning By-law Amendment:

Application ZAC-13-055 to amend the Flamborough Zoning By-law 90-145-Z and Zoning By-law No. 05-200 is required to rezone the subject lands from the Agricultural “A” Zone as follows:

- To create modified Urban Residential “R1” Zoning for single detached dwellings;
- To create a modified Medium Density Residential “R6” Zoning for street townhouses south of Parkside Drive;
- To create a modified Medium Density Residential “R6” Zoning for medium density uses including condominium townhouses; rear lane townhouses and maisonette dwellings north of Dundas Street East;
- To create a modified Medium Density Residential “R6” Zoning for townhouses along a condominium road south of Parkside Drive and east of the proposed East-West Corridor;
- To create a modified Urban Commercial “UC” Zone for live-work units located at the northeast corner of Dundas Street East and Spring Creek Drive (Note – this block is outside of the proposed Draft Plan of Subdivision);
- To create a modified Urban Commercial “UC” Zone for the preservation of a designated heritage dwelling on Dundas Street East;
- To create a Neighbourhood Park (P1) Zone under Zoning By-law 05-200 for the proposed park;
- To create a Conservation / Hazard Land (P5) Zone within Zoning By-law 05-200 for lands that are adjacent to a Significant Woodland and Provincially Significant Wetland (PSW) which are located south of Parkside Drive and between the East-West Corridor and the Built Boundary; and,
- To create a Conservation / Hazard Land (P5) Zone within Zoning By-law 05-200 for lands within the floodplain which are located between the East-West Corridor and the urban boundary.

Development concepts for the proposed medium density blocks (Blocks 26 and 27 on Appendix “E”) are provided in Appendix “G” and “H” respectively. Elevations for the proposed housing forms are also provided in Appendix “I”.

Plan of Subdivision:

The proposed Draft Plan of Subdivision (see Appendix “E”) is intended to create the following land use blocks and public roads:

Land Use Blocks

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- Twenty-two blocks for 220 Single Detached Residential lots (Blocks 2, 7-25, 33, and 34) consisting of 9.1 m (51.1%) and 10.8 m wide (48.8%) lots;
- Six blocks for 58 street townhouses (Blocks 1,3-6, and 36);
- One Block for 37 condominium townhouses (Block 26);
- One Block for various medium density housing forms (i.e. rear lane townhouses, condominium townhouses and maisonettes consisting of 66 units) (Block 27) (Note – Block 27 will eventually be merged with Block 165, Plan 62M-1101 to permit 74 medium density units and ten live-work units);
- One Block for a Neighbourhood Park (Block 28);
- Three Blocks for Conservation Lands for the protection of Provincially Significant Wetlands and Significant Woodlands and floodplain buffer (Blocks 29, 31 and 32);
- One Block for Conservation Lands for Floodplain purposes (Block 30) and;
- One Block for commercial uses within a heritage building (Block 35).

Public Roads

- One major arterial road proposed between Dundas Street East and Parkside Drive for the East-West Corridor to be 30 m in width which includes a turning circle at the intersection of Parkside Drive (Street “A”);
- Two local roads which have a right-of-way width of 20 m and which provide connections between Spring Creek Drive and the East-West Corridor (Streets “C” and “E”); and,
- Four local roads which have a right-of-way width of 18 m and which provide connections to Spring Creek Drive and / or the other proposed local roads (Street “B”, “D”, “F” and “G”).

Other Applications:

It is noted that the applicant has also submitted two additional applications for approval of common element condominiums for Block 26 (25CDM201313) and Block 27 (25CDM201314). The applications are for the establishment of a common element road within Block 26 to service the proposed rear lane townhouses and block townhouses (see Appendix “G”), and within Block 27 (see Appendix “H”) to service the maisonettes, live-work units, rear lane townhouses and block townhouses. These applications are not being brought forward at this time due to recent design changes within these blocks that necessitate further review before finalizing the condominium plan. These applications will be brought forward to a future public meeting, subject to the approval of the UHOP Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision.

Chronology:

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- December 20, 2013: Original applications ZAC-13-055, 25T-201308, 25CDM-201313 and 25CDM201314 received with required studies and reports.
- January 15, 2014: Notice of Complete Application sent to Owner / Agent and applications are circulated to the relevant departments and agencies for review.
- February 7, 2014: Notice of Complete Application and Preliminary Circulation mailed to all residents within 120 m of the subject lands.
- March 4, 2014: Public Notice Sign posted on site.
- June 2, 2014: First Public Open House at Knox Presbyterian Church, Waterdown.
- September 25, 2014: Revised applications ZAC-13-055, 25T-201308, 25CDM-201313 and 25CDM201314 received in addition to Preliminary Site Plan and updated Planning Justification Report, Functional Servicing Report and Environmental Impact Study. Revised application included heritage dwelling fronting onto Dundas Street East.
- October 1, 2014: Revised applications circulated to the relevant staff and agencies: development engineering, natural heritage, Corridor Management staff and the Hamilton Conservation Authority.
- February 5, 2015: Second Public Open House at Knox Presbyterian Church, Waterdown.
- February 20, 2015: Application for Amendment to UHOP (UHOPA-14-018) received.
- February 24, 2015: Application for Amendment to UHOP (UHOPA-14-018) deemed complete.
- July 8, 2015: Public Notice sign updated to reflect Public Meeting date.
- July 16, 2015: Notice of Public Meeting mailed to all residents within 120 m of the subject lands.

DETAILS OF SUBMITTED APPLICATIONS

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Location: Part of Lot 3, Concession 3, municipally known as 470 Parkside Drive and 493 Dundas Street East, and Part of Block 167, Plan 62M-1101, City of Hamilton.

Owner: Mattamy (Waterdown) Ltd.

Agent: Korziak and Company Land Use Planners (Martin Quarcoopome)

Property Size:

| | |
|------------------|------------------------------------------------------------|
| <u>Lot Area:</u> | 21.68 ha |
| <u>Frontage:</u> | 145.79 m (Dundas Street East) 262.30 m (Parkside Drive) |
| <u>Length:</u> | 871.88 m |

Existing Land Use and Zoning:

| | <u>Existing Land Use</u> | <u>Existing Zoning</u> |
|--------------------------|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|
| Subject Land: | Vacant | “A” (Agricultural) Zone and “UC”-’H’ (Urban Commercial) Holding Zone |
| Surrounding Land: | | |
| North: | Agriculture | “A” (Agricultural) Zone |
| East: | Vacant | “A” (Agricultural) Zone and “CM” (Conservation Management) Zone |
| South: | Vacant and Petro-Canada Gas Bar | “A” (Agricultural) Zone and “AC” (Automotive Commercial) Zone |
| West: | Residential – Approved Subdivision | “R1-27” (Urban Residential – Single Detached) Zone, Modified, “P” (Public Use) Zone, and “UC”-’H’ (Urban Commercial) Holding Zone |

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The Provincial Policy Statement (PPS) sets the policy foundation for regulating the development and use of land. It provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment while ensuring appropriate opportunities are provided for employment and residential development.

The subject property is located within a Settlement Area and is consistent with the policies found in Subsection 1.1.3 of the PPS respecting growth in Settlement Areas:

“1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources; and,
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion.

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while maintaining appropriate levels of public health and safety.”

Specifically, Policies 1.1.3.2 and 1.1.3.4 call for land use patterns that allow for a range of uses and densities with opportunities for intensification, while protecting public health and safety. Furthermore, Policy 1.4.3 states that:

“1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- a) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs; and,
- c) promoting densities for new housing which efficiently use land resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed.”

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The proposed development is consistent with the above policies as the proposal provides a range of housing options (single detached dwellings, block townhouses, live-work units and maisonettes) in a manner that efficiently uses the land and existing infrastructure. The proposal provides for efficient land use in the creation of smaller lot sizes, by providing reduced setbacks and yard depths.

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. Staff note that the subject lands are intended to be developed for residential purposes and are located adjacent to the future East-West Corridor. The proximity of the proposed sensitive land use to road noise sources triggers the requirement for a noise study.

With respect to Policy 1.7.1(e), a Noise Assessment by HCG Engineering Limited was submitted with the proposed Draft Plan of Subdivision and Rezoning applications. The recommended noise mitigation measures include a combination of physical measures such as noise barriers and ventilation as well as design measures such as providing outdoor living areas in locations which are not immediately adjacent to the future arterial road. In addition, Planning staff support the condition for a further detailed noise assessment as a condition of Draft Plan Approval to identify the recommended noise control measures in greater detail (Appendix "F", Condition 11).

Policy 2.6.2 restricts development and site alteration on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

With respect to the above condition, Stage 1-4 archaeological work was previously completed and signed off for the subject lands by the Ministry of Tourism, Culture and Sport on July 31, 2006 under the former owner, Upcountry Estates. In addition, further archaeological work was required for the incorporation of the heritage dwelling block (Block 35) into the revised Draft Plan which involved a Stage 1-2 Archaeological Assessment report. The assessment report identified two archaeological sites, the James Forbes site and the Brown-Johnson site (AiGx-387) that would require a Stage 3 assessment which has been included as a condition of draft plan approval (Appendix "F", Condition 7).

Policy 2.1.1 requires that natural features and areas shall be protected for the long term. Staff note that the property contains Core Areas (significant woodland, wetland and stream).

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In accordance with the above-noted policy direction, an Environmental Impact Study (EIS) was required to address the proposal for development adjacent to the Significant Woodland, wetland, and stream which was reviewed by City staff, the City's Environmentally Significant Areas Impact Evaluation Group (ESAIEG) and Conservation Halton. The applicant's scoped EIS addressed storm water management impacts, buffers for wetlands, the woodland and floodplain and species at risk. The applicant's revised Draft Plan of Subdivision has incorporated the required buffer widths, limits and driplines for the protected Core Area features which includes a 30 m buffer adjacent to the wetland and a variable buffer for the woodland which ranges from 5 m where the lands are less sensitive to 15 m near the northerly part of the block where the feature is more sensitive.

Finally, Policy 3.1.1 states that development shall generally be directed to areas outside of hazardous lands adjacent to river and streams which are impacted by flooding or erosion hazards. In this regard, the applicant has worked closely with Conservation Halton and City of Hamilton staff to determine the extent of the floodplain through analysis of the submitted Floodplain Impact Assessment and Cut / Fill Analysis. Through this review, the extent of Block 30 (Floodplain) has been extended from 1.23 ha on the original submission to 1.44 ha (as shown on Appendix "E").

Based on the foregoing, the proposal is consistent with the policies of the PPS 2014.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (GGH) sets out a vision to 2031 for how growth should occur in the GGH. The Plan is based on a series of guiding principles which are aimed at building compact, complete and vibrant communities; managing growth to support a strong competitive economy; making more efficient and effective use of infrastructure; and protecting and enhancing natural resources.

The Plan's main objective is to provide direction in developing communities in order to achieve a better mix of housing, jobs, shops and services in close proximity to each other. The subject lands are within the "Designated Greenfield Area" in the Plan. Policy 2.2.7 indicates that new development in greenfield areas shall be planned as complete communities, with street configurations, densities and an urban form that is supportive of walking, cycling and transit.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow) as it would provide for an efficient and appropriate mix of residential densities, provide for local commercial uses in close proximity to the proposed residential development, and protect and enhance natural resources.

Urban Hamilton Official Plan (UHOP)

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure of the UHOP. The majority of the lands are designated “Neighbourhoods”, with the exception of the lands which front onto Dundas Street East which are designated “Mixed Use Medium Density” and a small portion of land on the central part of the property which is designated “Open Space” for the development of a future park, on Schedule “E-1” – Urban Land Use Designations.

However, under the UHOP, the lands are also included within Area Specific Policy UF-2 of Volume 3. This Area Specific Policy identifies that the policies of the Neighbourhoods Designation do not apply to the subject lands. The proposed UHOP Amendment will address the removal of the subject lands from the “UF-2” Area Specific Policy which was applied at the time of Official Plan Amendment (OPA) 28 by the former Town of Flamborough, and is no longer considered relevant. This will be discussed further below.

The following policies, amongst others, would apply to the proposal.

Low Density Residential

- “E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.
- E.3.4.2 Low density residential areas are characterized by lower profile, grade-oriented built forms that generally have direct access to each unit at grade.
- E.3.4.3 Uses permitted in low density residential areas include single detached , semi-detached, duplex, triplex, and street townhouse dwellings.
- E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.
- E.3.4.5 For low density residential areas, the maximum height shall be three storeys.”

The proposed low density areas consist of both single detached dwellings and street townhouses of up to three storeys in height in the areas north of Dundas Street East (the major arterial road), and which would be within the required density range (the proposed density would be 34.8 units per hectare), and consistent with the above-noted policies.

- “E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:

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- a) Direct access from lots to adjacent major or minor arterial roads shall be discouraged.
- b) Backlotting along public streets and in front of parks shall be discouraged. The City supports alternatives to backlotting, such as laneway housing and window streets, to promote improved streetscapes and public safety, where feasible.
- c) A mix of lot widths and sizes compatible with streetscape character; and a mix of dwelling unit types and sizes compatible in exterior design, including character, scale, appearance and design features; shall be encouraged. Development shall be subject to the Zoning By-law regulations for appropriate minimum lot widths and areas, yards, heights, and other zoning regulations to ensure compatibility.
- d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.”

Low Density Residential applies to the lands on the westerly side of the East-West Corridor which are north of the condominium townhouse block (Block 27) on Dundas Street East, with the exception of the proposed Neighbourhood Park block (Block 28), as identified on Appendix “E”. In reference to the above policies, staff note that the proposed low density areas would not be directly accessible to arterial roads. The proposed street design would discourage backlotting except for a limited number of street townhouse lots along Parkside Drive. To address this scenario, the applicant will be required to develop innovative fencing and enhanced rear building elevations that provide elements that are used for front facades (i.e. columns) in order to improve the aesthetics of the lots visible from Parkside Drive (Appendix “F”, Condition 12) and the streetscape.

Further, the proposed single detached dwelling lots would consist of two frontage widths (i.e. 9 m and 11 m) with reduced front and rear yard setbacks to allow for street-oriented development which would provide a suitable fit with the adjacent development in the Upcountry Subdivision (Phase 1). Concerning item d) above, the proposed subdivision provides for suitable connections with several existing streets in the Upcountry Subdivision (i.e. Stillwater Crescent, Houndtrail Drive and Lupo Drive); it provides for development along Spring Creek Drive which would be consistent with the previous (UpCountry) subdivision approval, it provides for an efficient, intensified lotting form and it would allow for the extension of services and the sharing of storm water management facilities.

Medium Density Residential

- E.3.5.1 Medium density residential areas are characterized by multiple dwelling forms on the periphery of neighbourhoods in proximity to major or minor arterial roads, or within the interior of neighbourhoods fronting on collector roads;
- E.3.5.2 Uses permitted in medium density residential areas include multiple dwellings except street townhouses;
- E.3.5.4 Local commercial uses may be permitted on the ground floor of buildings containing multiple dwellings, provided the provisions of Section E.3.8 – Local Commercial are satisfied;
- E.3.5.5 Medium density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities, public transit, schools, active or passive recreational facilities, and local or District Commercial uses;
- E.3.5.6 Medium density residential built forms may function as transitions between high and low profile residential uses; and,
- E.3.5.7 For medium density residential uses, the net residential density shall be greater than 60 units per hectare and not greater than 100 units per hectare.”

The Medium Density Residential block within the proposed Draft Plan of Subdivision is shown as Block 26 in Appendix “E” which is located in a peripheral location, adjacent to Parkside Drive and the East-West Corridor. Block 26 would be located in close proximity to the proposed Neighbourhood Park and would generally be within a 10-15 minute walk of future commercial uses along Dundas Street East.

The preliminary site plan for this block consisted of townhouses along a common element road which is an appropriate form for Medium Density use. Due to technical constraints (which include the reduction of the block size to account for buffers and floodplain), the design has been modified to consist of rear lane townhouses also along a common element road to address design related issues. A small block of traditional townhouses is also proposed. As the proposed density for this housing form is 37.6 units per hectare which is below the minimum density requirement of 60 units per hectare identified above, it would be necessary to address this through a UHOP Amendment, which is supported by staff. The proposed block is well-suited to the proposed housing form given its location adjacent to two arterial roads and buffered from the lower density development. However, given the irregular configuration of the

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block and site constraints (Core Area features and buffers), increased density is not feasible or desirable in this location.

“E.3.5.8 For medium density residential uses, the maximum height shall be six storeys.

E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:

- a) Developments should have direct access to a collector or major or minor arterial road. If direct access to such a road is not possible, the development may gain access to the collector or major or minor arterial roads from a local road only if a small number of low density residential dwellings are located on that portion of the local road;
- b) Development shall be integrated with other lands in the Neighbourhoods designation with respect to density, design, and physical and functional considerations;
- c) Development shall be comprised of sites of suitable size and provide adequate landscaping, amenity features, on-site parking, and buffering if required. The height, massing, and arrangement of buildings and structures shall be compatible with existing and future uses in the surrounding area;
- d) Access to the property shall be designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets; and,
- e) The City may require studies, in accordance with Chapter F – Implementation Policies, completed to the satisfaction of the City, to demonstrate that the height, orientation, design, and massing of a building or structure shall not unduly overshadow, block light, or result in the loss of privacy of adjacent residential uses.”

The proposal for Block 26 would be appropriately located near the intersection of two arterial roads. The development would be integrated with the community to the west through a connection of the proposed common element road with Street “C” (refer to Appendix “E”). Block 26 would not present any issues related to privacy or overshadowing due to its separation from the low density residential development by the East-West Corridor. The height, massing and arrangement of the proposed townhouses would be compatible with the street townhouses to the west. It is further noted that the block would be located along the urban boundary and would be separated from existing rural development to the east by Core Area features. Site Plan Approval would be required to address good urban design, landscaping, access and

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other development requirements. In staff's view, Block 26, as revised, would allow for an appropriate form of development which is well-suited to its location along the East-West Corridor and to the sensitive lands to which it is adjacent. Therefore, the proposal complies with the Medium Density policies.

Greenfield Development

The proposed Draft Plan of Subdivision is within the Waterdown Community but is identified on Appendix "G", Boundaries Map as being located outside of the Built Boundary. Therefore, in addition to the previously noted "Neighbourhoods" policies, the policies for Greenfield Areas would also apply.

"E.3.7.1 New greenfield communities shall be designed with a unique and cohesive character. Buildings, streetscapes, street patterns, landscaping, open spaces and infrastructure shall be designed to contribute to this character.

E.3.7.2 New greenfield communities shall be designed to create a focal point. All elements of the design of the community including the layout of streets, trails, pedestrian connections, and transit routes as well as the location of land uses and transit stops, shall contribute to the creation of a community focal point.

E.3.7.4 The City may consider alternative development standards in new residential development in greenfield areas. Such alternative development standards may include:

- a) reduced right-of-way widths.
- c) use of public lands, private lanes, and on-street parking to promote more compact residential development and to provide more attractive streetscapes."

The proposed Draft Plan will provide a unique character to enhance the Waterdown community through the development of live-work units and the adaptive re-use of a heritage dwelling along Dundas Street East, the creation of innovative housing forms (reduced lot widths, maisonettes and rear-lane townhouses), a new Neighbourhood Park and the initial leg of the East-West Corridor. The proposed street layout would allow for connections to both the existing local streets in the UpCountry Subdivision to the west and limited connections to the East-West Corridor at strategic locations. The street layout also would provide window roads adjacent to the Corridor to facilitate good urban design.

Staff find that a community focal point is likely to be developed in the location of the heritage dwelling (Block 35 on Appendix "E") because it would be uniquely integrated

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with live-work units and medium density development. This location is also at a key intersection adjacent to the primary gateway into the subdivision and through Waterdown at Dundas Street East and the East-West Corridor.

Alternative development standards include the use of private roads having reduced widths (i.e. 6 m) for the medium density housing forms on Blocks 26 and 27 of Appendix “E”, the use of reduced setbacks and reduced lot depths (i.e 27.3 m) and widths, window streets, and rear lane townhouses.

“E.3.7.5 New residential development in greenfield areas shall generally be designed and planned to:

- a) Minimize changes to existing topography;
- b) Preserve existing trees and natural features; and,
- c) Be compatible with, and maintain public views and vistas to prominent City features and landmarks, including the Niagara Escarpment, the waterfronts of Lake Ontario and Hamilton Harbour, Cootes Paradise, and Dundas Valley, or as identified through secondary plans, cultural heritage conservation plan statements, or other studies.

E.3.7.6 New development or redevelopment adjacent to open spaces shall:

- a) Minimize the impacts on natural heritage features;
- b) Maintain or enhance public access to trails, bikeways, and parks within these features;
- c) Preserve or enhance public views to these features; and,
- d) Use native plant material adjacent to these features.”

The proposed Draft Plan of Subdivision would minimize topographical changes with the exception of cut and fill changes that have been supported by Conservation Halton to reduce flood risk associated with the existing watercourse located on Block 30 of Appendix “E”. The proposed Subdivision would minimize impacts on adjacent natural features and generally preserve existing trees which are part of a Significant Woodland and the adjacent Provincially Significant Wetlands through the provision of appropriate buffers. A Tree Preservation Plan (TPP) which was required for the Heritage block (Block 35 of Appendix “E”) would require compensation for the removal of existing trees to retain the rustic character of the existing dwelling (Appendix “F”, Condition 2). In

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addition, important views of this dwelling and site from Dundas Street East would also be preserved and enhanced.

“E.3.7.7 Prior to registration of a plan of subdivision, the City may require the owner to prepare urban design and/or architectural guidelines to the satisfaction of the City. The City may undertake architectural control to ensure compliance with the approved urban design or architectural guidelines.”

The proposed Draft Plan would benefit from urban design guidelines, as these were developed for the adjacent UpCountry Draft Plan of Subdivision. As such, Condition 13 of Appendix “F” has been included to require an addendum to the UpCountry Estates Urban Design Guidelines. In particular, the guidelines would be useful for the development of landscaping and streetscape plans for the principle arterial roads, gateway features, focal points, boulevard landscaping, acoustical fencing and architectural plans for reverse frontage lots and corner lots.

Mixed Use – Medium Density

The Mixed Use – Medium Density designation applies to the lands which are located along Dundas Street East between Spring Creek Drive and the proposed East-West Corridor. This includes Block 27 (proposed block townhouses), Block 35 (the heritage dwelling / commercial block) and the live-work units which front onto Spring Creek Drive (part of Zoning By-law Amendment and Common Element Condominium 25CDM-201314, but not part of the Draft Plan of Subdivision) as shown on Appendix “E”.

“E.4.6.5 The following uses shall be permitted on lands designated Mixed Use – Medium Density on Schedule E-1 – Urban Land Use Designations:

- a) commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices oriented to serving residents, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars, and drive-through facilities; and,
- g) multiple dwellings.

E.4.6.7 Lands designated Mixed Use - Medium Density shall contain a range of building heights and densities to a maximum height of six storeys, which shall be set out in the implementing zoning by-law. The specific permitted heights and densities shall depend on the area and be established through secondary plans where one exists and the zoning by-law; and,

E. 4.6.9 The predominant built form shall be midrise and low rise buildings. The intent is to increase the proportion of multiple storey, mixed use buildings that have

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retail and service commercial stores at grade; however, single use commercial buildings and medium density ground related housing forms shall be permitted.”

The proposed uses would consist of a mix of commercial, residential low rise and live-work units of similar height (12 m - 13.5 m and three storeys) consistent with the above-noted policies.

“E.4.6.15 Although residential development is permitted and encouraged, it is not the intent of the Plan for the Mixed Use - Medium Density designated areas to lose the planned retail and service commercial function set out in this Plan.

New development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density.

E.4.6.17 Areas designated Mixed Use-Medium Density are intended to develop in a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation and create vibrant people places.

E.4.6.19 To strengthen the pedestrian focus in areas where it does not currently exist, the City shall require infilling of retail, service commercial, and mixed use buildings in a physical arrangement which assists in creating a vibrant and active street environment. Such buildings shall be located up to the street along a pedestrian predominant street.”

Staff note that the proposed development is consistent with the intent of these policies. Block 27, which includes the live-work units, and Block 35, the heritage / commercial site, would be part of an integrated community of mixed use development that would be developed at a compact form and would be comprised of street-oriented buildings, walkways, landscaping and parking areas (refer to Appendix “E”). The proposal focuses on maintaining a commercial function for the area, in keeping with the UHOP policies.

The blocks are subject to Site Plan approval to ensure that pedestrian connections are provided for safe access between these sites and to the adjacent arterial and collector roads. The adaptive reuse of the heritage dwelling and site is intended to provide cultural and historic interest that would encourage pedestrian activity from within the community and, coupled with the live-work units would create a “people place” for the community.

“E.4.6.22 Development applications shall be encouraged to provide a mix of uses on the site.

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- E.4.6.23 In the absence of a secondary plan or the designation of pedestrian predominant streets, each applicant for new development shall submit a concept plan for the property that addresses how:
- a) the creation of a vibrant people place are being achieved;
 - b) the public and private realm can be improved to enhance the pedestrian experience; and,
 - c) the property may accommodate a mix of uses and how it will intensify over time including addressing such matters as:
 - i) the provision of local roads and small blocks;
 - ii) the siting and orientation of buildings which do not preclude future intensification; and,
 - iii) the ability to achieve both short term and longer term intensification.
- E.4.6.25 Areas designated Mixed Use-Medium Density shall be integrated with the surrounding neighbourhoods through frequent street and pedestrian linkages.
- E.4.6.26 Automobile access shall continue to be an important mode of transportation from the surrounding neighbourhoods, but it shall be balanced with the need to improve pedestrian access and opportunities for active transportation.
- E.4.6.27 Reduced parking requirements shall be considered to encourage a broader range of uses and take advantage of a higher level of transit service.”

As noted, Site Plan Approval is required for the lands within the Mixed Use-Medium Density designation which will examine pedestrian connections and linkages between the uses and adjacent streets as well as enhanced landscaping. Opportunities to encourage the development of a “people place” will be examined in more detail at the Site Plan approval stage with respect to the heritage site and gateway areas through the use of street furniture, creative landscaping and possibly public art installations.

Block 27 of Appendix “E” has been designed to accommodate a mix of uses, including a variety of housing forms and local commercial uses. With respect to Policy E.4.6.23c) ii) and iii), staff note that Block 27 would be regarded as an intensified site which provides for a mix of densities and, given that it is also a Greenfield area, it may not be possible or desirable to provide further intensification without compromising the heritage character of the property and the opportunity for gateway features. Therefore, a

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balanced approach is recommended for the development of the site to maintain high standards of design and to preserve the character of the heritage features.

The proposed live-work units and eight abutting multiple units, while not part of the Draft Plan of Subdivision, will be integrated with the Block 27 development and provide a form of development which achieves the design objectives of the Mixed Use-Medium Density designation. While the applicant had requested rear lane towns as well as live-work units in the amending Zoning By-law for this block to provide flexibility, staff are not supportive of the inclusion of rear lane towns as it is the opinion of staff that it is important to maintain the commercial component to maintain the intent of the UHOP policies. The applicant is agreeable to this modification. Reduced parking with respect to the proposed live-work units has been examined by the removal of the lay-by parking along Spring Creek Drive at the request of Corridor Management. It has been noted that parking can be accommodated as on-street parking along Spring Creek Drive for the live-work uses. Further, the amending By-law has removed the parking requirement for the commercial component of the live-work units. This would also encourage pedestrian activity within the neighbourhood and enhance the pedestrian experience along Dundas Street East. Therefore, based on the foregoing, the proposed development for Block 27 meets the intent of the Mixed Use-Medium Density policies.

Open Space

The Open Space designation applies to Block 28 of Appendix “E”, the 2.03 ha future Neighbourhood Park.

“C.3.3.1 Lands designated as Open Space are public or private areas where the predominant use of or function of the land is for recreational activities, conservation management and other open space uses.

C.3.3.2 The Open Space designation applies to lands greater than 4 hectares in size designated open space on Schedule E-1 – Urban Land Use Designations. Lands used for open space purposes less than 4 hectares shall be permitted within the Neighbourhoods designation subject to the provisions of this Plan.”

Block 28 of Appendix “E” was initially intended to be a 4 ha combined school / park site but was modified to a Neighbourhood Park site that is now 2 ha in area, as a school is no longer planned for this neighbourhood. Staff note Policy E.1.4.9:

“E.1.4.9 The identification and proposed location of municipal infrastructure, parks, roads, water and wastewater facilities or services, as identified on schedules or in text in this Plan, including secondary plans:

- a) may be changed without an amendment to this Plan provided the change is minor in nature and the intent of the Plan is maintained.”

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As such, the reduction in the size of the Open Space designation to 2 ha, originally identified on Schedule “E-1” as 4 ha, does not require an amendment to the UHOP, as it is the opinion of staff that the intent of the Plan is being maintained through the provision of recreational space (Neighbourhood Park) in this location.

“B.3.5.3.4 The City shall establish a hierarchy of parks as follows:

- b) Neighbourhood Parks primarily cater to the recreational needs and interests of the residents living within its general vicinity. Residents can easily walk or bike to these parks. Neighbourhood Parks are generally comprised of municipal parkland, containing a mixture of passive areas, sports facilities, informal and formal play areas, and may include natural areas. They serve a population of approximately 5,000 people and have a minimum size of approximately 2 hectares.

B.3.5.3.1 To ensure the provision of an adequate amount of Parkland the standards of Table 3.5.3.1 – Parkland Standards, shall be used in the determination of parkland needs”:

| Park Classification | Per 1,000 Population Ratios | Maximum Service Radius / Walking Distance |
|----------------------------|------------------------------------|--------------------------------------------------|
| Neighbourhood Parks | 0.7 / 1000 | 800 m |

The proposed Neighbourhood Park is centrally located within the proposed subdivision and would meet the 2 ha size requirement. The park is centrally located to serve the proposed Subdivision as well as the developing UpCountry Subdivision to the west and all of the residential development within this area would be within the allocated maximum walking distance of 800 m. The future Neighbourhod Park would also be consistent with the prescribed allocation of 0.7 ha per 1000 persons to appropriately serve the proposed Mattamy and UpCountry Subdivisions, as it actually represents an over-dedication of parkland by the Developer for these subdivisions.

Flamborough Area Specific Policy Area UF-2

The subject lands are currently part of a Flamborough Area Specific Policy Area called “UF-2” (on Map F-1) of Volume 3 which includes the UpCountry Phase 1 lands to the west and all of the lands in the Waterdown South Secondary Plan:

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“UF-2 Area north of Mountain Brow Road, west of Kerns Road, south of Parkside Drive and east of the developed areas of Waterdown.

1.0 Notwithstanding Section E.3.0 - Neighbourhoods Designation of Volume 1, the following policies shall apply to the lands located north of Mountain Brow Road, west of Kerns Road, south of Parkside Drive and east of the developed areas of Waterdown, shown as Area Specific UF-2 on Map F-2, until a secondary plan and other related studies are completed for the area:

- a) It is the intent of the City that the following policies shall be further detailed through Secondary Plan for the area shown as Area Specific UF-2 on Map F- 2. Accordingly, no development shall proceed in Area Specific UF-2 until the following matters are completed:
 - i) A Class Environmental Assessment for the Dundas Waste Water Treatment Plant expansion/diversion to address the long term servicing solution of Waterdown;
 - ii) A financial strategy for the preferred solution has been determined once the Environmental Assessment process has been completed. Assuming an acceptable financial plan is found, the construction of this project shall begin as soon as possible; and,
 - iii) A Master Environmental Assessment (EA) Transportation study (Waterdown/Aldershot Transportation Environmental Assessment) as directed by the Joint Board is undertaken, to be funded jointly by the City of Hamilton, the City of Burlington, and the developer parties of area UF-2. The Study shall include an implementation plan in accordance with the terms of reference approved by the City of Hamilton and the City of Burlington.

The completion of the Master EA Transportation Study (Waterdown/Aldershot Transportation Environmental Assessment) shall provide the basis for a new transportation schedule including, if necessary, a Highway No. 5 by-pass. The Study shall examine amongst other things, the role and capacity of Waterdown Road, King Road, Kerns Road, Brant Street and Highway No. 5. It is understood and agreed that any recommended solution and implementation thereof that requires alterations of Waterdown Road, Kerns Road, King Road, Brant Street and Highway No. 5 within the City of Burlington, shall be in the sole discretion of Burlington City Council, with the exception of Highway No. 5 which shall be a joint decision of the City of Burlington, and the Region of Halton. Such

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recommendations and implementations must be approved by Burlington City Council. It is further understood and agreed that there are fiscal limits to Burlington's ability to afford major road construction or reconstruction projects. In addition, the parties acknowledge that other factors shall limit the amount of traffic that such roads can carry because of their residential character and existing design standards. Any recommended solution and implementation that requires alterations of Highway No. 5 within the City of Hamilton shall be the sole discretion of the City.

- b) As contemplated in the Memorandum of Agreement prepared by the City of Hamilton and dated October 30, 1997, no development shall proceed in area UF-2 until the following are completed:
- i) In recognition of the financial constraints to development, it is agreed that, in addition to the City's regular Development Charge, a charge shall be paid to the City of \$800.00 per unit at the time of issuance of building permits. This charge shall be indexed to the Consumer Price Index commencing on the date of the issuance of the first building permit for those lands to be designed Urban or on January 1, 1999, whichever comes first;
 - ii) The City shall make every effort to utilize its Development Charges Bylaw as the method of collecting the said per unit charge. However, in the event the Development Charges By-law is not legally able to be utilized, an alternative method shall be determined; and,
 - iii) The City shall request that any approval of a plan of subdivision in area UF-2 shall contain a condition of draft plan approval requiring that the per unit charge specified in a) above shall be a requirement of the subdivision agreement to be secured through an amendment to the City's Development Charges By-law or an alternate method to the satisfaction of the City.
- c) Phasing of development within area UF-2 shall be controlled by subsequent planning requirements and processes including Provincial Planning Policies (Housing), the results of the Master EA Transportation Study (Waterdown/Aldershot Transportation Environmental Assessment) and Secondary Planning.
- d) No development shall take place in area UF-2 prior to the fulfillment of Subsection 1.1 except as follows. If it is determined by the City that a housing supply shortfall in Waterdown is imminent, they may approve

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(subject to the requirements of the Planning Act) a limited amount of additional urban residential land in Waterdown for development prior to fulfillment of Subsection 1.1 to address solely the immediate shortfall provided the following conditions are satisfied:

- i) Sufficient sewage capacity is available for the development;
- ii) The transportation impacts of the development have been evaluated and addressed;
- iii) The Environmental Assessment for the Transportation Master Plan (Waterdown/Aldershot Transportation Environmental Assessment) is proceeding expeditiously and has advanced to the stage where the alternatives have been identified and the potential routes have been identified for evaluation;
- iv) The development shall not impact, prejudice or compromise secondary planning processes, the Transportation Study process, or any of the alternatives or alternative routes under consideration in the Environmental Assessment process for the Transportation Master Plan (Waterdown/Aldershot Transportation Environmental Assessment) or the evaluation and selection of alternatives or the implementation of the preferred alternatives; and,
- v) The development does not prejudice or compromise the Environmental Assessment process and associated financing for the waste water treatment solution.”

The policies for Area Specific Policy Area UF-2 were developed initially under the former Town of Flamborough for the Staging of Development because of OPA #28 (approved by the Ontario Cabinet, June 22, 2002) to address the Waterdown Urban Area Expansion. The UF-2 lands were identified as Stage 3 of Development in the former Flamborough Official Plan and as such were subject to intensive reviews and studies to determine the appropriateness of development. The policies no longer apply to the subject lands because the required servicing upgrades have been completed and the UpCountry Draft Plan of Subdivision for lands also in UF-2 has been approved as well as the lands to the south which are now under the Waterdown South Secondary Plan.

It is also noted that both the subject lands and the UpCountry Subdivision lands would represent an area that would be too small for the consideration of a Secondary Plan. Further, the EA for the East-West Corridor has addressed the requirements for the alignment and location of the new arterial and requirements to mitigate transportation

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impacts within this area of Waterdown. Therefore, the removal of the subject lands from Area Specific Policy Area UF-2 is recommended as part of the UHOP Amendment in order that the subject lands can be more suitably recognized under the Neighbourhoods designation.

Urban Design

Chapter B, Section 3.3 of the UHOP outlines the City's goals and policies as related to urban design. Staff note Policy B.3.3.2.3:

"B.3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas."

Policies B.3.3.3.1 and B.3.3.3.2 identify the importance of built form and fit with surrounding development:

"B.3.3.3.1 New development shall be located and organized to fit within the existing or planned context of an area as described in Chapter E – Urban Systems and Designations.

B.3.3.3.2 New development shall be designed to minimize impact on neighbouring buildings and public spaces by:

- a) creating transitions in scale to neighbouring buildings;
- b) ensuring adequate privacy and sunlight to neighbouring properties; and,
- c) minimizing the impacts of shadows and wind conditions.

B.3.3.3.3 New development shall be designed to respect existing and planned street proportions.”

Staff note that the proposed development achieves many of the urban design principles identified above. The proposed development respects existing development patterns and form, as the proposal is consistent with the UpCountry Phase 1 development in terms of lot sizes, setbacks and built form. Quality design will be promoted through the submission of updated Urban Design Guidelines, and enhanced facades for the lots with flankage on Parkside Drive (Appendix “F”, Condition 12). The Urban Design Guidelines will ensure that the final design of the development meets the objectives and policies of the UHOP (Appendix “F”, Condition 13). Information on streetscape design, pedestrian connectivity and landscaping will be addressed through these Guidelines.

Further, in relation to the above noted policies, staff note that the proposed development would contribute to community character by providing for the integration of the heritage site, allowing for unique local commercial opportunities through the development of live-work units, by providing gateway features at key locations and community recreation through a neighbourhood park.

The proposed development also respects the natural environment in which it is situated, by providing for appropriate protection of adjacent natural features through buffering and floodplain delineation.

The development provides for appropriate transitions between places and housing forms as the medium density development is appropriately located toward the exterior of the development and will not have a negative impact on the proposed lower density housing in terms of privacy or shadowing concerns.

Gateways

“B.3.4 Gateways are visually prominent sites located at the entry points into the City, local communities, or specific areas or districts, such as the Downtown, and serve to enhance community image.

3.3.4.1 Gateway locations shall be established at strategic locations within the municipality through secondary plans or other City programs and initiatives.

3.3.4.2 Gateway intersections and entry points shall be designed to convey a sense of arrival and portray the community image and identity through:

- a) design of the built form;

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- b) building orientation;
- c) street configuration;
- d) infrastructure items and projects;
- e) landscaping;
- f) recognition of significant views and vistas;
- g) signage; and/or,
- h) public art installations.

3.3.4.3 Gateways to the City are special places requiring a greater level of scrutiny in terms of land use and design in order to achieve higher quality landmark buildings or built form. The City may undertake gateway studies to identify locations of gateway areas for the City, identify most appropriate land uses, and establish design guidelines for future development within identified gateway areas.”

The proposed Draft Plan of Subdivision would provide for a principal gateway into Waterdown at the intersection of the East-West Corridor and Dundas Street East and a second gateway at the intersection of the East-West Corridor and Parkside Drive. The proposed southerly gateway would provide for a building orientation of three-storey rear lane townhouses fronting onto Dundas Street East to create an intimate street-oriented built form. The dwelling units abutting the East-West Corridor at this intersection would be designed as flankage units with architectural features such as columns and wrap around porches that would address views from this location.

The edge of the daylighting triangle at the proposed intersection of Dundas Street East and the East-West Corridor and the area to the north would allow opportunities for the development of an entry feature, public art, and landscaping. Additional landscaping opportunities would be provided along the East-West Corridor by means of planting strips to screen condominium parking and a proposed private road.

In addition, the preservation and integration of the heritage dwelling at 493 Dundas Street East is in proximity to the gateway and may enhance pedestrian activity and interest in this area. Details on Gateway design will be addressed through the required Urban Design Guidelines (Appendix “F”, Condition 13).

Noise

Policy Section B.3.6.3.1 of Volume 1 of the UHOP requires that:

“B.3.6.3.1 Development of noise sensitive land uses, in the vicinity of provincial highways, parkways, minor or major arterial roads, collector roads, truck routes, railway lines, railway yards, airports, or other uses considered to be noise generators shall comply with all applicable provincial and municipal guidelines and standards.

B.3.6.3.4 Where noise or vibration attenuation measures are required, these measures, for both outdoor and indoor space, may include the following:

- a) sound-proofing measures, construction techniques, and materials;
- b) layout and design of the structure or outdoor living areas;
- c) spatial separation from the source, including the insertion of permitted sound-insensitive uses between the source and receivers;
- d) building setbacks;
- e) acoustical barriers such as berms, living walls, walls, favourable topographic features, or other intervening structures, where appropriate and according to all other policies; and,
- f) the use of suitably designed higher density residential structures.”

With respect to the preceding noise policies, a Noise Assessment was submitted with the proposed Draft Plan of Subdivision and Rezoning applications by HGC Engineering Limited. The noise study was triggered due to the location of the subject lands within 100 m of a future minor arterial road (future East-West Corridor and Parkside Drive), and within 400 m of a major arterial road and truck route (Dundas Street East). Due to the length of the East-West Corridor within the proposed Draft Plan, the majority of noise mitigation measures relate to the development adjacent to this road.

The recommended measures include a combination of physical measures such as design measures (providing outdoor living areas in locations which are not immediately adjacent to the future arterial road), noise barriers and ventilation. In addition, Planning staff support the condition for a further detailed noise assessment as a condition of Draft Plan Approval to identify the recommended noise control measures in greater detail (Appendix “F”, Condition 11).

“B.3.6.3.11 Design of noise mitigation measures adjacent to collector roads, or major or minor arterial roads shall address streetscape quality through compliance with the following policies:

- a) Noise mitigation measures shall avoid the use of noise barriers (walls and berms) wherever possible;
- a) The use of noise barriers shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed;
- b) The use of noise barriers shall be prohibited adjacent to Primary, Secondary, or Potential Expansion of Secondary Corridors designated on Schedule E – Urban Structure, and adjacent to pedestrian predominant streets as identified in Section E.4.3 – Pedestrian Predominant Street;
- d) Noise mitigation measures shall comply with Section 3.3 – Urban Design Policies, and all other design policies of this Plan unless it is determined in the detailed noise study, to the satisfaction of the City, that compliance with the design policies is not practical or feasible.

B.3.6.3.12 Design of noise mitigation measures adjacent to parkways and provincial highways shall comply with the following policies:

- a) Noise mitigation shall avoid the use of noise walls wherever possible;
- b) Preferred noise mitigation measures shall be spatial separation, building orientation, and earth berms. Berms or berm/wall combinations shall be preferred over walls alone; and,
- c) The use of noise walls shall only be considered if it can be demonstrated to the satisfaction of the City that no other noise mitigation measures are practical or feasible and their long term maintenance and replacement has been addressed.”

The applicant’s Noise Assessment identifies barriers in five locations along the East-West Corridor and along Parkside Drive. The noise barriers are required to mitigate noise impacts for residential lots which have flankage on the East-West Corridor and therefore have outdoor living areas located directly beside the East-West Corridor. Staff have had regard for the policy direction provided above to avoid the use of noise walls, wherever possible. While two of the noise barriers along the East-West Corridor could be eliminated by means of window road extensions, it is noted that the barriers would comprise relatively small sections of fencing because they are protecting the flankage of the lots only, and which are broken by street connections. This would result in less

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visual impact and would be possible for these small fencing sections to fit comfortably into the streetscape.

The section along Parkside Drive however is of greater concern, in light of the policy direction provided in Policy B.3.6.3.12, because of the orientation of the lots which have the outdoor living areas (rear yards) facing Parkside Drive. In particular, the UpCountry Subdivision to the west also has backlotting along Parkside Drive resulting in lengthy sections of fencing along this road, though landscape buffering is provided. It is also recognized that the more confined configuration of the intersection of Parkside Drive and the East-West Corridor for turning lanes and the roundabout may not be conducive to the development of window roads without affecting the lot yield, resulting in fewer lots. Staff note that the proposed design would provide for a suitable lotting arrangement and road configuration in spite of the requirement for backlotting. Therefore, it is recommended that a suitable design be provided for the noise barrier on Parkside Drive which incorporates landscaping and design elements which promote street interest to minimize visual impacts as a condition of Draft Plan Approval (Appendix “F”, Condition 12).

Natural Heritage

The following UHOP policies are applicable to the proposal in terms of environmental protection respecting Blocks 29, 31 and 32 which are situated east of Block 26 on Appendix “E” (condominium townhouses):

- “C.2.3.4 New development or site alteration shall not be permitted within provincially significant wetlands, significant coastal wetlands, or significant habitat of threatened or endangered species, except in accordance with applicable provincial and federal regulations with respect to significant habitat of threatened or endangered species.
- C.2.5.2 Proposals for new development or site alteration shall not be permitted adjacent to provincially significant wetlands, significant coastal wetlands, or significant habitat of threatened or endangered species unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated through an Environmental Impact Statement prepared in accordance with Section F.3.2.1 that there will be no negative impacts on the natural feature and its ecological functions.
- C.2.5.3 New development or site alteration proposed within or adjacent to significant woodlands, significant wildlife habitat, significant valleylands, and significant areas of natural and scientific interest shall not be permitted unless the ecological function of the land has been evaluated and it has been demonstrated through an Environmental Impact

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Statement in accordance with Section F.3.2.1 that there will be no negative impacts on the natural features or their ecological functions.

C.2.5.4 New development and site alteration shall not be permitted within significant woodlands, valleylands, significant wildlife habitat and significant areas of natural or scientific interest unless it has been demonstrated that there shall be no negative impacts on the natural features or on their ecological functions.

C.2.5.5 New development or site alteration subject to Sections C.2.3.4, C.2.5.2, C.2.5.3 and C.2.5.4 requires prior to approval, the submission and approval of an Environmental Impact Statement which demonstrates to the satisfaction of the City and the relevant Conservation Authority that:

- a) There shall be no negative impacts on the Core Area's natural features or their ecological functions.
- b) Connectivity between Core Areas shall be maintained, or where possible, enhanced for the movement of surface and ground water, plans and wildlife across the landscape.
- c) The removal of natural features shall be avoided or minimized by the planning and design of the proposed use or site alteration wherever possible.

C.2.5.9 An Environmental Impact Statement shall propose a vegetation protection zone which:

- a) has sufficient width to protect the Core Area and its ecological functions from impacts of the proposed land use or site alteration occurring during and after construction, and where possible and deemed feasible to the satisfaction of the City, restores or enhances the Core Area and its ecological functions; and
- b) is established to achieve, and be maintained as natural self-sustaining vegetation.

C.2.11.1 The City recognizes the importance of trees and woodlands to the health and quality of life in our community. The City shall encourage sustainable forestry practices and the protection and restoration of trees and forests.”

F.3.2.1.2 When a development proposal has the potential to negatively impact a Core Area or its function, the proponent shall be required to prepare an

EIS to the satisfaction of the City in consultation with the relevant Conservation Authority. An EIS inventories and describes the existing Core Areas and ecological functions of the site in the context of the surrounding landscape. An EIS also assesses the potential negative impacts that proposed development may have on Core Areas and provide recommendations on natural area boundaries, mitigation measures, and design measures to accommodate or enhance existing natural features and functions.”

In accordance with the above-noted policy direction, an EIS was required to address the proposal for development adjacent to the Significant Woodland, wetland, and stream which was reviewed by, and is satisfactory to, City staff, the City’s ESAIEG and Conservation Halton. The applicant’s scoped EIS addressed storm water management impacts, buffers for wetlands, the woodland and floodplain and species at risk. The applicant’s revised Draft Plan of Subdivision has incorporated the required buffer widths, limits and driplines for the protected Core Area features which includes a 30 m buffer adjacent to the wetland and a variable buffer for the woodland which ranges from 5 m where the lands are less sensitive to 15 m near the northerly part of the block where the feature is more sensitive (Appendix “F”, Conditions 1-6 and 65, 66, and 67).

Hazard Lands

The Hazard Lands policies apply to the lands comprising Block 30 (floodplain) and Block 32 (floodplain buffer) which are directly south of Block 26 (block townhouses) along the proposed East-West Corridor (Appendix “E”).

“B.3.6.5.6 Hazard lands shall be conserved and land uses or activities which could be affected by prevailing hazardous conditions such as flooding or erosion, or could increase the inherent hazard, shall be prohibited in hazard lands and on lands adjacent to hazard lands.

B.3.6.5.7 Uses permitted within hazard lands shall be limited to conservation, fish and wildlife management areas, passive public or private recreational uses, flood or erosion control facilities, and uses legally existing at the time of approval of this Plan.”

Conservation Halton reviewed a floodplain assessment, meander belt assessment, cut and fill analysis, and storm water management report to resolve concerns with development on Block 26 and the construction of the East-West Corridor which was shown to encroach into the 15 m buffer required for the floodplain. The above policies have been adhered to for the proposal, and Blocks 30 and 32 are suitably-sized on the revised Draft Plan to function appropriately as hazard lands to the satisfaction of

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Conservation Halton. In particular, Block 26 was reduced slightly along the southerly portion in order to provide an appropriate floodplain buffer of at least 15 m.

Under the recommended Conservation / Hazard “P5” Zone which include the floodplain and its buffers (i.e. setback) (see Appendix “D”), no development will be permitted and uses will be limited to conservation and flood and erosion control uses consistent with the above-noted policies (Appendix “F”, Condition 65).

Built Heritage and Archaeology

Policy B.3.4.4 of Volume 1 states: “The City shall require the protection, conservation, or mitigation of sites of archaeological value and *areas of archaeological potential* as provided for under the *Planning Act*, the *Environmental Assessment Act*, the *Ontario Heritage Act*, the *Municipal Act*, the *Cemeteries Act*, or any other applicable legislation.” As previously noted, a Stage 1, 2 and 3 Archaeological Assessment has been completed for the subject lands, and the municipal interest has been satisfied.

With respect to the above condition, Stage 1-4 archaeological work was previously completed and signed off for the subject lands by the Ministry of Tourism, Culture and Sport on July 31, 2006 under the former owner, UpCountry Estates. In addition, further archaeological work was required for the incorporation of the heritage dwelling block (Block 35 of Appendix “E”) into the revised Draft Plan which involved a Stage 1-2 Archaeological Assessment report. The assessment report identified two archaeological sites, the James Forbes site and the Brown-Johnson site (AiGx-387) that would require a Stage 3 assessment as a condition of draft plan approval (Appendix “F”, Condition 7).

“B.3.4.2.12 A cultural heritage impact assessment shall be required by the City and submitted prior to or at the time of any application submission pursuant to the *Planning Act* where the proposed development, site alteration, or redevelopment of lands (both public and private) has the potential to adversely affect the following cultural heritage resources through:

- a) Properties designated under any part of the *Ontario Heritage Act* or adjacent to properties designated under any part of the *Ontario Heritage Act*;
- b) Properties that are included in the City’s Register of Property of Cultural Heritage Value or Interest or adjacent to properties included in the City’s Register of Property of Cultural Heritage Value or Interest;
- c) A registered or known archaeological site or areas of archaeological potential;

- d) Any area for which a cultural heritage conservation plan statement has been prepared; or,
- e) Properties that comprise or are contained within cultural heritage landscapes that are included in the Register of Property of Cultural Heritage Value or Interest.

B.3.4.5.2 The City shall encourage the retention and conservation of significant built heritage resources in their original locations. In considering planning applications under the *Planning Act* and heritage permit applications under the *Ontario Heritage Act*, there shall be a presumption in favour of retaining the built heritage resource in its original location.”

With respect to the above policies, the heritage dwelling and site at 493 Dundas Street East would be retained on the 0.34 ha block shown as Block 35 of Appendix “E”. The dwelling is designated under Part IV of the *Ontario Heritage Act* and was approved locally under designation By-law 86-121. The applicant intends to adaptively re-use the existing dwelling to accommodate local commercial uses. Block 35 was the subject of a Cultural Heritage Impact Assessment (CHIA) which recommended that the development proposal would not impact the existing built fabric, as identified in the designation by-law. Further, the report recommends a number of measures to mitigate the impact of the proposed development to the landscape features and significant views identified through the CHIA process, which are not currently protected by the designation by-law (Appendix “F”, Condition 8). In addition, since the dwelling is on a well-landscaped site (Block 35), a Tree Inventory and Tree Protection Plan was also undertaken which is to the satisfaction of staff, although compensation is required for the trees on the site that are required to be removed (Appendix “F”, Condition 2).

“B.3.3.5 Public views and vistas are significant visual compositions of important public and historic buildings, natural heritage and open space features, landmarks, and skylines which enhance the overall physical character of an area when viewed from the public realm. Vistas are generally panoramic in nature while views usually refer to a strong individual feature often framed by its surroundings. Views and vistas created in newly developing areas play a large role in creating a sense of place and neighbourhood identity.

Examples of existing significant vistas include the panorama of the Niagara Escarpment, Hamilton Harbour and the Downtown skyline as viewed from various vantage points throughout the City. Examples of views include significant historic and public buildings, natural heritage features, and monuments.

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B.3.3.5.2 Views and vistas shall be achieved through alignment of rights-of-way, layout of pedestrian circulation and open space systems, and the siting of major features, public uses, and built form.”

In the CHIA for Block 35, it was determined that views to the property were an important component of the reuse of the dwelling and the integration of the property with future residential uses. In particular, the view from the street and driveway were noted as well as the views from the northwest to the dwelling. Views from the property and from the dwelling were also noted as being important. Staff require as a condition of Draft Plan approval, that the CHIA be revised and finalized, and further that a Heritage Conservation Easement Agreement be negotiated between the owner and the City, which includes the updated *Statement of Cultural Heritage Value or Interest* and a *Description of Heritage Attributes* which will address the significant views to and from the dwelling and site (Appendix “F”, Conditions 9 and 10). A Heritage Permit is not required for the adaptive reuse of the heritage dwelling and site.

“B.3.3.8.3 Signs on cultural heritage properties or within heritage conservation districts or cultural heritage landscapes shall be compatible with the architecture and character of the property or district.”

Matters related to signage for the heritage dwelling and Block 35 will be addressed at the Site Plan Approval stage to determine appropriate materials, colours and location which are in keeping with the heritage designation and landscape.

Servicing

The following policies are applicable for servicing:

“C.5.3.5 All new development and redevelopment within the Urban Area shall be connected to the City’s water and waste water system.

C.5.3.15 The City shall be satisfied that adequate infrastructure services can be provided prior to any development or intensification proceeding, and where technically and economically possible, the City shall require such services to be located underground.

C.5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.

C.5.4.8 Where feasible, storm water management facilities shall be designed to provide a benefit to the Natural Heritage System.”

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In terms of the above policies, staff in Growth Management and Public Works are satisfied that the proposed Draft Plan can be adequately serviced, subject to the appropriate conditions of draft plan approval (Appendix “F”, Conditions 18 to 44). Further discussion in this regard is provided in the Analysis and Rationale for Recommendation Section of this report.

Draft Plan of Subdivision and Staging of Development:

Finally, Policy F.1.14.1.21 of Volume 1 identifies that: “Council shall approve only those Plans of Subdivision that meet the following criteria:

- a) the plan of subdivision conforms to the policies and land use designations of this Plan;
- b) the plan of subdivision implements the City’s staging of development program;
- c) the plan of subdivision can be supplied with adequate services and community facilities;
- d) the plan of subdivision shall not adversely impact upon the transportation system and the natural environment;
- e) the plan of subdivision can be integrated with adjacent lands and roadways;
- f) the plan of subdivision shall not adversely impact municipal finances; and,
- g) the plan of subdivision meets all requirements of the *Planning Act*.”

With regards to subsection (a) above, the proposed Plan of Subdivision will conform with the policies and land use designations of the UHOP, subject to approval of the Official Plan Amendment of which staff are supportive.

With regards to (b), staff note that this plan has been identified in the City of Hamilton’s Staging of Development Plan as anticipated development, but is not included in the 2014-2016 development staging schedule. However, under the staging of Development Guidelines, the General Manager may accept anticipated development such as this proposed Draft Plan of Subdivision if it is consistent with the guiding principles which are:

1. Development supports the completion of existing development.
2. Development supports the growth in a manner that optimizes the utilization of existing services and facilities.

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3. Development will maintain lot and land supply that is consistent with Provincial Policies and conducive to a healthy housing market.
4. The Staging of Development Program involves consultation with the development industry to discuss upcoming plans for development projects in order to determine where infrastructure will be needed, and to align growth infrastructure timing with the Capital Budget.

With respect to the above guiding principles, the proposed Draft Plan of Subdivision is supported, as it represents the logical extension of the UpCountry Phase 1 Draft Plan of Subdivision and can be appropriately serviced subject to the proposed Draft Plan conditions. Further, staff note that there is a public interest served in bringing this application forward, and it will allow for the construction of the first leg of the East-West Corridor.

In regards to F.1.14.1.21 (c), (d), (e) and (f) above, as has been previously discussed and subject to appropriate conditions, staff note that the proposed draft plan can be adequately serviced, will not impact negatively on the natural environment or transportation system, will be integrated with existing lands and roadways, and will not negatively impact upon municipal finances.

Niagara Escarpment Plan

The subject property is designated “Urban Area” in the Niagara Escarpment Plan. The UHOP provides the following policy for lands affected by the Niagara Escarpment Plan:

“F.2.1 Within the Niagara Escarpment Development Control area, all development unless specifically exempted by regulation under the Niagara Escarpment Planning and Development Act, shall require a development permit from the Niagara Escarpment Commission. No other permits, including building permits, may be issued unless a development permit has been issued from the Niagara Escarpment Commission.”

Staff note that development permits are not required for the proposed subdivision because it is not located within the Niagara Escarpment Development Control Area.

The Plan directs that proposed uses in the Urban Area designation may be permitted subject to conformity with Part 2, Development Criteria, Development Objectives (for Urban Areas), and where applicable, zoning by-laws that are not in conflict with the Niagara Escarpment Plan.

The “Urban Area” designation provides the following applicable development objectives:

- “1.7.1 All development should be of an urban design compatible with the visual and natural environment of the Escarpment. Where appropriate, provision for adequate setbacks and screening should be required to minimize the visual impact of urban development on the Escarpment landscape.
- 1.7.2 New development should not encroach into the Escarpment Natural or Escarpment Protection Areas.
- 1.7.6 Growth should be compatible with and provide for the protection of unique ecologic areas, wildlife and fish habitat, streams and water supplies and other environmentally sensitive areas, consistent with Part 2, the Development Criteria of this Plan, both inside and adjacent to Urban Areas.
- 1.7.6 Development proposals should be compatible with and provide for the protection and restoration of historic features or areas, archaeological sites and structures of architectural significance in accordance with Part 2.2.”

The Niagara Escarpment Commission (NEC) has reviewed the application and has no concerns. The proposed development would be consistent with the above-noted policies as it does not encroach into Escarpment Natural or Escarpment Protection Areas, and as discussed, provides protection of cultural and natural heritage resources.

The General Development Criteria which are applicable to the proposed development are:

- “2.2.1 Permitted uses may be allowed provided that:
- (a) The long term capacity of the site can support the use without a substantial negative impact on Escarpment environmental features such as contours, water quality, water quantity, natural vegetation, soil, wildlife, population, visual attractiveness and cultural heritage features.
 - (b) The cumulative impact of development will not have serious detrimental effects on the Escarpment environment (e.g. water quality, vegetation, soil, wildlife, and landscape).
 - (d) Development meets applicable federal, provincial and municipal requirements including health and servicing requirements.

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- 2.2.4 Any development permitted should be designed and located in such a manner as to preserve the natural, visual and cultural characteristics of the area.
- 2.2.5 Where development involves new roads, road improvements or service corridors, their designation and alignment should be in harmony with the Escarpment landscape.
- 2.2.6 The design of subdivision, condominiums or similar forms of residential lot ownership within Urban Areas, Minor Urban Centres and Escarpment Recreation Areas, should be in harmony with and maintain the existing character of the Escarpment landscape.”

The proposed Draft Plan, including the proposed road layout and distribution of land uses, is consistent with the above-noted policies and has addressed the natural and cultural characteristics of the site in a manner that retains and protects these resources, and is acceptable to the NEC.

RELEVANT CONSULTATION

The following internal Departments and external Agencies had no concerns or objections with respect to the proposed applications:

- Hydro One;
- Infrastructure Planning, Public Works Department; and,
- Urban Forestry and Horticulture, Public Works Department.

Conservation Halton

Conservation Halton is satisfied that the sizing of Blocks 29, 30, 31 and 32 (Appendix “E”) can accommodate the regulated features (wetland and floodplain) as well as their associated regulated setbacks, pursuant to Ontario Regulation 162/06. This will be further discussed in the Analysis and Rationale for Recommendation Section below. Similarly, staff are satisfied that the existing Storm Water Management (SWM) blocks within UpCountry Phase 1 can be retrofitted to achieve the required quantity and quality targets.

Staff note however that through the review of the supporting Functional Servicing Report (FSR) and related Stormwater Management Report, there is a requirement for on-site controls for Blocks 236 and 239 on the Storm Drainage Plan, identified as

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Blocks 26, 27 and 35 on the Draft Plan of Subdivision (Appendix “E”). As a result of the stormwater management plan relying on these on-site controls, Conservation Halton requests a Holding Provision be applied to Blocks 5, 6, 8 and 9 in the amending By-law attached as Appendix “C (Blocks 26, 27 and 35 on the Draft Plan of Subdivision). The Holding Provision will ensure that the ultimate stormwater management strategy is achieved through the various methods required, as directed by the FSR and SWM documents.

In addition, Conservation Halton has requested conditions of approval regarding servicing and stormwater management (Appendix “F”, Conditions 51, 52, and 56), erosion control (Appendix “F”, Conditions 45, 46, and 62), protection and buffering of wetland and natural features (Appendix “F”, Conditions 53, 54, 61, 63, 66 – 68), permit requirements (Appendix “F”, Conditions 47, 50 and 64), soil management (Appendix “F”, Conditions 48 and 49), and other standard conditions related to review fees, surveys, and securities (Appendix “F”, Conditions 56 – 60).

Niagara Escarpment Commission (NEC)

The Niagara Escarpment Commission has advised that the subject lands are within the Urban Area designation of the Niagara Escarpment Plan. The NEC has no objection in principle to the applications but recommends that the City and Conservation Halton ensure that the proposed developments and technical studies adequately address matters relating to stormwater management, site design and lot grading.

Bell Canada

Bell Canada has requested standard conditions pertaining to the availability of communication / telecommunication infrastructure, addressed through the Standard Form Subdivision Agreement.

Canada Post

Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMB’s). Based on the proposed development, Canada Post has determined that the CMB will be installed on the easement West of Lot 1, facing the private road. The following conditions would apply:

- “1. The installation of 1 CMB shall be required on the Easement west of Lot 1, facing the private road.
2. The developer shall provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date for the CMB.

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3. The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
4. The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
5. The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
6. The developer agrees to provide the following for the Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - a) A concrete pad (consult Canada Post for detailed specifications);
 - b) Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)."

These conditions are addressed through Section 1.22 of the Standard Form Subdivision Agreement. Further warning clauses to inform property owners about the centralized mailboxes are included as a condition of draft plan approval (Appendix "F", Condition 86).

Corridor Management, Public Works Department

The following comments are provided by Corridor Management:

A Traffic Impact Study was submitted for review and will require final approval prior to registration of the proposed Draft Plan of Subdivision (Appendix "F", Condition 84).

Important traffic design concerns for the Draft Plan of Subdivision include the following:

- "The proposed By-pass (East-West Arterial road) will be a controlled access road and will be restricted for access to municipal street connections only and private driveway access will not be permitted;

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- Block 26 will be restricted to right-in/right-out movements only to Dundas Street. These movements will be physically controlled by extending the median island on the west leg of the Dundas/By-Pass intersection to 10m west of the west edge of the driveway to Block 28 (Appendix “E”). The driveway must be located a minimum 70m west of the west curb of the E-W arterial road and have a minimum 15m clear throat;
- Access will not be granted to Parkside Drive from Block 1 (Appendix “E”);
- Street C and Street E should be 20m right-of-ways to accommodate sidewalks on both sides of the road;
- Notwithstanding the recommendations made in the Traffic Impact Study, northbound left turn lanes are required on the By-Pass at Street E and Street C with minimum 25m storage. It has been noted that the provision of a Northbound left turn lane at Street C would produce a default Southbound left turn lane at Block 26. Storage will be determined for this default lane during design review based on TAC standards; and,
- Though not identified in the Traffic Study, a Westbound left turn lane is required on Parkside Drive at Spring Creek Drive with 15m of storage.”

Conditions of Draft Plan Approval will address requirements for the following:

- “The construction of a roundabout at the intersection of Parkside Drive at the East-West Corridor in compliance with the approved Environmental Assessment (EA) (Appendix “F”, Condition 14 and 75);
- Required driveways shall be located to the satisfaction of the Director of Engineering Services, Public Works (Appendix “F”, Condition 76);
- Traffic signal controls are required at the intersection of East-West Corridor at Dundas Street East and the intersection will need to be designed in accordance with the approved EA (Appendix “F”, Condition 77);
- Pavement Marking and traffic sign plans are required for the intersection of Dundas Street East; the East-West Corridor and along the East-West Corridor from Parkside Drive to Dundas Street East including the required turning lanes; and for the west-bound left turn lane on Parkside Drive at Spring Creek Drive (Appendix “F”, Conditions 78, 82 and 83);
- The driveway to Block 26 must align centreline to centreline with Street C (Appendix “F”, Condition 79);
- The owner shall demonstrate that Streets “C” and “E” on Appendix “E” have minimum 20m rights-of-way to accommodate sidewalks on both sides of the road (Appendix “F”, Condition 80).
- The owner shall demonstrate that the northbound turn lane on the East-West Corridor at Street “C” and “E” shall have minimum 25 m storage (Appendix “F”, Condition 81); and,
- A Pavement Marking and traffic sign plan is required for the westbound left turn lane on Parkside Drive at Spring Creek Drive. The plan must be in accordance

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with the City of Hamilton Traffic Signal and Pavement Marking Design Manual 2009 and submitted in micro station V8 (Appendix “F”, Condition 85).”

Source Protection Planning, Public Works Department

Source Protection Planning reviewed reports submitted by the applicant with respect to a Karst Assessment, Hydrogeological Assessment and Preliminary Geotechnical Investigation as part of the review of the proposed Draft Plan of Subdivision.

Staff determined that there are no karst-based hazardous conditions.

The Preliminary Geotechnical Investigation indicated that groundwater was encountered throughout the site with depths ranging from 2.5 - 5.0 m below grade. This observation indicates that dewatering would be required during construction activities to ensure that contamination of nearby wells does not occur (Appendix “F”, Condition 69(ii)).

In particular, a scoped Hydrogeological Assessment would be required which would need to examine an inventory of wells within a 500 m radius. An assessment of how the post-development infiltration rates may affect water quality and quantity, and a mitigation plan to demonstrate how impacts will be mitigated is required (Appendix “F”, Conditions 38 and 69 (i)-(iv)).

Hamilton Municipal Parking System (HMPS), Planning and Economic Development Department

HMPS has no concerns with this application as long as it does not preclude the applicant from providing all required parking onsite. Parking for the proposed Mixed Use Medium Density block (Block 27) and the Medium Density Residential block (Block 26) will be reviewed at the Site Plan stage.

Landscape Architectural Services, Public Works Department

Landscape Architectural Services requires conditions for the development of the Neighbourhood Park (Block 28) of Appendix “E”. The conditions relate to the provision of warning clauses for noise and encroachment issues; financial agreement for the park construction; servicing arrangements; grading requirements and fencing requirements. It has been confirmed that the owner will be developing the park, and as such the conditions of Draft Plan approval are required to ensure that the neighbourhood park is developed to the City’s satisfaction (Appendix “F”, Conditions 70-74).

Public Consultation:

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In accordance with Council's Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to approximately 200 residents within 120 m of the subject lands on February 7, 2014. There were two letters received from the public with questions relating to schools and parkland (see Appendix "J"), which will be discussed in the Analysis and Rationale for Recommendation Section below.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposed Official Plan Amendment, Zoning By-law Amendments, and Draft Plan of Subdivision applications have merit and can be supported for the following reasons:

- (i) They are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe, as they represent an opportunity for growth in settlement areas;
- (ii) They comply with the general intent of the Urban Hamilton Official Plan, subject to approval of the proposed Official Plan Amendment;
- (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,
- (iv) The proposed development represents good planning by, among other things, providing a compact and efficient urban form, including a range of housing types and a mix of land uses.

2. Urban Hamilton Official Plan Amendment

As discussed in the policy section of this Report, an amendment to the UHOP is required to implement the proposal. The Official Plan Amendment is two-fold. First, an amendment is required to remove the subject lands from Area Specific Policy UF-2 of Volume 3. Staff are supportive of this amendment as the policies for UF-2 were developed initially under the former Town of Flamborough for OPA No. 28 (approved by the Ontario Cabinet, June 22, 2002) to address the Waterdown Urban Area Expansion. The UF-2 lands were identified as Stage 3 of Development in the former Flamborough Official Plan and as such were subject to intensive reviews and studies to determine the appropriateness of development. The policies no longer apply to the subject lands because the required servicing upgrades have been completed and the UpCountry Estates (Phase 1) Draft Plan of Subdivision to the west has been approved as well as the lands to the south which are now under the Waterdown South Secondary Plan. Further, the EA for the East-West Corridor has addressed the requirements for the alignment and

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location of the new arterial and requirements to mitigate transportation impacts within this area of Waterdown.

It is also noted that through the wording of the Area Specific Policy UF-2, which states that “Notwithstanding Section E.3.0 - Neighbourhoods Designation of Volume 1, the following policies shall apply to the lands ...”, the subject lands are not required to comply with the policies of the Neighbourhoods Designation. Removing these lands from the Area Specific Policy allows for the proposed development to be more appropriately reviewed under the Neighbourhoods policies which contain important direction regarding design, built form and density. Staff are therefore supportive of the amendment to remove these lands from the Area Specific Policy.

Secondly, an amendment is required to the UHOP to address the density of Block 26. Block 26 is proposed to be developed for townhouses, including a mix of rear lane townhouses and block townhouses which will have frontage on a private condominium road. Block townhouses and rear lane townhouses are considered medium density development, which, as per Policy E.3.5.7 of the UHOP requires a minimum density of 60 units per hectare (uph), whereas the proposed density of Block 26 is 37.6 units per hectare.

While staff recognize that this density is lower than envisioned in the UHOP, staff have reviewed the proposed development concept for Block 26 and are satisfied with the development as proposed (Appendix “G”). The design proposal for this block has faced significant design challenges resulting from the constraints of the site. This block has been reduced in size due to removal of lands for the floodplain, as well as for a buffer to the adjacent Core Area features. In addition, the shape of the block, being rectangular in nature, creates further site challenges. The current proposal for rear lane townhouses fronting onto the East-West Corridor with block townhouses internal to the block provides for a suitable design compromise. The rear lane townhouses fronting onto the East-West Corridor add interest to the streetscape of this corridor, while also negating the need for noise mitigation in this location through the shielding of the outdoor amenity area. The block townhouses located on the interior of the block have been situated in a manner so as not to interfere with the natural features, driplines or floodplain constraints. It is the opinion of staff that the design challenges of the site negate the opportunity for higher density development, and that the density of development as proposed, in particular in relation to the sensitive features to the east, can be supported. Therefore, based on the foregoing, staff support the proposed UHOP Amendment.

3. The proposed residential and commercial zoning to implement the proposed draft plan of subdivision is explained in further detail below. The Block references in

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this Section refer to the Blocks as identified on Schedule “A” of the amending Zoning By-law, as per Appendix “C”:

Proposed Zoning for Single Detached Dwellings (Refer to Blocks 1 and 2 on Schedule “A” of Appendix “C”)

- Site-Specific Urban Residential “R1” Zone

| By-law Provision | Standard Provision | Requested Provision |
|---------------------------|---------------------------|-------------------------------------------------------------------------------------------------------------------------------------|
| Lot Area (min.) | 665.0 sq m | 245.0 sq m – Interior 315.0 sq m - Corner |
| Lot Frontage (min.) | 18.0 m | 9.1 m |
| Height (max.) | 11.0 m | 12.5 m |
| Front Yard Setback (min.) | 7.5 m | 2.7 m, except 5.8 m to an attached garage or carport (Block 1); and, 3.0 m, except 5.8 m to an attached garage or carport (Block 2) |
| Rear Yard Setback (min.) | 7.5 m | 7.0 m (Block 1) 6.7 m (Block 2) |
| Interior Side Yard (min.) | 1.2 m | 1.2 m on garage side and 0.6 m on non-garage side |
| Exterior Side Yard (min.) | 7.5 m | 2.4 m on garage and attached garage side shall be 5.8 m (min.) from flankage side |
| Landscaped Open Space | 25% | No minimum |
| Lot Coverage | No minimum | No minimum |

The applicant has requested modifications for the single detached dwellings for Blocks 1 and 2. Block 1 includes the single detached dwellings internal to the subdivision. Block 2 includes the single detached dwellings which are located on the west side of the draft plan and which will front onto the east side of Spring Creek Drive, to be integrated with the singles already approved through UpCountry Estates Phase 1 on the east side of Spring Creek Drive.

Staff note that the proposed reduction in lot area and frontage are consistent with the modified “R1-27” Zoning approved for the lands to the west in UpCountry Phase 1 (which provides for a reduced lot area to 247 sq m and reduced lot frontage to 9.5 m). Staff support the proposed modification as it maintains

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consistency and compatibility with the existing residential development to the west (i.e. UpCountry Subdivision) and provides for efficient development and servicing.

With regards to setbacks, staff note that the applicant is proposing a reduced front yard setback of 2.7 m to the dwelling and 5.8 m to the garage for Blocks 1 and 2. Staff are supportive of this reduction for Block 1 as the reduced front yard is typical of new developments in the Waterdown area and new urbanist development in general to encourage efficient land use and pedestrian-oriented development, and provides opportunity to add visual interest and variety within the streetscape. Further, parking can be accommodated in the driveway with the 5.8 m setback to the garage.

Regarding Block 2, staff note that these dwellings will be fronting onto Spring Creek Drive, and therefore staff recommend that the front yard setback be consistent with the zoning approved for the existing lots along Spring Creek Drive which requires a 3.0 m setback to the dwelling and 5.8 m to an attached garage. The amending Zoning By-law attached as Appendix “C” reflects this requirement.

With regard to rear yard setbacks, staff find that the reduced rear yard setback for Block 1 is minor in nature (7.0 m proposed versus 7.5 m required by the “R1” Zone), and can be supported because it will still allow for sufficient amenity space to be provided for each dwelling and will contribute to efficient development. With regards to Block 2, the applicant is proposing a further reduced rear yard of 6.7 m. Staff note that this is consistent with the minimum rear yard requirement within the zoning for the existing single detached lots on Spring Creek Drive (6.5 m for the abutting “R1-27” Zone), with which the lots in Block 2 will be integrated. Therefore, this reduction for the Block 2 lots to 6.7 m can be supported because it is consistent with the existing zoning on the lots surrounding Block 2.

Regarding side yard setbacks, staff note that the applicant has requested interior side yard setbacks of 1.2 m on the garage side and 0.6 m on the non-garage side. This proposed modification has been reviewed by staff to ensure that the lots can be developed in accordance with the City’s Lot Grading Policy. As such, as per the amending By-law attached as Appendix “C”, a 1.2 m setback will be required on the garage side and a 0.6 m setback will be required on the non-garage side, subject to a maintenance agreement being registered on title for any side yard that is less than 1.2 m width. The maintenance easement will permit encroachment for maintenance purposes only. For lots requiring an emergency overland flow route or where back-to-front drainage is proposed, the side yard separation would be required to be 2.0 m between dwellings along the common lot line. These proposed side yard regulations will provide additional flexibility for the developer, where required, and would meet the City’s policy for lot grading to ensure proper drainage occurs, and can therefore be supported.

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The proposed exterior side yards (i.e. 2.4 m) on garage and attached garage side, and 5.8 m for flankage side, would also appropriately address the generally larger setbacks required for corner lots.

The provisions for Landscaped Open Space and Lot Coverage would not need to be applied due to the provisions for reduced frontages and rear yards which will regulate the amount of building coverage for single detached dwelling lots. Provisions for landscaping and coverage have greater relevance to zoning for multiple dwellings such as apartment buildings where requirements for landscaping and building coverage play a more significant role in the development of the site and overall urban design, but are of less relevance for the zoning for single detached dwelling lots. Therefore, staff support removal of these provisions from the recommended zoning.

The applicant has also requested a modification to permit an increase in height to 12.5 m, whereas the Zoning By-law requires 11.0 m. The applicant has indicated that this height increase is a result of the recent change to the definition of height in the Flamborough Zoning By-law. The City passed By-law No. 15-069 on March 11, 2015 which amended the definition of height in the Zoning By-law so that height is now measured from average grade to top of peak, whereas previously the Flamborough By-law had measured height to the midpoint of the peak. Staff are supportive of this modification and note that the proposed two and two and a half storey dwellings will be consistent with existing and planned development in the area.

Proposed Zoning for Street Townhouses (Refer to Blocks 3 and 4 on Schedule “A” to Appendix “C”):

- Site-Specific Medium Density Residential “R6” Zone

| By-law Provision | Standard Provision | Requested Provision |
|---------------------------|---------------------------|--------------------------------------------------------------|
| Lot Area (min.) | 210.0 sq m | 160.0 sq m |
| Lot Frontage (min.) | 6.5 m | 6.5m – Interior 8.2m – Interior End Unit 9.6m – Corner |
| Height (max.) | 11.0 m | 12.0 m |
| Front Yard Setback (min.) | 7.5 m | 3.0 m, except 5.8 m to an attached garage or carport |
| Rear Yard Setback (min.) | 7.5 m | 6.9 m (Block 3) |

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| | | |
|---------------------------|-------------------------------------------|---------------------------------------|
| | | 5.5 m (Block 4) |
| Interior Side Yard (min.) | 3.0 m, except on the common interior side | 1.2 m, except 0.0 m along common wall |
| Exterior Side Yard (min.) | 7.5 m - Exterior Side Yard | 2.4m |
| Lot Coverage | 40% | n/a |
| Planting Strip | No minimum | n/a |
| Landscaped Open Space | 30% | n/a |
| Parking Space Dimensions | | 2.6 m by 5.8 m |

With regards to the proposed zoning for the street townhouses, staff are supportive of the requested modifications related to lot area and frontage as identified in the chart above. The proposed reduced lot area of 160 sq m is consistent with other recently approved developments within Waterdown, and particularly with the street townhouses approved in the lands to the west as part of UpCountry Phase 1, thus providing integration between the two developments. Further, the proposed lot frontages for these units (6.5 m interior, 8.2 m interior end unit and 9.6 m flankage unit) would be equal to or greater than the required lot frontage of the “R6” zone (6.5 m). As such, staff are satisfied that the proposed lot sizes are sufficient to accommodate the built form.

In terms of setbacks, the reduced front yard setback of 3.0 m and 5.8 m to an attached garage or carport is consistent with recent developments in the area and new-urbanist built form in general, and provides for an enhanced streetscape with the building close to the street edge as well as suitable driveway parking.

Staff are satisfied that the reduced rear yard for Block 3 to 6.9 m (whereas the Zoning By-law requires 7.5 m) is a minor reduction that will not reduce the usability or enjoyment of the rear yard for the residents of the dwellings. Staff note that the reduced rear yard for Block 4 to 5.5 m is a result of the large daylight triangle required to accommodate the traffic circle at Parkside Drive and the East-West Corridor. The applicant has provided a sketch which illustrates a four-unit townhouse block within Block 4. Of these four units, only the easterly two units are affected by the reduced rear yard, and the applicant has advised that a custom unit design will be provided for these two units to work with the constrained site. Staff are satisfied that this reduction is minor as it is only impacting two units within one townhouse block. Regarding side yards, staff are satisfied that the reduced interior side yard is sufficient to allow for proper drainage and appropriate design. The proposed exterior side yard of 2.4 m (from 7.5 m) is consistent with recent new developments and will not have a negative impact on the streetscape or design of the neighbourhood. Therefore, staff support the proposed reduction for side yards.

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With regard to height, as noted above, the requested height increase to 12.0 m is a result of the recent housekeeping amendment to the Town of Flamborough Zoning By-law, and can be supported.

With respect to the reduced lot coverage, planting strip and landscaped open space requirements, staff are of the opinion that these provisions would not be required for the reasons that were outlined for single detached dwellings. Maximum building coverage is determined by the setbacks which staff support and therefore additional zoning provisions to regulate coverage are not required. Planting strips would not be required because the individual frontages have driveways and rear yards are subject to individual landscaping preferences. Therefore, staff are in support of the removal of these provisions from the amending zoning.

Proposed Zoning for Condominium Townhouses (Refer to Blocks 5, 6 and 9 on Schedule “A” of Appendix “C”)

- Site-Specific Medium Density Residential “R6” Zone

| By-law Provision | Standard Provision | Requested Provision |
|---------------------------|--------------------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Lot Area (min.) | 280 sq. m per dwelling unit | 105 sq. m (Block 5) 130 sq m (Block 6, 9) |
| Lot Frontage (min.) | 30 m | 6.0 m (Block 5) for each unit 7.0 m (Block 6, 9) for each unit |
| Height (max.) | 11 m | 12.5 m |
| Front Yard Setback (min.) | 7.5 m | 3.0 m, except 5.8 m to an attached garage |
| Rear Yard Setback (min.) | 7.5 m | 6.0 m (Block 5) 7.0 m (Block 6, 9) |
| Interior Side Yard (min.) | 3.0 m, except on the common interior | 1.2 m, except 0 m along common wall |
| Exterior Side Yard (min.) | 7.5 m | 2.4 m |
| Lot Coverage | 40% | n/a |
| Planting Strip | 3 m across lot lines adjacent to a street. Along a lot line abutting another residential zone | n/a n/a |
| Parking | One and a half spaces per unit plus 0.25 | Two spaces per unit plus 0.4 visitor spaces per unit |

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| | | |
|--|-------------------------|--|
| | visitor spaces per unit | |
|--|-------------------------|--|

Blocks 5, 6 and 9 are the future common element condominium blocks. Block 5 is anticipated to develop with a mix of freehold townhouses on a common element condominium road and rear lane townhouses (Appendix “G”). Blocks 6 and 9 are proposed to develop with a mix of freehold townhouses on a common element condominium road, rear lane townhouses, and maisonettes (Appendix “H”).

Blocks 5, 6 and 9 contain block townhouses which will be developed as freehold units on a common element condominium road. These units function as street townhouses, but on a private road. Modifications to the “R6 “ Zone are required to facilitate this form of development, which was not contemplated within the Town of Flamborough Zoning By-law, but which is consistent with new Planning approaches for intensification and compact development as shown in the PPS, Provincial Growth Plan for the GGH and UHOP. The 30 m frontage requirement refers to the frontage requirement for the townhouse project rather than for individual unit frontages, whereas the proposed frontages are for individual townhouse units. Modifications in the Zoning By-law are therefore required to address this change to identify that the frontage pertains to individual units along a common element (condominium) road (i.e. 4.4 m frontages for Block 5 and 7 m frontages for Block 6 and 9, Schedule “A” to Appendix “C”). In particular, the reduced frontages for Block 5 provide a slightly higher density within a physically constrained area.

With respect to planting strip requirements for the townhouses on Blocks 5, 6 and 9, staff note that the townhouses would not front directly onto a public street in which case the requirement for a 3 m planting strip adjacent to the street would not apply. The proposed townhouses for Blocks 6 and 9 are also intended to be developed under a Common Element condominium in which case the individual units and land (i.e. front and rear yards) would be under separate ownership through Part Lot Control removal rather than under condominium ownership, in which case it would be difficult to maintain a continuous planting strip over time. In addition, the rear yards of the townhouse units would be greater than the abutting single detached dwellings (i.e. 7.5 m - 9.9 m in depth) allowing for greater separation between the uses, in light of the General Provision under the Flamborough Zoning By-law for a planting strip to be provided where the townhouse is adjacent to another residential zone. Further, Blocks 6 and 9 will be subject to Site Plan Approval and enhanced landscaping will be examined for this interface and for the lands abutting the East-West Corridor. Therefore, staff support the removal of the planting strip requirements for the condominium townhouses.

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With regard to the reduction in lot area and frontage, staff note that the requested lot area of 105 sq m for Block 5 and 130 sq m for Blocks 6 and 9, and the requested lot frontage of 6.0 m for Block 5 and 7.0 m for Blocks 6 and 9, is consistent with current approvals for this form of development. The proposed concept would provide for street-oriented development along Spring Creek Drive and Dundas Street East (rear lane townhouses) and higher density development within the interior part of the site.

In particular, as related to Block 5 which has the lesser lot area and frontage proposed, staff acknowledge that site constraints (Core Area buffer, floodplain) have reduced the overall developable area of Block 5, which has resulted in design challenges. Staff find that the current proposal for Block 5 as put forth by the applicant for rear lane townhouses adjacent to the East-West Corridor and block townhouses on the interior is a well-planned concept that maximizes development potential of the block while enhancing the streetscape of the future corridor and protecting natural features. The proposed concept would provide for adequate parking and access. The provision of smaller townhouse units would provide for an affordable housing option for smaller households which are in high demand for Waterdown. Staff are therefore supportive of the reduced lot area and frontage for these particular units.

With regard to the proposed setbacks (front, rear, interior and exterior side yards), and as stated above in the discussion regarding street townhouses (which propose similar reductions), staff are supportive of the setbacks as proposed. The setbacks are consistent with new development in Waterdown and with the Phase 1 lands to the west. As stated above, the proposed setbacks are desirable from a design and streetscape perspective, and still maintain adequate amenity area and privacy for future residents.

The proposed requirement to remove lot coverage instead of requiring 40% has been considered by staff. The provision predates current planning policies which advocate a more compact form of development and higher densities. As appropriate setbacks have been established, there is no need to impose a provision for lot coverage. As the proposed townhouses do not have frontage on a public street, the requirement for a 3.0 m planting strip would not be required and shall be removed from the amending by-law.

With regard to height, as noted above, the requested height increase to 12.5 m a result of the recent housekeeping amendment to the Town of Flamborough Zoning By-law, and can be supported. Elevations showing the proposed townhouses are provided in Appendix "I".

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In terms of parking, the amending by-law requires two parking spaces per townhouse unit, plus 0.4 visitor parking spaces per unit. This parking ratio will be applied to all of the townhouse forms in Blocks 5, 6 and 9. This parking ratio can be accommodated based on the preliminary site plans provided by the applicant, and staff are satisfied that this ratio, which exceeds the minimum requirement of the Flamborough Zoning By-law, will ensure that adequate parking is provided on site for both residents and visitors.

Proposed Zoning for Rear Lane Townhouses (Refer to Blocks 5 and 6 on Schedule “A” of Appendix “C”)

- Site-Specific Medium Density Residential “R6” Zone

| By-law Provision | Standard Provision | Requested Provision |
|---------------------------|---------------------------|------------------------------------------------------|
| Lot Area (min.) | n/a | 90 sq m |
| Lot Frontage (min.) | n/a | 6.0 m |
| Height (max.) | n/a | 13.0 m |
| Front Yard Setback (min.) | n/a | 2.0 m |
| Rear Yard Setback (min.) | n/a | 3.25 m, except 0.6 m to an attached garage |
| Interior Side Yard (min.) | n/a | 1.2 m, except 0 m along common wall |
| Exterior Side Yard (min.) | n/a | 2.4 m |
| Lot Coverage | n/a | n/a |
| Planting Strip | n/a | n/a |
| Density | n/a | n/a |
| Parking | n/a | Two spaces per unit plus 0.4 visitor spaces per unit |

The applicant is proposing the inclusion of rear lane townhouses for Blocks 5 and 6. Staff acknowledge that the Flamborough Zoning By-law did not include or contemplate this housing form, and therefore modifications to the “R6” Zone are required to facilitate this form of development. Site-specific examples of rear lane townhouses in Waterdown have however been developed in recent years at 215 Dundas Street East and 257 Parkside Drive.

Staff have reviewed the proposed zoning for the rear lane townhouses and are supportive of these modifications which facilitate this innovative housing form (Appendix “H”). The inclusion of rear lane townhouses within the development provides for a greater range of housing options for residents, particularly smaller households or those in which less amenity space is desirable, and therefore the reduction in rear yard can be supported. The reduction in front yard brings the buildings closer to the street which is desirable from a design perspective, and can

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therefore be supported. This results in a form of development which provides a varied streetscape and a reduction in required noise mitigation due to the orientation of the units adjacent to arterial roads. The provisions for density and lot coverage are not required and can therefore be removed from the amending zoning as they are guided by other mechanisms (i.e. planning policies in the UHOP and landscaping plans).

The proposed rear setbacks of 0.6 m for Blocks 5 and 6 provide for two parking spaces in the garage, without driveway parking which is a new design form for this type of use. However, staff are of the opinion that the parking requirement would still be comparable to the use of driveway and garage employed for condominium townhouses and maisonettes. Warning clauses would be required for the purchase and sale agreements and in the condominium agreement to advise of the parking requirements within the garage area. Visitors parking would be provided for the condominium block and would be based on 0.4 spaces per unit for Block 5 and Block 6, whereas the Flamborough Zoning By-law requires 0.25 spaces per unit. Staff also note that due to the configuration of the rear lane townhouse lots which have frontage on both the East-West Corridor and the condominium road (Block 5) and Dundas Street East and the condominium road (Block 6), these lots are considered “through lots” in the Flamborough Zoning By-law. As such, the amending By-law attached as Appendix “C” includes a provision to deem the East-West Corridor (Block 5) and Dundas Street East (Block 6) to be the front lot lines for these units for interpretation purposes.

Further, the proposed building height of 13m for rear lane townhouses in Blocks 5 and 6 would be consistent with new townhouse forms throughout Waterdown and would be compatible with other housing forms within this area. In this regard, there is no impact on privacy or overlook because of the spatial separation provided by the condominium road.

Proposed Zoning for Maisonette Townhouses (Refer to Blocks 6 and 9 on Schedule “A” of Appendix “C”)

- Site-Specific Medium Density Residential “R6” Zone

| By-law Provision | Standard Provision | Requested Provision |
|-------------------------|---------------------------|-----------------------------|
| Lot Area (min.) | n/a | 80 sq m |
| Lot Frontage (min.) | n/a | 6.0 m on a condominium road |
| Height (max.) | n/a | 13.5 m |

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| | | |
|---------------------------|-----|------------------------------------------------------|
| Front Yard Setback (min.) | n/a | 2.0 m, except 5.8 m to an attached garage. |
| Rear Yard Setback (min.) | n/a | 0.0 m |
| Interior Side Yard (min.) | n/a | 1.2 m, except 0m along common wall |
| Exterior Side Yard (min.) | n/a | 2.3 m |
| Lot Coverage | n/a | n/a |
| Planting Strip | n/a | n/a |
| Density | n/a | n/a |
| Parking | n/a | Two spaces per unit plus 0.4 visitor spaces per unit |

The applicant is proposing the inclusion of maisonette townhouses in two interior locations within Blocks 6 and 9 (Appendix “H”). Staff acknowledge that the Flamborough Zoning By-law does not contemplate this form of development, and therefore modifications to the “R6” Zone are required. Staff have reviewed the proposed zoning for the maisonette townhouses against other site specific zoning by-laws in Waterdown for such a use, and find that the proposed regulations as identified above are consistent with the zoning for maisonette townhouses approved in other areas of Waterdown.

The above modifications are required to facilitate this housing form. The reduction in lot area and frontage can be supported as they are reflective of the reduced amenity area associated with these units, which are connected at the rear, and defined as follows:

“A building containing a minimum of 6 and no more than 16 dwelling units that is divided vertically and where each unit is divided by common walls, including a common rear wall without a rear yard setback, and whereby each unit has an independent entrance to the unit from the outside accessed through the front yard or exterior side yard.”

Similarly, the reduced rear yard setback to 0.0 m is reflective of the form of the development, which is connected at the rear with a common wall to an adjacent unit. The reduced front yard to 2.0 m, with 5.8 m to a garage or carport, will bring the units close to the street (private condominium road), while still accommodating a parking space in the driveway. Most of the front yards would be closer to 4.0 m, with the however, there is some variation in the setbacks because of the location of entrances. An additional parking space is also available for each maisonette unit within the garage. The proposed side yard setbacks (interior and exterior) of 1.2 m and 2.3 m respectively are consistent with new development in Waterdown and do not effect streetscape design because of their location within the interior of Block 27.

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Staff are satisfied that the increased building height to 13.5 m would be compatible with other housing forms within this area and there are no impacts on privacy or overlook because of the interior site location. Further, as noted above, the recent housekeeping amendment to the Town of Flamborough Zoning By-law regarding the definition of height and how it is measured has resulted in the request for the increased height to 13.5 m, as the maximum height is now measured to the peak of roof, whereas previously it had been measured to the midpoint between the eaves and the peak. Therefore, while the zoning by-law provision of 13.5 m would appear to be greater than some other recent developments, the proposed development will actually be in keeping with other recent builds approved under the previous by-law definition (Appendix "I").

The proposal to remove lot coverage instead of requiring 40% has been considered by staff. The provision predates current planning policies which advocate a more compact form of development and higher densities. As appropriate setbacks have been established, there is no need to impose a provision for lot coverage.

In addition, the provisions for planting strips would not apply to this housing form because of the requirement for driveways and reduced front yards.

In terms of parking, the amending by-law requires two parking spaces per townhouse unit, plus 0.4 visitor parking spaces per unit. As noted previously, this parking ratio will be applied to all of the townhouse forms in Blocks 5, 6 and 9. This parking ratio can be accommodated based on the preliminary site plans provided by the applicant. Staff note that the Flamborough Zoning By-law does not include a parking requirement for this form of housing, however, staff are satisfied that the proposed parking ratio will ensure that adequate parking is provided on site for both residents and visitors.

Staff are supportive of these modifications which facilitate this innovative housing form and implement provincial and local planning policies encouraging a variety of housing forms. The inclusion of maisonette townhouses within the development provides for a greater range of housing options for residents.

Proposed Zoning for Live-Work Units (Refer to Block 7 on Schedule "A" of Appendix "C")

- Site-Specific Urban Commercial "UC" Zone

Proposed Uses (as per proposed definition)

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- Retail establishment;
- Personal service shop;
- Service shop;
- Office; and,
- Dry cleaning distribution station.

| By-law Provision | Standard Provision | Requested Provision |
|------------------------------|---------------------------|--------------------------------------------------------------------------------------------|
| Lot Area (min.) | n/a | 165 sq m |
| Lot Frontage (min.) | n/a | 6.0 m |
| Height (max.) | n/a | 12.5 m |
| Front Yard Setback (min.) | n/a | 1.5 m |
| Rear Yard Setback (min.) | n/a | 6.0 m |
| Interior Side Yard (min.) | n/a | 1.2 m, except 0 m along common wall |
| Exterior Side Yard (min.) | n/a | 2.5 m |
| Lot Coverage | n/a | n/a |
| Landscaped Open Space | n/a | n/a |
| Planting Strip | n/a | n/a |
| Entrance for Commercial Uses | n/a | By way of Spring Creek Drive |
| Location of Commercial Units | n/a | On Ground Floor of Units, except accessory storage may be permitted on floors below grade. |
| Parking | n/a | Not required for commercial uses. |

The applicant is proposing the inclusion of live-work units within Block 7 fronting Spring Creek Drive (Appendix “H”). Live-work units provide an opportunity for small businesses to be developed on the ground floor of the units by residents who inhabit the second and third floors of these units. The businesses provide services to the local community consistent with the vision for this area within the Mixed Use-Medium Density designation. The required parking for the commercial uses will be in accordance with the Flamborough Zoning By-law provisions and no special parking regulations have been requested at this time.

Staff have reviewed the proposed zoning for the live-work units against other site specific zoning by-laws in Waterdown for such a use, and find that the proposed commercial uses and regulations as identified above are consistent with the zoning for live-work units approved in other areas of Waterdown.

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The above modifications reflect the functionality of this form of development. The units are similar in form to a street townhouse, which is reflected in the proposed lot area and frontage requirements, and consistent with the street townhouse zoning proposed for Blocks 3 and 4. The front yard setback of 1.5 m will allow for the units to be close to the street, which is required for the commercial “storefronts” at grade. The rear yard of 6.0 m will accommodate a small amenity area and parking space for the residential unit. The proposed side yard setbacks (interior and exterior) of 1.2 m and 2.5 m are consistent with new development and will therefore provide for consistency in streetscape design. The increased building height to 12.5 m is consistent with new townhouse forms throughout Waterdown and would be compatible with other housing forms within this area.

Staff are supportive of these modifications which facilitate this mixed use form of development. The inclusion of live-work units within the development provides for an opportunity for local commercial uses to be established which facilitate convenience shopping and services for local residents, as apparent in the limited range of commercial uses proposed for these units. The live-work units are consistent with the Mixed Use-Medium Density policies of the UHOP.

In terms of parking requirements, parking will be provided at the normal rate of one space per dwelling unit for the second storey residential units. The commercial uses at-grade do not require parking, as these units are designed to allow the owner to live and work in the unit. This design, combined with the small size of the commercial units, eliminates the need for employee parking. Customer or client parking for the commercial uses can be accommodated on Spring Creek Drive to the north of the units. While the applicant had requested that a lay-by be permitted in front of the units to accommodate customer parking, this road design is not acceptable to Public Works staff, and has not been accommodated in other similar proposals. The amending By-law also requires the main entrance for the commercial uses to be accessed via Spring Creek Drive. Further, as the live-work units will have frontage on both Spring Creek Drive and the condominium road, these lots will be considered “through lots” in the Zoning By-law. As such, a provision has been added to the amending By-law to identify Spring Creek Drive as the front lot line.

It is noted that the applicant had also requested that rear lane townhouses be permitted within Block 7, to allow for flexibility in uses in the future. While staff understand the desire for future flexibility, staff find that the live-work units in this location conform to the Mixed Use – Medium Density designation in the UHOP by providing for additional commercial uses along the north side of Dundas Street East. The removal of the live-work units from this location would result in the only commercial uses being proposed being those within the heritage dwelling, which staff find would not comply with the intent of the UHOP designation. As such, staff

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are proposing that the permitted uses in this Block be limited to live-work units only.

Proposed Zoning for Commercial Block (Heritage Dwelling) (Refer to Block 8 on Schedule “A” of Appendix “C”)

- Site-Specific Urban Commercial “UC” Zone

Proposed Uses

- Existing use, at date of By-law;
- Art gallery, museum or public use;
- Custom work shop;
- Financial institution;
- Funeral home;
- Personal service establishment;
- Professional office;
- Retail establishment; and,
- Service shop.

| By-law Provision | Standard Provision | Requested Provision |
|-------------------------|---------------------------|-------------------------------------------------------------------------------|
| Restriction on Uses | n/a | Shall only be permitted within building existing at date of passing of By-law |
| Driveway Width (min.) | 6.4 m | 5.0 m for two-way access |

Block 8 contains the existing heritage dwelling fronting onto Dundas Street East. The dwelling is currently unoccupied. The applicant is proposing an adaptive reuse of the dwelling and therefore modifications to the “UC” Zone are required in terms of proposed uses and zone regulations. As per the amending By-law, all uses shall be permitted only within the existing building onsite. The uses proposed through the zoning of this Block are consistent with the Mixed Use-Medium Density designation of the UHOP. The proposed uses are those that can reasonably be expected to be accommodated within the existing dwelling and are not expected to create traffic or nuisance impacts on adjacent residential uses.

In terms of modifications to the zone regulations, the location of the proposed dwelling conforms to the regulations of the “UC” Zone. As noted above, all uses shall be located within the existing building. A modification is required to address the existing access driveway to the property which is 5.0 m in width, which has been recognized in the amending By-law. This modification is supported as it recognizes an existing situation, and further, requiring a wider driveway is not desirable from a heritage impact perspective.

Other Zoning By-law Modifications

The amending Zoning By-law attached as Appendix “C” contains other modifications which are discussed as follows:

Parking for Condominium Blocks

The parking proposed for Blocks 5, 6 and 9 (Blocks 26 and 27 respectively) is generally consistent with other new condominium developments of similar multiple dwelling forms that have been developed in Waterdown, but is different from the standard of the Flamborough Zoning By-law which is based on 1.5 spaces per unit and 0.25 spaces per unit for visitors. The recommended parking would allow for two parking spaces per unit for multiple dwellings (i.e. condominium townhouse, maisonette, rear lane townhouse) consisting of a garage parking space and a driveway parking space and in the case of the rear lane townhouses, two garage parking spaces. In the condominium agreement and in the purchase and sale agreements, warning clauses will be required to identify that additional parking is not available on the site except for visitors, and that the garage is a required parking space for households which require the use of two vehicles.

Visitors parking, based on 0.4 spaces per unit for Block 5, and 0.4 spaces per unit for Blocks 6 and 9, would be considered adequate given the predominantly small nature of most of the units (i.e. rear lane townhouses and maisonettes) which will favour smaller households, some of which will not require a second parking space.

Definitions

Definitions have been included in the Zoning By-law for certain types of development that are not currently defined in the Flamborough Zoning By-law. The defined uses are: Dwelling, Live-Work; Dwelling, Maisonette; and, Dwelling, Rear Lane Townhouse. The definition for the Maisonette and Rear Lane townhouses (refer to Appendix “C”) are in keeping with the definitions proposed through other recent zoning by-law amendments, and staff are satisfied with the proposed definitions.

The proposed definition for live-work units is as follows:

“A Street Townhouse or Townhouse dwelling that may contain residential uses and the following commercial uses on the ground floor: Retail Establishment; Personal Service Shop, Service Shop, Office, Dry Cleaning Distribution Station.”

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Staff note that the uses proposed within the live-work definition are appropriate uses to provide a local retail and service function to area residents. The proposed form for the live-work units is within a street townhouse dwelling, though the units will function similar to a rear lane townhouse with access to parking for the residential units to the rear. This definition is therefore satisfactory to staff.

A special definition for a lane is also provided as follows:

Lane: A public or private thoroughfare which provides secondary means of access to abutting lots and which is not intended for general traffic circulation.

In addition, for clarification purposes, definitions for Boxout, Fireplace Projection, Porch, and Window Bay, Bow or Box have also been included.

Encroachments

The applicant is requesting modifications to Section 5.30 (General Provisions) of the Flamborough Zoning By-law regarding permitted yard encroachments. The requested encroachments permit certain features such as a porch, window box or bay, or fireplace projection to extend into a required yard. The suggested revisions are consistent with recent zoning amendments to the Flamborough Zoning By-law, and will facilitate flexibility in future house design while reducing the need for future minor variance applications.

4. The proposed development includes a Neighbourhood Park Block (Block 28 on Appendix "E") and Conservation / Hazard Lands (Blocks 30 - 32 on Appendix "E"). These lands will be incorporated into City of Hamilton Zoning By-law 05-200. The amending By-law is attached as Appendix "D". The Park Block will be zoned Neighbourhood Park (P1) Zone which permits Recreation. The floodplain (Block 30 on Appendix "E") and the Core Area buffers (Blocks 31 and 32 on Appendix "E") will be zoned Conservation / Hazard Land (P5) Zone. This Zone restricts uses to Conservation and Flood and Erosion Control Facilities.
5. A number of issues have been considered during the review of the subject applications, including technical review of numerous studies to address issues and support the development. Many of these issues have been identified in the Policy Analysis and Relevant Consultation Section of this Report, but a more fulsome discussion is provided in this section.

Floodplain Analysis

The floodplain to the east of the subject lands was reviewed in relation to the location of the East-West Corridor and the proposed residential development in Block 26. A preliminary floodplain analysis was completed by Dillon Consulting in

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support of the location of the East-West Corridor. A minor relocation of the corridor from its original identified location was proposed to allow for a consolidation of the floodplain lands to the east. The report indicated that there would be no increase in flooding on adjacent lands as a result of the road realignment. Minor grading for the corridor is permitted in the 15 m regulatory limit of the floodplain. A meander belt analysis and cut-fill analysis has also been completed. As a result of the review of these studies and additional analysis on behalf of Conservation Halton and the applicant, the size of the floodplain block (Block 30) has been increased to 1.44 ha from the originally proposed 1.23 ha, as indicated on Appendix "E". As a result, Block 26 was reduced in size to 1.01 ha.

Natural Heritage

The subject lands are located partially within a Core Area (Significant Woodland, wetland and stream) and also abut a Significant Woodland to the east and a wetland to the northeast. An EIS was submitted in support of the application and reviewed by City staff, Conservation Halton, and ESAIEG. A Tree Protection Plan was also provided for the entire Draft Plan and approved in principle by City staff.

The EIS proposed a 15 m buffer from the Significant Woodland, 30 m buffer from the wetland and 15 m buffer from the floodplain, which was supported by staff and ESAIEG subject to refinement of the extent of these buffers. As a result of the required buffers, Block 26 (Appendix "E") for medium density residential development was decreased in size from 1.27 ha to 1.01 ha, which as previously indicated, resulted in revisions to the proposed design concept for this Block.

As a condition of draft plan approval, staff require that a Habitat Restoration Plan be prepared and implemented for the wetland and woodland buffers and floodplain. The Plan will include only native plant species and habitat for Monarch Butterfly and Barn Swallow within the floodplain (Appendix "F", Condition 3). The applicant shall agree that vegetation clearing shall occur only outside of breeding bird season (Appendix "F", Condition 1). Further, a lighting plan shall be prepared to confirm that outdoor lighting be directed away from natural areas to minimize impacts on wildlife, and fencing shall be installed along the rear of all lots backing onto the stream, woodland and wetland (Appendix "F", Conditions 4 and 6). Finally, as a condition of approval, the applicant shall prepare an education pamphlet to provide to landowners backing onto the natural features to inform about good stewardship practices (Appendix "F", Condition 5).

In addition, a Tree Protection Plan was reviewed by staff for the heritage block located at 493 Dundas Street East (Block 35 on Appendix "E"). Staff identified additional trees that would require protection, but were generally satisfied with the Plan provided that compensation is provided on a 1:1 basis for all trees over 10 cm

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dbh in good condition. A Landscape Plan is required as a condition of approval to address compensation to maintain the integrity of this site (Appendix “F”, Condition 2).

Cultural Heritage

As previously indicated, the subject applications were amended in September, 2014 to incorporate additional lands within the draft plan. The additional lands are located at 493 Dundas Street East, which is designated under Part IV of the *Ontario Heritage Act* and a “protected heritage property” under the PPS. The applicant is proposing to incorporate the heritage dwelling into the draft plan as Block 35 (Appendix “E”), and to reuse the existing building to accommodate local commercial uses. The dwelling is currently situated on a 0.71 ha lot, of which 0.4 ha will be incorporated into the adjacent condominium townhouse proposal, and 0.31 ha will remain as Block 35.

A CHIA report prepared by ERA Architects Inc. on September 18, 2014, was submitted as part of the subject application. The CHIA report recommends that the development proposal is acceptable as it does not impact the existing built fabric, as identified in the designation by-law. Further, the report recommends a number of measures to mitigate the impact of the proposed development to the landscape features and significant views identified through the CHIA process, which are not currently protected by the designation by-law.

The CHIA report was reviewed by the Policy and Design Subcommittee of the Hamilton Municipal Heritage Committee on November 14, 2014. The Subcommittee was supportive of the proposal, with requests for clarifications and landscape features. Planning staff also requested similar information. The Policy and Design Subcommittee minutes were approved by the Hamilton Municipal Heritage Committee at their regular meeting on November 20, 2014.

The applicant submitted a revised CHIA report as well as a Tree Inventory and Preservation Plan Report to address the previously stated concerns. Staff have found the revised CHIA to be almost complete, subject to minor revisions. Appropriate conditions of draft plan approval have been included to protect the heritage property during the construction process, as well as a requirement for an easement over the property (Appendix “F”, Conditions 7-10).

6. Growth Management

The applicant is advised of the following:

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1. The City has no road allowance widening requirements on either Dundas Street East or Parkside Drive at this time. The note on the Plan indicates that 7.5 m x 7.5 m daylighting triangles are to be provided. The East-West Corridor will be classified as a major arterial road. In accordance with the UHOP, roads intersecting with major arterials require 12.19 m x 12.19 m daylighting triangles. These will be required at the two intersections of Street "A" (East-West Corridor) with Street "C" (Sipes Drive) and with Street "E". The note on the Plan should be revised (Appendix "F", Conditions 22 and 26).
2. The functional design must integrate the final alignment of the approved East-West Corridor. The East-West Corridor design will be such that there will be no use of retaining walls or steep slopes (Appendix "F", Conditions 23, 30, 32, 41 and 42).
3. Municipal sewer services are available to service this development through UpCountry Estates Phase 1 (25T200307) and through the necessary external sanitary sewer improvements in the adjacent Gatesbury Subdivision. Municipal water service availability will be subject to the requirements of the functional servicing report dated March, 2014. The design sheets provided show some surcharging in the Niska Drive sanitary sewer and further refinement will be required at detailed design stage. Please note that development may be limited by the residual water pump station DC014 subject to the City allocation for development applications received (Appendix "F", Condition 27).
4. The revised functional servicing report must include the domestic and fire flow water servicing (Appendix "F", Condition 43).
5. The Owner must submit updated stormwater hydraulic modelling and computations to demonstrate that this development meets or exceeds the established City and Conservation Halton stormwater management criteria for the area (Appendix "F", Condition 34).
6. The storm sewer shall be designed such that it will not surcharge the five year storm event (Appendix "F", Condition 25).

Water Servicing

As per the application, the proposal is for the development of 310 dwelling units. The new water tower has been sized for 300 dwelling units (based on the numbers previously provided to the Public Works Department by Growth Management). A

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water servicing study with the layout, domestic and fire flow demands should be provided (Appendix “F”, Condition 36).

The total number of dwelling units is now ±372 which would have the effect of increasing the Firm Capacity of the Pumping station to 220 lps, as noted in the Comments on the Functional Servicing Report (FSR) Report (Condeland Engineering) dated December 20, 2013. The applicant’s FSR calculates the firm capacity as 220 lps by considering one large pump and one small pump out of service. However, Public Works staff have noted that these calculations are not in line with the Ministry of the Environment (MOE) Firm Capacity calculations / requirements.

As per MOE guidelines, the Firm Capacity (FC) is “The capacity of the pumping station with the largest two units out of service if the pumping station serves a pressure zone that does have floating storage”. There are four pumps at HD024 Pumping station: one at 50 lps and three at 110 lps, and no floating storage. Accordingly the firm capacity available is 160 lps and not 220 lps as stated in the FSR. The revised calculations should be provided.

Capacity provision for sanitary sewer servicing and minor storm sewer servicing for single family dwellings and townhouse development has been made in the systems on Spring Creek Drive, Lupo Drive and Fellowes Crescent, Niska Drive, Houndtrail Drive, and Stillwater Crescent as well as ICI (Industrial / Commercial / Institutional) development at the Highway 5 – East-West Corridor intersection according to drawing set 07-S-16. Prior to registration, it shall be demonstrated that adequate water and sanitary sewer servicing is provided (Appendix “F”, Conditions 24, 28, and 44).

Infrastructure Planning

Lot Grading and Sideyard Setbacks

1. Based on the City’s “Lot Grading Policy, Criteria and Standards for Single and Semi-Detached Dwelling Created through Development Applications”, for one way drainage there must be a minimum of 2.0 m separation between foundation walls. For split drainage, there must be a minimum 2.0 m separation between foundation walls to accommodate an overland flow route for any required rear yard catchbasins. As such, the Zoning By-law must ensure that for one way drainage there must be a minimum of 2.0 m

separation between foundation walls. For split drainage, there must be a minimum 2.0 m separation between foundation walls to accommodate an overland flow route for any required rear yard catchbasins. Further, any rear yard catch basin leads shall be constructed on a lot with a minimum 1.2 m setback and a provision to ensure that a 1.2 m side yard setback is provided at the garage side of the lot (Appendix “F”, Condition 40). Appropriate regulations have been included in the amending Zoning By-law attached as Appendix “C” to address this issue and ensure that adequate side yards are provided where required.

2. If split drainage is proposed, the ponding on rear yard catchbasins shall be minimized. The maximum desirable ponding level above a rear yard catchbasin is 0.33 m, and any rear lot catch basin leads shall be constructed on the lot with a minimum 1.2 m setback.
3. We note that the FSR does not contain detailed information or discussion regarding the proposed final lot grading and requirements for engineered fill. At the detailed engineering stage the final lot grading plans will be reviewed.

Water Servicing

4. An updated watermain hydraulic analysis will be required at the detailed engineering stage.
5. The total water / sewer permitted flow for the subject lands is subject to the agreement between Waterdown Bay and UpCountry.

Sanitary Sewer Servicing

6. Some sections of the downstream sanitary sewer will be surcharged and upgrades have been identified. These upgrades include removal and redirection of some sections of sewer. We request preliminary plan and profiles be provided to confirm feasibility of the approach. We note the following sections of sanitary sewer have been identified in the FSR as being surcharged under proposed conditions:
 - a) Houndtrail Dr. from MH3A to MH 16A;
 - b) Vance Cres. from MH18A to MH21A;
 - c) Laurendale Ave from MH36A to MH7A;
 - d) Teeple St. from MH7A to MH9A; and,

- e) Niska Dr. from MH9A to MH5.

Storm Sewer Servicing & Conveyance

7. Details of the total capture inlets should be provided.
8. Discussion regarding accommodation of existing and proposed Parkside Drive drainage should be included in the report.
9. It is not clear how the East-West Corridor will be provided with adequate storm drainage.
10. The capacity of the existing and proposed overland flow routes should be discussed in the FSR.
11. The existing storm sewer conveyance on Dundas Street East should be illustrated.
12. The applicant should confirm that the proposed storm sewer will perform under free flow conditions (five year HGL within the pipe) in consideration of the pond operating levels.

Stormwater Management

13. An overall plan should be provided which illustrates the external drainage areas, stormwater quality device and Gatesbury Pond. The existing MOE approvals, as-built drawings and supporting information for the preceding devices should be included in the report as an Appendix.
14. FSR insert - Figure 4 – “SWM Discretization” should include the percentage imperviousness for each area and overland flow route directions.

i) Quality Control

Staff are satisfied that provision for adequate quality control to Level 1 (Enhanced Level) has been provided.

ii) Quantity Control

Staff are satisfied that provision for adequate quantity control from pre to post has been provided. However, the existing pond volumes for all design storms up to the regional storm should be verified based on the proposed land use.

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A summary table should be provided that indicates the post to pre development discharge rates.

Standard conditions of approval have been included in Appendix “F” related to sidewalks, fencing and traffic signals (Appendix “F”, Conditions 18 - 20), provision of an on-street parking plan (Appendix “F”, Condition 39), sump pump design (Appendix “F”, Condition 37), sediment control (Appendix “F”, Conditions 21 and 31), temporary turning circle, if necessary (Appendix “F”, Condition 35) construction management (Appendix “F”, Condition 29), street naming (Appendix “F”, Conditions 16 and 17), external sanitary diversions (Appendix “F”, Condition 33), and development charges (Appendix “F”, Condition 15).

7. The FSR and related Stormwater Management (SWM) Report identify that on-site quality and quantity controls are required for Blocks 26, 27 and 35 on the Draft Plan of Subdivision (Appendix “E”). As a result of the stormwater management plan relying on these on-site controls, Conservation Halton has requested a Holding Provision be applied to Blocks 5, 6, 8 and 9 in the amending By-law attached as Appendix “C” (Blocks 26, 27 and 35 on the Draft Plan of Subdivision). The Holding Provision will ensure that the ultimate stormwater management strategy is achieved through the various methods required, as directed by the FSR and SWM documents. Development of these blocks will proceed by way of Site Plan Control, at which time the stormwater management controls will be reviewed and implemented.
8. This development will include the construction of the first leg of the Waterdown East-West Corridor. The East-West Corridor will be developed as a 30 m wide, three-lane minor arterial road, as identified through the completed Environmental Assessment. The East-West Corridor would have a single sidewalk along the westerly side of the road and it will be restricted in terms of on-street parking and loading activities.
9. In response to circulation of the application to property owners within 120 m of the subject lands, two written comments were received (Appendix “I”).

The first comment raised a question over the inclusion of a school in the proposed development. The resident noted that it had been previously indicated by the former property owner that a school would be included in the development of the subject lands. Staff understand that the original plan for this neighbourhood had been for a combined school and park site in the centre of the community. However, staff note that the decision of where to place a school is made by the school boards based on varying factors. In this circumstance, the school boards have not proposed a school in this development, and staff understand that the

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school which had once been contemplated for this neighbourhood is now proposed to the south of Dundas Street East.

The second comment is regarding the location of the proposed Neighbourhood Park. The resident raised a concern over a change in the location of the park from what had been previously proposed by the former property owner. The resident indicated that on previous plans the park had been proposed in a location directly across from their home on Houndtrail Drive. Staff note that any previous plans put forward by a former property owner were conceptual only and had not been approved. Further, the location and size of the park as proposed is satisfactory to Parks staff and it complies with the UHOP.

ALTERNATIVES FOR CONSIDERATION

Should the applications be denied, the lands could not be developed for a residential plan of subdivision. The lands could be developed for the range of uses permitted though the current Agriculture “A” Zone and the Urban Commercial “UC(H)” Zone, Holding.

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

- 1.2 Continue to prioritize capital infrastructure projects to support managed growth and optimize community benefit.
- 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 #

Valued & Sustainable Services

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

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Strategic Objective

2.2 Improve the City's approach to engaging and informing citizens and stakeholders.

Strategic Priority #3

Leadership & Governance

WE work together to ensure we are a government that is respectful towards each other and that the community has confidence and trust in.

Strategic Objective

3.1 Engage in a range of inter-governmental relations work that will advance partnerships and projects that benefit the City of Hamilton.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Draft Urban Hamilton Official Plan Amendment
- Appendix "C": Town of Flamborough Zoning By-law Amendment
- Appendix "D": Hamilton Zoning By-law 05-200 Amendment
- Appendix "E": Proposed Draft Plan of Subdivision
- Appendix "F": Draft Plan Conditions
- Appendix "G": Preliminary Plan for Condominium Block 26
- Appendix "H": Preliminary Plan for Condominium Block 27
- Appendix "I": Proposed Elevations for Single Detached Dwellings and Various Townhouse Forms
- Appendix "J": Letters from Public

:CT/th