



June 5, 2017

City of Hamilton  
Planning Committee  
71 Main Street West  
Hamilton ON L8P 4Y5

Attention: Chair Maria Pearson & Committee Members

Dear Ms. Pearson & Members of Committee,

RE: City of Hamilton Comprehensive Zoning By-law Updates  
Mountainview Heights Plan of Subdivision  
392, 488 & 530 Dundas Street East, Waterdown, City of Hamilton

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WEBB Planning Consultants are retained by Waterdown Bay Ltd. to provide land use planning services in connection with the planned development of their lands located within South Waterdown.

It has come to our attention that the City is proceeding to amend the Comprehensive Zoning By-law with the adoption of new Commercial and Mixed Use Zoning. We have undertaken a review of the proposed Zoning on behalf of Waterdown Bay Ltd. and have noted a number of concerns that will need to be addressed prior to adoption of the new Zoning.

The purpose of this letter is to summarize our concerns with the proposed zoning and formally request that Planning Committee table the proposed Zoning that applies to the lands of Waterdown Bay. The purpose of the tabling is to allow dialogue with City Planning staff towards resolving the concerns noted herein.

## **BACKGROUND**

The Mountainview Heights subdivision is located in south-east Waterdown and encompasses a total area of approximately 150 hectares. The development has been planned in keeping with the recommendations of the South Waterdown Sub-watershed Study, master servicing and transportation studies, and the Council adopted Secondary Plan for Waterdown South.

The Phase Two lands were registered in March 2017 and anticipated to develop in 2018. Phase Three is presently subject to detailed engineering design and is anticipated to be registered in 2018. On completion, the three Phases of development will accommodate approximately 2,800 dwelling units, mixed use areas, a district commercial block, schools, parks and natural open space.

The development includes two areas proposed for commercial development – a district commercial block of approximately 5.5 hectares intended to accommodate a range of retail

and service commercial uses to serve a neighbourhood shopping function. The Mixed Use Medium (MUM) Density area abuts Highway No. 5 and includes an area proposed to be developed as a traditional retail main street. The MUM area is intended to function as a mixed use area consisting of mid-rise residential buildings and at grade commercial uses serving the adjacent neighbourhoods.

It is noted that the commercial areas are subject to area specific Policies formulated through the preparation of Waterdown South Secondary Plan.

Consistent with the Policies of the Secondary Plan, an amendment to the Town of Flamborough Zoning By-law was approved by the OMB with the consent of the City of Hamilton. The Zoning, per By-law No. 14-099, includes site specific modifications to ensure compliance with the in-force Secondary Plan.

### **DISTRICT COMMERCIAL – C6 ZONING**

Based on our review of the proposed Zoning, the District Commercial Block is proposed to be Zoned as C6 – District Commercial Zone. The Block is also subject to site specific exception No. 566 and a Holding provision.

We have undertaken a comparison of the proposed Zoning to the current “UC-14-H” – Urban Commercial Zone, modified, of the Town of Flamborough Zoning By-law.

The proposed Zoning is generally consistent with the current Zoning however we have noted discrepancies that arise from the adaptation of the former site specific Regulations to the new Zoning By-law. In particular, there is an omission regarding the maximum GLFA that may be developed on these lands when combined with the mixed use medium density areas. The new Zoning introduces built form Regulations for new development including minimum widths for ground floor facades and locations of principal entrances. These Regulations need to be evaluated to ensure no conflicts with the planned development.

We have also noted minor omissions in the text for the Holding provision No. 96. Consistent with Policies of the Secondary Plan, office and service commercial uses above the ground floor are not to be included in the total floor space limitations. This provision was included in the former Zoning and should be carried forward into the new By-law.

### **MIXED USE MEDIUM DENSITY – C5 ZONING**

The Mixed Use Medium Density areas of the plan are proposed to be Zoned as C5 – Mixed Use Medium Density Zone. The Block is also subject to site specific exception No. 565 and a Holding provision.

We have undertaken a comparison of the proposed Zoning to the current “UC-12-H” & “UC-13-H” – Urban Commercial Zones, modified, of Town of Flamborough Zoning By-law.

With respect to the Regulations to the proposed C5 Zone, the proposed regulations are generally consistent with the current framework. The new Zoning does introduce built form Regulations for new development including minimum widths for ground floor facades and locations of principal entrances. The C5 also imposes a minimum amenity area requirement for dwelling units. These Regulations may cause design conflicts as the development includes through lots and Site Plan Applications have already been filed for certain lands.

We have noted additional concerns with the Regulations of Exception 565. Contrary to the in-force Secondary plan and current Zoning, Exception 565 prohibits Motor Vehicle Gas Bars, Car Washes, and drive-thru facilities. This is a conflict with the current Policies which permit these uses provided they are not adjacent to Collector Road "A" – Mallard Trail.

Exception 565 does include a Regulation that should also apply to the District Commercial Block. The above comments noted an omission of the Regulation that establishes the combined maximum GLFA for the MUM and the District Commercial Blocks. To rectify the omission, paragraph (d) (viii) of Exception 565 should be included in Exception No 566.

The text for the Holding provision appears to be satisfactory.

## **SUMMARY**

As we have described above, there are inconsistencies between the proposed new Commercial and Mixed Use Zoning and the current site specific Regulations of the Town of Flamborough By-law. The concerns we have noted are generally minor and technical in nature and can readily be resolved through discussion with City Planning Staff.

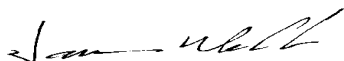
Our formal request is for Planning Committee to table the proposed Zoning applicable to the lands of Waterdown Bay with direction for follow-up discussion with City Planning staff towards resolving the concerns noted herein.

We will be in attendance at the Public Meeting scheduled for June 6<sup>th</sup> and will provide an oral submission to Planning Committee in support of the above request.

Please contact our office immediately should you have any questions or require additional information regarding this submission.

Yours truly,

**WEBB Planning Consultants Inc.**



James Webb, MCIP, RPP

cc: Waterdown Bay Ltd.  
Turkstra Mazza Associates