



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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	September 6, 2022
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Aminu Bello (905) 546-2424 Ext. 5264
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That **Zoning By-law Amendment Application ZAC-21-003 by Wellings Planning Consultants Inc. on behalf of FGL Pirie Inc., Owner**, for a change in zoning from the Urban Reserve “UR” Zone and Single Detached Residential “R2” Zone in the former Town of Dundas Zoning By-law No. 3581-86, to the Community Institutional (I2, 814, H126) Zone in the City of Hamilton Zoning By-law No. 05-200, and Low to Medium Density Multiple Dwelling Zone “RM1/S-140” Zone, Modified in former Town of Dundas Zoning By-law No. 3581-86, to permit a four-storey retirement residence and sixteen townhouse dwellings for lands located at 125 Pirie Drive (Dundas), as shown on Appendix “A” attached to Report PED22145 be **APPROVED**, on the following basis:

- (a) That the draft By-laws, attached as Appendix “B” and Appendix “C” to Report PED22145, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the holding symbol to “H126” to the proposed Community Institutional (I2, 814) Zone.

That Holding Provision “H126” is to be removed to allow the Retirement Home with 100 residents and 84 dwelling units, conditional upon:

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- (i) The Owner receive conditional site plan approval for the site to the satisfaction of the Manager of Heritage and Design;
  - (ii) The Owner enter into with the City and register on title a development agreement and/or site plan agreement to the satisfaction of the Manager of Heritage and Design;
  - (iii) That the Owner submit and received approval of a Fire Protection Design and Analysis Report to demonstrate that the system complies with the Ontario Building Code and applicable National Fire Protection Association (NFPA) 13 and NFPA 14 standards, all to the satisfaction of the Chief Building Official;
  - (iv) That the Owner submit and receive approval of a Risk Assessment Report to demonstrate how the proposed fire protection system will have no negative impact to the existing municipal system to the satisfaction of Public Works;
  - (v) That the Owner submit and received approval of an Operational and Maintenance Report/Plan that demonstrates how the proposed fire protection system will be maintained and outline the specific inspection details for the system, and that the proposed system complies with the *Building Code Act* and *Fire Protection and Prevention Act, 1997* all to the satisfaction of the Chief Fire Protection Officer and Chief Building Official;
  - (vi) The Owner submit and received approval of a Fire Safety Plan to the satisfaction of the Chief Building Official and Chief Fire Protection Officer;
  - (vii) That the Owner provide increased capital reserve funds in order to cover the costs of yearly maintenance records, all to the satisfaction of the Chief Fire Protection Officer and the Chief Building Official;
- (c) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (2020, as amended);
- (d) That the proposed changes in zoning comply with the Urban Hamilton Official Plan.

## **EXECUTIVE SUMMARY**

The subject property is municipally known as 125 Pirie Drive and is located at the north east corner of the Governor's Road and Pirie Drive intersection in Dundas. The property is currently vacant and measures approximately 1.43 hectares.

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The purpose of the Zoning By-law Amendment is to change the zoning from the Urban Reserve “UR” Zone and Single Detached Residential “R2” Zone under the Town of Dundas Zoning By-law No. 3581-86 to the site specific Community Institutional (I2, 814, H126) Zone in Hamilton Zoning By-law No. 05-200 and the Low to Medium Density Multiple Dwelling Zone “RM1/S-140” Zone in Dundas Zoning By-law No. 3581-86 to permit development of a four storey building containing a Retirement Home for a maximum of 100 residents, 84 dwelling units designed for seniors, a rooftop amenity area, 32 parking spaces proposed for the 16 townhouse dwellings, 36 parking spaces for the Retirement Home, 13 visitor parking spaces and 84 parking spaces proposed for the dwelling units designed and oriented towards seniors. A 1025 square metre roof top amenity area is proposed on the central portion of the Retirement Home and the location of the amenity area is oriented towards the proposed bungalow townhouses.

The proposed Retirement Home is considered housing with supports that provides accommodations for residents requiring care and assistance with daily needs but is not a Long Term Care Home. The 84 dwelling units are intended for independent living accommodations, may contain separate kitchen facilities and are classified as a Multiple Dwelling under the Zoning By-law. Sixteen townhouse dwellings are proposed along the north portion of the site that are intended senior residents.

The Applicant has submitted a concept plan and building elevations for the proposed development shown as Appendix “D” attached to Report PED22145.

The proposed Zoning By-law Amendment application has merit and can be supported for the following reasons:

- It is consistent with the Provincial Policy Statement (2020);
- It conforms to the Growth Plan for the Greater Golden Horseshoe (2020, as amended);
- It complies with the Urban Hamilton Official Plan (UHOP); and,
- It reflects good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, compliments the neighbourhood streetscape and provides supportive housing options to meet the social and health needs of the community.

**Alternatives for Consideration – See Page 21**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A

Staffing: N/A

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

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

<b>Application Details</b>	
Owner:	FGL Pirie Inc.
Applicant:	Wellings Planning Consultants Inc.
File Number:	ZAC-21-003
Type of Application:	Zoning By-law Amendment
Proposal:	The Zoning By-law Amendment is to rezone the lands from the Urban Reserve "UR" Zone and Single Detached Residential Zone "R2" Zone to Low to Medium Density Multiple Dwelling "RM1/S-140" Zone, Modified and add the south portion of the subject lands to Zoning By-law No. 05-200 as Community Institutional (I2, 814, H126) Zone.
<b>Property Details</b>	
Municipal Address:	125 Pirie Drive, Dundas
Lot Area:	14,351 square metres (1.43 hectares)
Servicing:	Existing full municipal services.
Existing Use:	Vacant
<b>Documents</b>	
Provincial Policy Statement (PPS):	The proposal is consistent with the PPS.
Niagara Escarpment Plan	Designated as "Urban Area"
A Place to Grow:	The proposal conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020), as amended.
Urban Hamilton Official Plan Existing:	"Neighbourhoods" in the Urban Hamilton Official Plan.

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<b>Documents</b>	
Urban Hamilton Official Plan Proposed:	Not required.
Zoning Existing:	Urban Reserve "UR" Zone and Single Detached Residential "R2" Zone
Zoning Proposed:	Community Institutional (I2, 814, H126) in City of Hamilton Zoning By-law No. 05-200 and Low to Medium Density Multiple Dwelling "RM1/S-140" Zone in Dundas Zoning By-law No. 3581-86.
Modifications Proposed:	<p><b>Applicant Requested Modifications (Retirement Home)</b></p> <ul style="list-style-type: none"> <li>• Retirement Home shall not exceed a capacity of 100 residents, whereas 50 is permitted;</li> <li>• Maximum building height of 21.5 metres, whereas 10.5 metres is permitted;</li> <li>• Minimum rear yard of 3.0 metres, whereas is permitted; and,</li> <li>• Minimum parking space size of 2.6 metres in width by 5.5 metres in length, whereas 2.8 metres in width and 5.8 metres in length is permitted.</li> </ul> <p><b>Modifications Identified by Staff</b></p> <ul style="list-style-type: none"> <li>• Modify the definition of Front Lot Line to mean the portion of Pirie Drive extending 118 metres from the easterly property line;</li> <li>• Permit a minimum front yard of 2.8 metres whereas 6.0 metres is required;</li> <li>• The minimum landscaped area shall be 35% of the site area.</li> <li>• Exempt the minimum 3 metre landscape buffer strip required abutting any residential zone;</li> <li>• Permit a driveway parking space in tandem with a garage parking space;</li> <li>• Permit 0.0 metre manoeuvring space for a front yard driveway parking; and,</li> <li>• Exempt the minimum 0.30 spaces per dwelling for visitor parking for Townhouse Dwellings.</li> </ul>

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<b>Processing Details</b>	
Received:	December 11, 2020
Deemed complete:	January 22, 2021
Notice of Complete Application:	Sent to 128 property owners within 120 metres of the subject property on February 5, 2021.
Public Notice Sign:	Posted January 29, 2021 and updated with public meeting date on August 10, 2022.
Notice of Public Meeting:	Sent to 128 property owners within 120 metres of the subject property on August 19, 2022.

**BACKGROUND**

**EXISTING LAND USE AND ZONING**

	<b>Existing Land Use</b>	<b>Existing Zoning</b>
<b>Subject Lands:</b>	Vacant	Urban Reserve “UR” Zone and Single Detached Residential Zone “R2” Zone

**Surrounding Land Uses:**

<b>North</b>	Single Detached Residential Dwellings	Single Detached Residential “R2” Zone
<b>East</b>	Townhouse Dwellings Single Detached Residential Dwellings	Low to Medium Density Multiple Dwelling “RM1” Zone and Single Detached Residential “R2” Zone
<b>West</b>	Townhouse Dwellings	Low to Medium Density Multiple Dwelling “RM1” Zone
<b>South</b>	Semi Detached Dwellings, and Single Detached Residential Dwelling and Woodlot.	Low Density Residential “R3/S-93” Zone and Urban Reserve “UR” Zone

## **POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the PPS. The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the PPS. The mechanism for the implementation of the Provincial plans and policies is through the Official Plan. Through the preparation, adoption and subsequent Ontario Land Tribunal (formerly Local Planning Appeal Tribunal) approval of the City of Hamilton Official Plans, the City of Hamilton has established the local policy framework for the implementation of the Provincial planning policy framework. As such, matters of provincial interest (e.g. efficiency of land use, balanced growth and environmental protection) are reviewed and discussed in the Official Plan analysis below.

As the application for a change in zoning complies with the Urban Hamilton Official Plan it is staff's opinion that the application is:

- Consistent with Section 3 of the *Planning Act*;
- Consistent with the PPS; and,
- Conforms to A Place to Grow Plan: Growth Plan for the Greater Golden Horseshoe (2020, as amended).

### **Urban Hamilton Official Plan (UHOP)**

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and designated as "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in the UHOP.

The following policies, among others, apply to the proposal.

### **Neighbourhoods Designation**

- "E.2.6.2 Neighbourhoods shall primarily consist of residential uses and complementary facilities and services intended to serve the residents. These facilities and services may include parks, schools, trails, recreation centres, places of worship, small retail stores, offices, restaurants, and personal and government services; and,
- E.2.6.4 The Neighbourhoods element of the urban structure shall permit and provide the opportunity for a full range of housing forms, types and tenure, including affordable housing and housing with supports."

### **Built Form and Compatibility**

- “E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses intended to serve the local residents;
- E.3.2.3 The following uses shall be permitted on lands designated Neighbourhoods on Schedule E-1 – Urban Land Use Designations:
- a) Residential dwellings, including second dwelling units and housing with supports.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan; and,
- E.3.2.14 *New housing with supports* shall be permitted within the Neighbourhoods designation in accordance with the locational and design criteria of the residential category to which the density and built form best complies.”

### **Medium Density Residential**

#### **Function**

- “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.”

In review of the above, the proposal contributes to a complete community by providing retirement residence that is considered housing with supports, which contributes to offering a variety of dwelling types in the area. The 100 resident retirement home component of the proposal is recognized as housing with supports under the UHOP which is a permitted use and the 84 dwelling units are recognized as a multiple dwelling which is also a permitted use under the Neighbourhoods designation.

The proposal is located at the neighbourhood periphery and along a major arterial road that is consistent with medium density residential function and design policies of the UHOP. Comments on the compatibility with the existing residential neighbourhood, density and form are addressed in the following section “residential intensification”.



## **Residential Intensification**

- “B.2.4.1.1 Residential intensification shall be encouraged throughout the entire built-up area, in accordance with the policies of Chapter E – Urban Systems and Designations and Chapter F – Implementation;
- 2.4.1.4 Residential intensification developments shall be evaluated based on the following criteria:
- a) A balanced evaluation of the criteria in b) through g), as follows;
  - b) The relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
  - c) The development’s contribution to maintaining and achieving a range of dwelling types and tenures;
  - d) The compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
  - e) The development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
  - f) Infrastructure and transportation capacity; and,
  - g) The ability of the development to comply with all applicable policies.
- B.2.4.2.2 When considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:
- a) The matters listed in Policy B.2.4.1.4;
  - b) Compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
  - c) The relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;

- d) The consideration of transitions in height and density to adjacent residential buildings;
- e) The relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) The provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) The ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) The ability to complement the existing functions of the neighbourhood;
- i) The conservation of cultural heritage resources; and,
- j) Infrastructure and transportation capacity and impacts.”

In review of above mentioned policies, the proposal is considered an appropriate land use transition between the existing multiple dwelling forms along a major arterial road (Governor’s Road) at the neighbourhood periphery and single detached dwellings located in the interior neighbourhoods. Further, a retirement residence is considered low traffic generator. The site is served by transit with bus service routes available from stops at Governors Road and Pirie Drive/Newcombe Road.

The Traffic Impact Assessment, Parking and TDM Study submitted by the Applicant forecasts that parking demand for residents, visitors and employees is estimated to require approximately 73 parking spaces. Staff find the proposed 133 parking spaces proposed between the Retirement Home and senior’s apartments is adequate as the parking demand is estimated to be less than the proposed supply. The Applicant has been advised that the need to assign employee parking will be further reviewed at the Site Plan stage and that employee parking is to be provided/accommodated on site.

The proposal considers the surrounding residential uses in its design and building massing. The height impacts are mitigated through building step backs (terracing). The building step back at the east elevation proposed a reduce height to three storeys with the building’s forth storey only consuming a portion of the building envelope and faces Governor’s Road, away from the existing single detached dwellings north of Pirie Drive. A grade change of approximately 6 metres between proposed bungalow townhouse and south façade of the Retirement Home will also mitigate the proposed 19.9 building height. The Applicant submitted a shadow study that demonstrate impacts from shadowing on adjacent properties have been minimized through a combination of

building step backs, grade changes and density transitions between with the existing single detached dwellings and proposed bungalow townhouses and four storey Retirement Home.

The proposal for supportive housing for senior's and bungalow townhouse dwellings will achieve a range dwelling types and tenures available in the neighbourhood. The proposal is transit supportive and is an efficient use of existing municipal infrastructure.

The Applicant has proposed a private underground storage tank and pump system to provide fire protection for the Retirement Home. Engineering and Risk Management staff support the proponent's conceptual plan and strategy outlined in the Fire Flow Due Diligence Report prepared by WSP Canada Inc. Staff have recommended that this Zoning By-law Amendment application apply a Holding Provision to require detailed analysis of the fire protection system at the Site Plan stage.

### **Niagara Escarpment Plan**

"C.1.1.1 Any development within the Niagara Escarpment Plan area, as shown on Schedule A – Provincial Plans, shall meet the requirements of this Plan and the Niagara Escarpment Plan and Section 3.3 of the Greenbelt Plan. Where there is discrepancy between this Plan and the Niagara Escarpment Plan, the most restrictive policies will prevail; and,

C.1.1.6 To minimize the impact and further encroachments in the Escarpment environment, for those lands located within the Niagara Escarpment Plan area identified on Schedule A - Provincial Plans, the following policies shall apply:

- a) The design of the development shall be compatible with the visual and natural environment."

The subject lands are not within the Niagara Escarpment Development Control area but are identified within the "" of the Niagara Escarpment Plan (2017). The Niagara Escarpment Commission has recommended urban design and landscaping considerations, which are outlined in the Relevant Consultation Section of this Report and will be addressed at the Site Plan stage.

### **Tree and Woodland Protection**

"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."

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Staff have identified municipal trees abutting the subject property. A Tree Management Plan and Landscape Plan are required and would address details as part of the Site Plan Control process.

Staff are of the opinion that the proposal complies with the Urban Hamilton Official Plan.

**Town of Dundas Zoning By-law No. 3581-86**

The subject lands are currently zoned Urban Reserve “UR” Zone and Single Detached Residential “R2” Zone in the former Town of Dundas Zoning By-law No. 3581-86. Permitted uses in the Residential “R2” Zone include single detached dwellings, accessory buildings and structures. The Urban Reserve “UR” Zone is intended to prevent premature subdivision and development until such time that orderly development may proceed through rezoning of the lands. The subject lands are currently vacant.

The Applicant has proposed to change the Single Detached Residential “R2” Zone to a modified Low to Medium Density Multiple Dwelling “RM1/S-140” Zone in the Town of Dundas Zoning By-law No. 3581-86 to allow sixteen bungalow townhouses. The Applicant proposes to add the southern portion of the subject lands into Zoning By-law No. 05-200 as Community Institutional (I2, 814, H126) Zone to allow development of a four storey Retirement Home with 100 residents and 84 dwelling units.

The site-specific zoning modifications proposed for both zones are outlined in the Report Fact Sheet and discussed in detail in Appendix “E” attached to Report PED22145. Staff note that the Applicant has requested a reduction to the minimum parking stall size to 2.6 metres in width and 5.5 metres in length from the required 2.8 metres in width to 5.8 metres in length as required in Zoning By-law No. 05-200. Staff are not supportive of this modification as the proposed parking stall size has been found to be inadequate in other development sites. Staff recommend that the reduced parking stall size is excluded from the zoning modifications proposed in Appendix “B” attached to Report PED22145.

**RELEVANT CONSULTATION**

<b>Departments and Agencies</b>		
		No Comment
<ul style="list-style-type: none"> <li>• Municipal Property Assessment Corporation;</li> <li>• Enbridge Gas Inc.;</li> <li>• Bell Canada;</li> <li>• Canada Post Corporation;</li> <li>• Cogeco Cable;</li> <li>• Alectra (Horizon) Utilities;</li> <li>• Hydro One Networks Inc.;</li> <li>• Hamilton-Wentworth District School Board;</li> <li>• Hamilton-Wentworth Separate School Board; and,</li> <li>• French Public School Board.</li> </ul>		
	<b>Comment</b>	<b>Staff Response</b>
Forestry, Public Works Department	Staff find the Tree Management Plan acceptable. The Landscape Plan must provide larger tree species at 8.0 to 10.0 metre spacing along Governor's Road.	Should the application be approved, a Tree Management Plan and Landscape Plan will be required as conditions of Site Plan.
Waste Management, Public Works Department	The proposed development is ineligible for municipal waste collection and that a private waste hauler will be required.	Noted.
Transportation Planning Section, Transportation Planning and Parking Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Transportation Planning supports the proposed Zoning By-law Amendment as initial concerns were address by removing one of the proposed townhouse unit with a problematic driveway location and improving the pedestrian/vehicle sight distance at the loading space by integrating with the underground parking area; and,</li> <li>• In order to permit the proposed site entrance from Governor's Road, a dedicated left turn lane is required to ensure public safety is maintained.</li> </ul>	Should the application be approved, Transportation Operations and Maintenance Division will work with Applicant/Owner to finalize the road design at the Site Plan stage.

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	<b>Comment</b>	<b>Staff Response</b>
Transit Planning and Infrastructure, Transit Division, Public Works Department	<ul style="list-style-type: none"> <li>• Staff advise that conflicts between passenger vehicle and transit vehicles should be avoided/minimized in regard to the site entrance from Governor's Road;</li> <li>• The Owner is fully responsible for relocating the landing pad and installing a new pedestrian walkway at the Pirie Drive and Newcombe Road intersection, due to the conflict between the proposed townhouse driveway and existing transit infrastructure;</li> <li>• A 9.0 metre pad length must be achieved to ensure that bus stop accessibility is not impacted;</li> <li>• The Hamilton Street Railway requires that the bus bay on Governor's Road remain open throughout construction of the proposed development; and,</li> <li>• The pedestrian shelter, litter container and bus operator washroom must remain at existing locations on Governor's Road.</li> </ul>	<ul style="list-style-type: none"> <li>• Should the application be approved, the Applicant will be required to provide a design for an exclusive eastbound left-turn lane with a minimum of 15 metres of storage at the Governor's Road site access as a Special Condition of Site Plan Approval;</li> <li>• Should the application be approved, detailed design considerations will be addressed at the Site Plan stage;</li> <li>• Should the application be approved, construction-related items may be addressed through a Construction Management Plan at the Site Plan stage; and,</li> <li>• Staff have advised the Applicant/Owner of these requirements. Should the application be approved, detailed design considerations will be addressed at the Site Plan stage.</li> </ul>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department	<ul style="list-style-type: none"> <li>• Staff require that the proposal demonstrate that the water supply and flows for firefighting are available under the current municipal system or with enhancements.</li> </ul>	<ul style="list-style-type: none"> <li>• A Holding Provision is recommended under this Zoning By-law Amendment to require a detailed Fire Protection Design and Analysis Report, amongst other requirements at the Site Plan stage.</li> </ul>

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	<b>Comment</b>	<b>Staff Response</b>
Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department <b>Continued</b>		<ul style="list-style-type: none"> <li>• In order to provide water supply for fire protection, the Applicant has proposed private holding tank and pump system for the Retirement Home that is acceptable to staff in concept; and,</li> <li>• Should the application be approved, detailed design considerations will be addressed at the Site Plan stage.</li> </ul>
Growth Planning Section, Growth Management Division, Planning and Economic Development Department	The owner and agent should be made aware that municipal addresses for the subject development will be determined when a Site Plan application is submitted.	Noted.
Niagara Escarpment Commission	<ul style="list-style-type: none"> <li>• NEC staff do not have concerns with the proposal. The policies of the Niagara Escarpment Plan apply to the subject site;</li> <li>• Landscaping should consist of a mix of large deciduous and evergreen trees and shrubs. All trees should be native; and,</li> <li>• Building colours should be visually compatible with the natural scenery and exterior lighting should be downward directed.</li> </ul>	Should the application be approved, detailed design considerations will be addressed at the Site Plan Stage.
<b>Public Consultation</b>		
<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
Traffic – Data Collection	Four public submissions identified concerns that the traffic study was completed in 2020 [during a pandemic year] that are not reflective of typical traffic volumes.	The Applicant submitted Traffic Impact Study incorporated traffic counts post September 2020, when schools returned to operation.

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Issue	Comment	Staff Response
<p>Traffic – Data Collection <b>Continued</b></p>		<p>City staff conducted a subsequent traffic count at Governor’s at Davidson Boulevard on November 2, 2021 that showed similar traffic volumes to the 2020 counts completed, therefore staff conclude this proposal does not generate a substantial amount of traffic during peak periods and ample road capacity is available to accommodate traffic volumes.</p>
<p>Traffic Volumes</p>	<p>Concerns were expressed regarding increased traffic generated by the Retirement Home.</p>	<p>The Traffic Impact Statement confirms the current road network in the area operates within acceptable service levels during the weekday peak hours. The Governor’s Road/Pirie Drive intersections are forecasted to operate at similar levels of service post-development.</p>
<p>Height/Density</p>	<p>Concerns were expressed regarding the increased residential density and proposed height being too high for a predominately low density residential neighbourhood.</p>	<p>The proposed building height considered is appropriate by staff being located on the neighbourhood periphery in proximity to a major arterial road (Governor’s Road). The proposed bungalow townhouse dwellings provide a suitable land use and density transition between the proposed four storey Retirement Home as complimentary use to the surrounding single detached dwellings.</p>



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Issue	Comment	Staff Response
Neighbourhood Character	Concerns that the proposed 4-storey retirement residence will disturb the existing neighbourhood character comprised of primarily single detached dwellings.	Design techniques such as the application of a 45 degree angular plane and building step-backs are proposed to address the transition between the Retirement Home with the townhouses immediately east, which compliments the existing neighbourhood character.
Location of Use	Comment that the retirement residence is more suitably located within walking distance to shopping, medical services and other amenities.	The housing with supports is a permitted use within the Neighbourhood designations of the UHOP, which is intended to provide additional housing choices and opportunities for aging in place.
Greenspace	Residents have expressed the proposal will result in the loss of greenspace within the neighbourhood.	The subject lands are zoned Urban Reserve, which is intended for future development subject to a Zoning By-law Amendment. The subject plans were not intended to be exclusively used for open space in the long term.
Storm Water Management	Residents of the condominium development located immediately adjacent to the subject lands have expressed concerns about the loss of permeable area from the development and capacity of the overall storm sewer system.	The Applicant's submitted Functional Servicing Report submitted confirms that site grading plans to direct front yard and roof drainage from the proposed bungalow townhouses northward to Pirie Drive while Retirement Home and rear yards of the bungalow townhouses will be collected by the storm sewer infrastructure to drain southerly towards Governor's Road. The remaining site drainage will be managed through a proposed underground stormwater detention system.

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Issue	Comment	Staff Response
Construction	Concerns regarding the temporary impacts of construction were expressed.	Staff note that details such as a Dust Mitigation Plan and an Erosion and Siltation Control Plan may be conditions of Site Plan Approval to ensure that the areas surrounding the development are maintained. A Construction Management Plan may also be submitted through the Site Plan Approval process.
Property Values	Several concerns were submitted indicating that the proposal would negatively impact property values.	Staff are not aware of any supporting real estate information or documentation that would substantiate this concern, or any empirical data with respect to property devaluation.
Privacy	Concerns were submitted regarding the potential for noise and privacy invasion from the proposed roof top amenity area for the adjacent properties at 10 Davidson Boulevard.	The proposed rooftop amenity area is oriented towards the proposed bungalow townhouse dwellings and is located on the central portion of the building to minimize overlooking impacts.
Housing Form	Concerns were expressed about proposed townhouses on Pirie Drive that proposes a residential density increase compared to original nine single detached residential lots previously advertised by the developer.	Planning staff are supportive of the townhouse dwellings, which provide a gradual transition between the Retirement Residence and single detached dwellings on Pirie Drive.
Transit Stop	A number of concerns were expressed regarding the relocation of the existing bus layby on Governor's Road.	Transit Planning staff have advised the Applicant that the existing bus pad, shelter, litter container and bus operator washroom must remain at its current location with no disturbance to transit operations during any construction of the proposed development.

**SUBJECT: Application for a Zoning By-law Amendment for Lands Located at 125 Pirie Drive, Dundas (PED22145) (Ward 13) - Page 19 of 21**

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<b>Issue</b>	<b>Comment</b>	<b>Staff Response</b>
In Support	Two comments were in support for the plan to permit a retirement home.	Staff have noted this.

### **Public Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 166 property owners within 120 m of the subject property on February 5, 2021 for the application.

A Public Notice Sign was posted on the property on January 29, 2021, and updated on August 10, 2022, with the Public Meeting date. Finally, Notice of the Public Meeting was given in accordance with the requirements of the *Planning Act* on August 19, 2022.

To date, staff received 93 letters pertaining to the application (attached as Appendix “F” to Report PED22145) and the concerns are summarized in the above table.

### **Public Consultation Strategy**

Pursuant to the City’s Public Consultation Strategy Guidelines, the Applicant has prepared a Public Consultation Strategy which includes a neighbourhood meeting held on May 6, 2021 that was virtually hosted by the Applicant. A notice advising of the neighbourhood meeting was sent to all residents within 120 metres of the subject lands. Approximately 100 people, including the Ward 13 Councillor, Applicant and their Agent attended the virtual meeting.

### **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow Plan (2020);
  - (ii) It complies with the general intent and purpose of the Urban Hamilton Official Plan;
  - (iii) The proposed development is considered to be compatible with the existing and planned development in the immediate area; and,

- (iv) The proposal represents good planning by, among other things, providing a compact and efficient urban form that is compatible with the area, enhances and continues the streetscape of the neighbourhood and further provides housing opportunities and housing with supports to meet the social and health needs of the community.

The proposed Retirement Home use is a permitted use, as housing with supports are permitted within the Neighbourhoods designation in the Urban Hamilton Official Plan. The proposal meets the overall scale and density requirements within the Neighbourhoods designation and also meets the Residential Intensification policies of the UHOP. The proposal represents a desirable design outcome for the subject site that compliments the surrounding through appropriate density and height transitions from the existing single detached dwellings, proposed townhouses and the four storey retirement residence.

## 2. Zoning By-law Amendment

The subject lands are currently zoned Single Detached Residential “R2” Zone and Urban Reserve “UR” Zone in the former Town of Dundas Zoning By-law No. 3581-86.

The Applicant has requested that the subject lands be removed from the Dundas Zoning By-law No. 3581-86 and be rezoned to a site specific Community Institutional (I2, 814, H126) Zone, under Hamilton Zoning By-law No. 05-200 to permit a Retirement Home containing 100 residents and 84 dwelling units catered towards seniors.

The proposed Zoning Amendment to Zoning By-law No. 05-200 can be supported by staff as the proposed built form contributes to a complete community through a compact and efficient urban design. The proposal also supports an additional housing types and forms for the area, in the form of a low-rise building and townhouses. Staff are satisfied that, scale, massing setbacks and landscaping are compatible with the surrounding area. The proponent has submitted a Fire Flow Due Diligence Report prepared by WSP Canada Inc. as an addendum to the Watermain Hydraulic Analysis initially submitted in support of this Zoning By-law Amendment. Staff are supportive of the conceptual system that proposes a private holding tank (underground) and pump system to provide fire protection for the Retirement Home. Staff recommend Holding Provision 126 be implemented to demonstrate that the future development provides adequate fire protection that can supplement the municipal system. Criteria for the private holding tank design, storage volume calculations and required pump system shall be addressed at the Site Plan stage.

## **ALTERNATIVES FOR CONSIDERATION**

Should the Zoning By-law Amendment application be denied, the north portion of the subject lands could continue to be used in accordance with the Urban Reserve “UR” Zone and Single Detached Residential “R2” Zone, which permits single detached dwellings. The Urban Reserve “UR” Zone is intended to prevent premature subdivision and development until such time that orderly development may proceed through rezoning of the lands.

## **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

### **Community Engagement and Participation**

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

### **Economic Prosperity and Growth**

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

### **Healthy and Safe Communities**

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

### **Culture and Diversity**

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED22145 – Location Map

Appendix “B” to Report PED22145 – Draft Zoning By-law 3581-86 Amendment

Appendix “C” to Report PED22145 – Draft Zoning By-law 05-200 Amendment

Appendix “D” to Report PED22145 – Concept Plan and Architectural Drawings

Appendix “E” to Report PED22145 – Zoning Modifications Chart

Appendix “F” to Report PED22145 – Public Submissions

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