



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 4, 2014
SUBJECT/REPORT NO:	Proposed Zoning By-law Amendment Affecting Lands Located at 336 and 338 King Street West (Dundas) (PED14027) (Ward 13)
WARD(S) AFFECTED:	WARD 13
PREPARED BY:	Timothy Lee (905) 546-2424 Ext. 1249
SUBMITTED BY:	Joe-Anne Priel Acting General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Amended Zoning By-law Amendment Application ZAC-12-043, by 1169831 ONTARIO Limited, Owner**, for a change in zoning from the Single Detached Residential "R2" Zone and the Single Detached Residential "R2/S-3" Zone, Modified, with a Special Exception, to the Holding - Medium to High Density Multiple Dwelling "H-RM3/S-127" Zone, Modified, with a Special Exception, on lands located at 336 and 338 King Street West (Dundas), as shown on Appendix "A" to Report PED14027, be approved, on the following basis:

- (a) That the Draft By-law, attached as Appendix "B" to Report PED14027, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the amending By-law be added to Schedule "A" of Zoning By-law No. 3581-86; and,
- (c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP).

EXECUTIVE SUMMARY

The purpose of this application is to change the Zoning By-law to permit the redevelopment of the subject lands for a 14.6 m., four-storey, mixed-use building, containing two commercial units on the ground floor, 13 residential units, and 20 underground parking spaces (See Appendix “D”).

The Zoning By-law Amendment is to modify provisions to the Dundas Zoning By-law with respect to lot area, lot frontage, setbacks, density, floor area, landscaping and buffer area, and parking requirements. This infill development proposal is located along King Street West, identified as a major arterial road in the UHOP. The original submission proposed a six-storey, mixed-use building, containing one commercial unit at-grade, 24 residential units on the ground floor and upper floors, and 28 parking spaces on the ground floor and one underground level (See Appendix “C”).

Subsequently, the proposal was revised to a four-storey, mixed-use building, with two commercial units, 13 residential dwelling units, and 20 underground parking spaces (See Appendix “D”). The amended proposal is considered to be in keeping with the general intent of the UHOP Policies with respect to maintaining the scale and building mass of the community, as well as improving the pedestrian-oriented environment through the presence of ground floor commercial activity. A Holding Provision has been included in the implementing Draft By-law to ensure that a Record of Site Condition (RSC), the required fees, the submission of an addendum to the Noise Study, and the submission of a Watermain Hydraulic Analysis Report, have been submitted to the City of Hamilton.

Alternatives for Consideration – See Page 25

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: None

Staffing: None

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider an application for a Zoning By-law Amendment.

HISTORICAL BACKGROUND

Proposal:

The subject lands consists of two properties municipally known as 336 and 338 King Street West, and are located on the southwest corner of King Street West and Brock

SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 336 and 338 King Street West (Dundas) (PED14027) (WARD 13)
- Page 3 of 26

Street South in Dundas (See Appendix “A”). Having a combined lot area of 748.88 sq. m., the land is currently occupied by the former Tammy’s Place Diner restaurant and associated visitor parking to the restaurant. The applicant originally submitted an application for a six-storey, mixed-use, multiple dwelling, with one commercial unit fronting onto King Street West, 24 residential dwelling units, and 28 at-grade and underground parking spaces (See Appendix “C”).

Due to concerns from residents and staff, the applicant subsequently revised the application to a 14.6 m., four-storey, mixed-use, multiple dwelling, with two commercial units on the ground floor, 13 residential units, and 20 at-grade and underground parking spaces. The combined size of the two commercial units is approximately 194 sq.m., with frontage along King Street West. Commercial retail unit No. 2 will be “cornered” off in order to maintain sightlines at the intersection of King Street West and Brock Street South. The proposed local commercial use will be for personal service, retail, or office uses. The draft implementing zoning by-law will prohibit any automotive and motor vehicle uses, restaurants, day nurseries, and medical clinics, due to the potential for incompatible uses and for uses that typically generate high parking demands.

The size of the 13 residential units range from 691 sq.ft. to 1,135 sq.ft. The residential unit on the ground floor will have a private terrace, and residential units on the second and third floor will each have a balcony that will be set flush with the building footprint. The floor plate of the two units on the fourth floor will be reduced in square footage to create a stepping back of the upper floors to reduce the overall building mass and impacts on abutting residential units.

The applicant has requested a Zoning By-law Amendment to modify the Dundas Zoning By-law for site-specific zoning provisions with respect to lot area, setbacks, density, floor area, landscaping and buffer area, and parking requirements A Holding Provision has been included in the implementing draft by-law to ensure that a RSC, the submission of an addendum to the Noise Study, and the submission of a Watermain Hydraulic Analysis Report, have been submitted to the City of Hamilton.

Chronology:

October 29, 2012: Application ZAC-13-018 is deemed complete.

November 2, 2012: Circulation of Notice of Complete Application and Preliminary Circulation of Application to all residents within 120 m. of the subject lands.

April 16, 2013: Revisions to Application ZAC-13-018 submitted to staff for recirculation.

SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 336 and 338 King Street West (Dundas) (PED14027) (WARD 13)
- Page 4 of 26

April 23, 2013: Circulation of Revised Application ZAC-13-018 to all residents within 120 m. of the subject lands.

January 14, 2014: Circulation of Notice of Public Meeting to all residents within 120 m. of the subject lands.

Details of Submitted Application:

Location: 336 and 338 King Street West (Dundas)

Owner/Applicant: 1169831 ONTARIO Limited

Property Description:
(336 King Street West)

Lot Frontage: 8.0 m.
Lot Depth: 36.5 m.
Total Lot Area: 295.0 sq. m.

Property Description:
(338 King Street West)

Lot Frontage: 12.3 m.
Lot Depth: 36.5 m.
Total Lot Area: 452.3 sq. m.

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands:</u>	Vacant (formerly Tammy's Diner Restaurant)	Single Detached Residential "R2" Zone; Single Detached Residential "R2/S-3" Zone, Modified
<u>Surrounding Lands:</u>		
North	Single Detached Dwelling	Single Detached Residential "R2" Zone
South	Single Detached Dwelling	Single Detached Residential "R2" Zone
East	Single Detached Dwelling; Semi-Detached Dwelling	Medium Density Multiple Dwelling Residential "RM2" Zone; Low Density Residential "R4/S-86" Zone, Modified
West	Single Detached Dwelling	Single Detached Residential "R2" Zone

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement

The application has been reviewed and is considered to be consistent with the Provincial Policy Statement (PPS), which encourages healthy, liveability, and safe communities (Policy No. 1.1.1); and which focuses growth in Settlement Areas (Policy No. 1.1.3).

In addition, Policy Nos. 1.1.3.4 and 1.1.3.7 state that new development taking place in designated growth areas should occur adjacent to existing built-up areas, which should have a compact form with a mix of uses and densities. Appropriate development standards should be promoted with this type of redevelopment and intensification. The revised proposal is more in keeping with the abutting residential community with respect to height, scale, and massing.

In addition, Policy No. 1.4.3 encourages an appropriate range of housing type and densities to meet projected requirements of current and future residents, by directing new housing in areas of appropriate levels of infrastructure; promoting densities for new housing which efficiently use land; and establishing development standards for residential intensification redevelopment, which minimizes housing cost. The revised proposal meets long term population growth and housing demands, in particular multiple dwellings offering smaller and more affordable units.

Furthermore, Policy No. 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 redeveloped for primarily residential purposes, and has frontage on King Street West, which is an arterial road under the UHOP. The proximity of the proposed sensitive land use to road noise sources, triggers the requirement for a Noise Study. A Noise Study dated July 16, 2012, was submitted as part of the original application. However, no addendum to the study was submitted based on the revised plans that were submitted in May 2013. A Holding Provision has been added to the draft implementing by-law requiring the submission of an addendum to the Noise Study for review.

Further, Policy No. 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use, such that there will be no adverse effects. As required under Ontario Regulation 153/04, a mandatory filling of a RSC is required, as the proposal entails a change in land use from

“Commercial” to “Residential”. The applicant has not submitted a RSC to staff for registration. As such, staff also recommends that condition to the Holding Provision be added to ensure that a RSC be submitted to the City of Hamilton for documentation.

Therefore, based on the foregoing, the proposal is consistent with the PPS.

Places to Grow Plan:

The application has been reviewed with respect to the Growth Plan for the Greater Golden Horseshoe. The subject property is located within the Built-Up Area, as defined in the Places to Grow Growth Plan. The application conforms to Section 1.2.2, where guiding principles of the Plan are to “build compact, vibrant, and complete communities”, “plan and manage growth to support a strong and competitive economy”, and to “optimize the use of existing and new infrastructure to support growth in a compact, efficient form”.

As the amended proposal is to facilitate the development of a multiple dwelling with commercial retail uses at-grade, Policy Nos. 2.2.2.1(a), (b), (g), and (h) are met with respect to directing new growth within the built-up areas through intensification, and providing a balance between jobs and housing within the community. As the subject lands are located within the urban area and located on the site of a former restaurant, the proposal meets Policy No. 2.2.2.1(d), as the proposal is intended to reduce the dependency on the automobile through a mixed-use development and encourage pedestrian activity. In addition, the subject lands are located where there is reliable public transportation.

The amended proposal also meets Policy No. 2.2.3.6, and promotes and facilitates intensification with an appropriate built-form, height, scale, density, and type of development, that appropriately complements adjacent land uses. The amended proposal includes an appropriate built form, where there is a gradual increase in height, scale, and overall built-form from abutting multiple dwellings.

In addition, Policy No. 2.2.3.6(b) promotes a diverse and compatible mix of land uses, including residential and commercial uses that support complete communities. The proposal includes local commercial uses on the ground floor that will serve the needs of residents within walking and cycling distance.

Niagara Escarpment Plan:

The subject lands are within the “Niagara Escarpment Plan Area” under the Niagara Escarpment Plan, to which a Development Control Permit is not required. The Niagara Escarpment Commission (NEC) has reviewed the revised proposal, where the proposed four-storey terraced building does not significantly impact on the views to the Escarpment brow and slopes, in particular the Dundas Park to the north and the

Escarpment features to the north and west. In addition, the proposal is generally in keeping with the built form of abutting residential properties. Based on the foregoing, staff have no objection to the revised proposal.

Urban Hamilton Official Plan:

The UHOP is now in force and effect, except for the residential intensification policies and other site-specific appeals. Policies that remain under appeal are subsequently reviewed as direction only. For the purposes of this application, the residential intensification policies of the Dundas Official Plan Policies apply.

The subject lands are designated as “Neighbourhoods” on Schedule “E-1” – Land Use Designations, which permits residential and local commercial uses, as identified in Policy No. E.3.2.3. As such, the amended proposed development complies with permitted uses. In addition, the proposal is evaluated based on the following policy goals:

- “3.1.1 Develop compact, mixed-use, transit-supportive, and active transportation friendly neighbourhoods.

- 3.1.2 Develop neighbourhoods as part of a complete community, where people can live, work, shop, learn, and play.

- 3.1.3 Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs.

- 3.1.4 Promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution.”

The amended proposal will contribute to a complete neighbourhood as the proposed mixed-use building will be compact in form and promote a design that is compatible with the existing abutting residential uses with respect to height, massing, scale, and built-form. The terracing on the upper floor will address the overall massing and shadowing on abutting properties. Proposed local commercial units at-grade will allow local residents to shop and utilize specific services within their neighbourhood. Finally, the multiple dwelling units will address housing needs of the community, and meet the overall long term population growth and housing demands. Based on the foregoing, the amended proposed development conforms to the policy goals of the “Neighbourhoods” designation.

Medium Density Residential:

In addition to the “Neighbourhoods” designation, the proposed development is further designated as “Medium Density Residential” under Policy No. E.3.5. The proposal is evaluated based on the following policies:

- “E.3.5.1 Medium density residential areas are characterized by multiple dwellings 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 includes multiple dwellings except street townhouses.
- E.3.5.4 Local commercial uses may be permitted on the ground floor of buildings containing multiple dwellings.
- 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.
- E.3.5.9 Development within the medium density residential category shall be evaluated on the basis of the following criteria:
 - 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 areas.”

The proposed mixed-use multiple dwelling with commercial uses at-grade is permitted in the above policies. In addition, the subject lands are located along an arterial road with direct access to public transportation, and is within walking distance to Fisher’s Mill Park and Edwards Memorial Park. In addition, the amended proposal is in keeping with the overall scale of the surrounding residential uses with respect to massing, scale, and

height, and promotes a gradual transition between low profile residential uses abutting the subject lands.

Based on the foregoing, the proposed development meets the general intent of the policy as the proposed development is appropriately scaled and has a massing that is compatible with abutting residential uses.

Scale and Design:

The scale and design of the proposed development is evaluated under Policy No. 3.2 of the UHOP, and includes the following:

“3.2.7 The City shall require urban and architectural design. Development of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian-oriented, and attractive, and shall comply with the following criteria:

- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to community facilities/services and local commercial uses shall be provided.

3.2.8 Proposals for supporting uses, except local commercial uses, within the Neighbourhoods designation shall be evaluated on the following criteria:

- a) Compatibility with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and landscaping.”

The amended proposal follows a design that promotes compatibility with the existing abutting residential uses with respect to scale, massing, height, and setbacks. The original submission proposed a six-storey multiple dwelling with commercial at-grade. However, after further revisions to the proposed development which included a reduction in the height, number of residential units and number of parking spaces, the scale and massing of the proposed building is reduced, and is now more in keeping and compatible with the surrounding area. The proposed development meets the policy with respect to designing a building that is safe and pedestrian-oriented by proposing the access driveway along a local road that does not dominate the Brock Street elevation. In addition, no surface parking is proposed, which further enhances the safety of the pedestrian environment.

Local Commercial Use:

Local commercial uses are permitted within “Neighbourhood” designations under Policy No. E.3.2.3d) and within the “Medium Density Residential” designations under Policy No. E.3.5.4, provided the provisions of Policy No. E.3.8 – Local Commercial, are satisfied. Under Policy No. E.3.8.1, local commercial uses that primarily cater to the weekly and daily needs of residents within the surrounding neighbourhood may be permitted within the Neighbourhood designation. Furthermore, under Policy E.3.8.2, permitted commercial uses include retail and service uses such as financial establishment, medical office, business and professional office, personal service, studios, and art gallery. In addition, Policy No. E.3.8.6 permits local commercial uses of up to a combined 10,000 sq. m. per site, where all adjacent properties developed for local commercial uses shall be considered as a local commercial site.

The amended proposals will include two commercial units at-grade with a combined gross floor area of 194 sq. m., where the uses will be limited to local commercial operations. Restricting local commercial uses is facilitated through the draft By-law, where commercial uses such as restaurants, commercial uses related to automobile and motor vehicles (i.e. gas stations, mechanic shops, and auto parts stores), day nurseries, and medical clinics, are prohibited (See Appendix “B”) due to the incompatible nature of these uses, and the anticipated high parking demands and trip generation of these uses. In addition, the draft By-law proposes retail uses such as a variety store. Based on the foregoing, the proposed development conforms to the local commercial policies of the UHOP.

Urban Design Policies:

Additional Urban Design Policies, under Policy Nos. B.3.3.2.6a) and d), state that new development be compatible with the surrounding area and enhance the character of the existing environment by complementing the existing massing patterns, rhythm, character, and surrounding context. Modifications to the zoning provisions will ensure that the proposed development will be compatible with abutting properties with respect to locating buildings closer to the street for a more comfortable pedestrian environment and commercial activity, and locating vehicular parking underground to keep it from view from the street. In addition, the massing and setbacks of the proposed building will be in keeping with abutting residential uses, which includes single-detached and semi-detached dwellings that range in height from one-storey to three-storeys.

In addition, the building mass is reduced in scale through the stepping back of the upper floors to create a less imposing building, and to create an architectural interest as a result of this unique design. From street level, the stepping of the upper floors will give the impression that it is a lower building than what is being proposed. This design also meets Urban Design Policy No. B.3.3.3, where new development must maintain and support existing character and scale.

Based on the foregoing, the amended proposal to construct a four-storey, mixed-use building conforms to the policies of the UHOP.

Town of Dundas Official Plan:

As the residential intensification policies of the UHOP are currently under appeal, the residential intensification policies of the Dundas Official Plan Policies have been reviewed against this application. A site-specific amendment to the Dundas Official Plan was originally applied to change the designation from “Residential/Commercial Conversion” to “Residential Neighbourhoods”, and to permit site-specific policies to facilitate the proposal. As the UHOP is now in force and effect, the amendment is no longer required.

The amended proposal meets the overall goal of meeting the need to focus on maximizing development opportunities to meet housing projections due to a long term limited supply of suitable land for development. Under the Urban Design policies of Section 2.5, the following criteria are evaluated against the revised proposal:

“2.5.2.2 To ensure that new development or redevelopment strengthens and enhances the character of existing neighbourhoods.

2.5.3.1 The Town shall require new buildings and development to be designed in harmony with adjacent structures and surrounding neighbourhood character.”

The amended proposed development will maintain and promote the existing neighbourhood, by providing an appropriate massing and scale to the surrounding area, through the stepping back of the upper floors to reduce the appearance of height and mass.

As an Official Plan Amendment would have been required to facilitate the revised proposal and change the designation from “Residential/Commercial Conversion” to “Residential Neighbourhoods”, the following infill intensification and reurbanization guideline policies are also evaluated against the revised proposal:

“2.5.5.1 Infill, intensification and reurbanization in Residential Neighbourhoods, Residential/Employment Mixed Use; Downtown Mixed Use; and Residential/Commercial Mixed Use Areas shall:

- a) be of compatible size, height, proportions, and conceptual design to surrounding buildings to create a harmonious streetscape. Building height should not exceed or be significantly less than adjoining properties, except where permitted by the policies of this Plan;

- b) complement the roof profiles of adjacent buildings. In particular new apartments shall have architecturally finished roofs which mask roof appearance;
- c) be located to reflect the existing pattern of setbacks along the streetscape;
- d) be designed and sited so that their main entrances and facades front onto main roads; and,
- f) be designed and built to minimize impacts such as overshadowing and overlooking on adjoining residential development.

The revised proposal further meets the above policies with respect to compatible size, scale, and height, as the proposed four-storey building includes terraced upper floors, reducing the overall massing and scale of the building. The existing views of the Niagara Escarpment have been maintained due to the reduction of the height of the proposed building, and the terracing of the upper floors will reduce the overview on adjoining existing residential uses. In addition, the proposed building will include local commercial units where the main entrances and facades will front onto King Street West. Finally, the proposed setback (See Appendix “B”) of the building has been reduced to be compatible and in keeping with the existing setbacks of abutting existing residential uses.

Based on the review of the intensification policies of the Dundas Official Plan against the amended proposed development, the proposal meets the policies of the Dundas Official Plan.

RELEVANT CONSULTATION

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

- Urban Forestry, Forestry and Horticulture Section (Public Works Department).
- Hydro One.
- Canada Post.
- Bell Canada.

Subsurface Infrastructure, Infrastructure Planning and Systems Design (Public Works Department):

Separated sanitary sewer and minor storm sewer systems are available on King Street West along the entire front lot line of the two commercial properties for the collection of wastewater and stormwater, respectively.

Hamilton Municipal Parking System (Planning and Economic Development Department):

Staff note that in the original concept plan (See Appendix “C”), the columns and pillars encroached into the individual parking spaces. Subsequently, the revised concept plan (See Appendix “D”) shows that the columns and pillars no longer encroach into the parking spaces, and staff have no further objections.

Recreational Division (Community Services Department):

Staff note that in regards to recreational opportunities for future residents of the development, the following parks and recreational services are located nearby:

- Fisher’s Mill Park – 120 m. walking distance
- Witherspoon Park – 345 m. walking distance
- Dundas Open Space – 195 m. walking distance (natural area)

All three of the above parks are located within the recommended 800 m. walking distance for Neighbourhood Parks, as set out in UHOP Policy No. B.3.5.3.11.

The applicant should be advised the Cash-in-Lieu of parkland dedication will be payable at the Building Permit stage.

Corridor Management (Public Works Department):

A minimum 6.0 m. must be provided between the property line and the overhead doors of the underground parking levels in order to allow for vehicles entering the underground parking level to wait onsite, and to prevent vehicles from blocking sidewalks and Brock Street South. As shown in Appendix “D”, this distance has been provided.

A minimum 5 m. by 5 m. visibility triangle between the access limits and the ultimate road allowance limits of King Street, and a 3 m. by 3 m. visibility triangle between the access limits and the ultimate road allowance limits of Brock Street, must be provided to allow for unobstructed views. As shown in the concept plan, a daylight triangle has been provided, to which it meets the general intent of providing a visibility triangle with respect to ensuring maximum sightlines.

Waste Management (Public Works Department):

The amended proposed development will be eligible for weekly collection of garbage, recycling, organics (where collection is provided), and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Operations and

**SUBJECT: Proposed Zoning By-law Amendment Affecting Lands Located at 336 and 338 King Street West (Dundas) (PED14027) (WARD 13)
- Page 14 of 26**

Waste Management Division and subject to compliance with the City's Solid Waste Management By-law 09-067.

In addition, the collection of waste will be by automated bin service for garbage, semi-automated cart service for recycling and organics collection, and curbside/roadside service for yard waste collection.

Hamilton Street Railway (HSR):

The HSR currently operates bus route #5 Delaware buses along King Street in Dundas with no planned changes in service in the near future. Also, there is an existing bus stop in front of 336 King Street West. In addition, the HSR supports the inclusion of high quality pedestrian amenities at this development like walkways, lighting, etc., and street orientation and pedestrian entrances are important. Direct short walking distances between dwellings and transit service are preferable.

Niagara Escarpment Commission (NEC):

The NEC reviewed the proposed development, as revised, where the proposed four-storey terraced mixed-use building will not impact on the views to the Escarpment brow and slopes, in particular the Dundas Park to the north and the Escarpment features to the north and west. In addition, the proposal is generally in keeping with the built form of abutting residential properties. Based on the foregoing, staff have no objection to the revised proposal.

Public Consultation:

In accordance with Council's Public Participation policy, Official Plan, and the Zoning By-law Amendment, applications were circulated as part of the Notice of Complete Application to 141 residents with 120 m. of the subject lands on November 2, 2012, where 63 letters have been received expressing concerns with the application (See Appendix "E").

Subsequently, a revised application was circulated as part of a revised Notice of Complete Application on April 23, 2013, where 21 letters have been received expressing concerns with the revised application (See Appendix "F"). These letters have been addressed in the Analysis/Rationale for Recommendation section of this Report.

As a result of the UHOP coming into effect on August 16, 2013, an Official Plan Amendment to the Dundas Official Plan is no longer required.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the PPS, which supports residential intensification and economic growth;
 - (ii) It conforms with the Places to Grow Growth Plan, which encourages the development of higher density housing forms along transportation corridors such as arterial roads;
 - (iii) It conforms to the residential intensification policies of the Dundas Official Plan; and,
 - (iv) Its proposed use, as revised, conforms to the UHOP with respect to promoting height, scale, and character of the surrounding areas.

2. Zoning By-law Amendment (ZAC-12-043):

The subject lands are located in the Single Detached Residential “R2” Zone, which permit single detached dwellings, and the Single Detached Residential “R2/S-3” Zone, Modified, with a Special Exception, which permits the existing building to be continually be used for a restaurant and catering service in the former Tammy’s Diner restaurant. To accommodate the proposed development, as revised, a number of modifications are required, which are directly supported by Urban Design Policies of the UHOP, and are as follows:

Permitted Uses:

Under Section 14.1 – Permitted Uses of the Dundas Zoning By-law, an apartment building is permitted under the Medium to High Density Multiple Dwelling “RM3” Zone. Under the draft Zoning By-law (See Appendix “B”), a site-specific provision has been added permitting commercial uses on the ground floor with a combined maximum floor area of 194 sq. m. and fronting onto King Street West. This regulation ensures that there will be a commercial presence along King Street West, which is preferred to Brock Street, which is a local residential street. In addition, the presence of commercial uses implements the above UHOP policies with respect to providing for local commercial activity serving local residents. Finally, under the “Neighbourhoods” designation in the UHOP, local commercial uses are permitted subject to the commercial uses catering to local residents, and not commercial uses that serve the regional population.

Furthermore, permitted commercial uses shall be limited to uses listed under the Retail Trade Industries identified in Section 20 of the Zoning By-law, but excluding any uses related to automotive and motor vehicles, restaurants, and health and social service industries. This restriction ensures that commercial uses that have a high parking demand are not permitted as part of the revised proposal and will not have an impact on the surrounding residential community.

Minimum Lot Area:

The intent and purpose of providing for a minimum lot area is to ensure that a lot can accommodate the building footprint and associated parking, landscaping, and amenity space. Under the draft Zoning By-law, a site-specific provision has been added to reduce the minimum lot area to 740 sq. m. This reduction in lot area, as shown in the revised concept plan (See Appendix "D"), can accommodate a building with a smaller building footprint, and lower height and scale, than what is permitted under the "RM3" Zone provisions.

Minimum Lot Frontage:

In accordance with Section 14.2.1.2 of the Dundas Zoning By-law, a minimum lot frontage of 30 m. is required to ensure that residential lots have sufficient lot frontages to accommodate the permitted apartment building use, and associated access driveways and landscaping. A reduction in the minimum lot frontage to 20 m. will continue to maintain the general intent of the minimum required lot frontage, as the subject lands also have lot frontage along Brock Street, where the revised concept plan shows the proposed underground parking entrance and lobby entrance is located. Staff are in support of the modification as the reduction will not compromise on the general functioning of the revised proposed development (See Appendix "D").

Front Yard Setback:

As the subject lands fronts onto two streets (King Street West and Brock Street), the lot is considered a corner lot, where King Street West is considered as the front lot line (as it is the shortest of the two lot lines). As required under Section 14.2.2.1 of the Dundas Zoning By-law, a minimum front yard setback requirement of 7.5 m. is required along King Street West to provide for front yard landscaping, buffering, and privacy.

In order to facilitate the revised proposal, a modification to the front yard setback has been requested to reduce the setback to 1.75 m. Staff note that this reduction will be consistent with abutting residential dwellings, where generally, existing buildings are located closer to the street with minimal landscaping.

In addition, the reduction in the front yard setback meets the policies of the UHOP with respect to urban design, where Policy No. B.3.3.2.3 requires development to respect the existing landscaping, character, and development pattern, and Policy No. B.3.3.2.4b) where new buildings and structures contribute to the overall appearance and visual cohesiveness of the urban fabric. Furthermore, the requested modification meets E.3.2.8a) where new development be compatible with the surrounding area with respect to setbacks. The proposed development will have a reduced front yard that will be similar to abutting residential buildings where the front yard setbacks are reduced with minimal landscaping. Based on the foregoing, staff are in support of the requested reduction to the front yard setback.

Side Yard Setback:

In accordance with Section 14.2.2.2 of the Dundas Zoning By-law, a minimum side yard is calculated as 45 percent of the building height. As identified in the revised concept plan (See Appendix “D”), a side yard of 6.57 m. would be required. The purpose of requiring a side yard setback is to ensure that there is sufficient distance from the property line for drainage and buffering from abutting properties.

The original proposal (See Appendix “C”) requested a reduction of the westerly side yard setback to 0.32 m., and an easterly side yard setback of 0.05 m. Subsequently, the revised proposal has since requested a smaller reduction to a proposed westerly side yard setback of 1.21 m., and an easterly side yard setback of 2.5 m. This revision is to reduce the intensity of the proposed development and impacts on abutting residential properties with respect to landscaping, drainage, and privacy. The reduction in the side yard setback meets the general intent of the UHOP, as it ensures a continuous building form along the street edge along the Brock Street lot line. This contrasts with the existing condition where the commercial operation is mainly characterized by a parking lot surrounding a commercial building with relatively low amount of landscaping. In addition, the reduction in the westerly side yard setback also meets the general intent as there is sufficient side yard for proper drainage, buffering, and landscaping.

Based on the foregoing, staff are in support of the requested reduction to the side yard setbacks.

Rear Yard Setback:

In accordance with Section 14.2.2.3 of the Dundas Zoning By-law, a minimum rear yard of 7.5 m. is required to accommodate parking and amenity space. A modification has been requested to reduce the rear yard setback to 3.5 m. A

private amenity space will be provided and can be accommodated for the proposed development in the rear yard. In addition, there are a number of public parks such as Fisher's Mill Park within walking distance, that provide passive recreation opportunities.

As such, to accommodate the design of the revised proposal, staff are of the opinion that this modification will continue to meet the general intent of the zone provision, and can be supported.

Density:

In accordance with Section 14.2.4 of the Dundas Zoning By-law, a maximum 100 dwelling units per hectare is permitted. This is to ensure that the building footprint, scale, mass, height, and parking requirement does not exceed what can be accommodated on a lot. As the subject lands are 747.3 sq. m. in size, a maximum of seven dwelling units are permitted without modifications to this zone provision.

The original concept plan (See Appendix "C") proposed 27 dwelling units where the overall density would have been 361 units per hectare. Subsequently, the number of proposed dwelling units in the revised concept plan was reduced to thirteen units, with an overall density of 174 dwellings per hectare. The increase from seven units (under the current zoning provision requirement) to thirteen units, continues to meet the general intent of the Zoning By-law and staff support the modification.

Buffer Strip:

In accordance with the Dundas Zoning By-law, Section 14.2.7.2 requires a 3.0 m. buffer strip consisting of ornamental shrubs and trees to be provided and maintained adjacent to every portion of any lot line that abuts a "R2" Zone and other low density residential zones. The purpose is to ensure that there is buffering with lower density residential zones from the more intensive residential uses.

The applicant has requested to eliminate the requirement for a buffer strip along the westerly side and rear lot lines. The revised concept plan shows that the rear yard and westerly side yard are not completely paved, and there are potential opportunities for additional landscaping. Under Site Plan control, staff will require landscaping to be provided in the form of shrubs or trees. In addition, a visual barrier along the property lines will further ensure additional privacy from the proposed development.

Minimum Landscaped Areas:

In accordance with the Dundas Zoning By-law, Section 14.2.7 requires a minimum landscaped area of 30 per cent of the site area shall be required. Such landscaping requirements can traditionally be accommodated under more contemporary suburban locations due to the generous setback requirements.

As the subject lands are located in a more mature residential community, a reduction to the minimum landscaping requirement has been requested to 20 percent. As shown in the revised concept plan (See Appendix "D"), potential opportunities exist for landscaping in the unpaved portions in the rear yard, as well as the westerly and easterly side yards. Under Site Plan control, staff will require landscaping to be provided in the form of shrubs or trees. In addition, a visual barrier along the property lines will further ensure additional privacy from the proposed development.

Landscaping along Street Line and Residential Front Yard:

As required under the landscape requirement of the Dundas Zoning By-law, Section 6.11.1 requires a 3.0 m. landscaping strip along all street lines. In addition, Section 6.11.3 requires that 50 percent of the front yard shall be landscaped. As shown in the revised concept plan (See Appendix "D"), a front yard setback of 1.5 m. and an easterly side yard setback of 2.0 m. will allow sufficient landscaping to be provided between the proposed walkways and driveways. Based on the foregoing, the applicant has requested a reduction in landscaping along all street lines to 1.5 m. along the King Street West line and 2.0 m. along the Brock Street South lot line, to reflect the reduction in the yard setbacks. In addition, the application has requested a reduction in the landscaping requirement of a residential front yard to 20 percent, to reflect the presence of walkways to the retail unit and the side of the proposed building.

Staff have no objection to the requested modifications, as enhanced landscaping will be required during the Site Plan control stage.

Off-Street Parking Space Requirement:

As required in the Dundas Zoning By-law, under Section 7.12.1, 1.25 parking spaces and 0.25 visitor parking spaces per dwelling unit are required for apartment buildings. This is to ensure that there is sufficient parking available for both residents and visitors. Furthermore, 1 parking space is required for every 30 sq. m. of commercial retail floor area. Based on the revised concept plan (See Appendix "D"), a total of 27 parking spaces (20 combined resident and visitor parking spaces, and 7 commercial parking spaces) will be required.

A reduction in the parking space requirement has been requested to reduce the parking requirements to 20 parking spaces (See Appendix “B”) in order to facilitate the proposed development.

The reduction can be supported as the subject lands are located on a public transit route (Route No. 5 – Delaware), which further reduces parking demands and encourage alternative forms of transportation. In addition, the proposed local commercial uses within the development will cater more to local residents, where parking demands will be lower as local residents will be able to walk or use alternative forms of transportation in which to utilize the services. Based on the foregoing, staff are of the opinion that this modification will continue to meet the general intent of the zone provision, and can be supported.

Loading Requirements:

In accordance with Section 7.13 of the Dundas Zoning By-law, one loading space is required. The purpose of requiring a loading space is to ensure that goods can be loaded/unloaded onsite. As shown in the revised concept plan, a loading pad has been included along the Brock Street lot line. However, this loading pad is not sufficient in size and cannot be considered as a loading space.

However, as there are a limited number of dwelling and commercial units in the building, the loading pad is not anticipated to be consistently used, and staff are of the opinion that the modification to reduce the number of loading spaces to zero can be supported.

Minimum Parking Space Requirements:

In accordance with Section 7.14, the minimum parking space dimension is 2.7 m. in width and 6.0 m. in length. A minimum requirement is to ensure that substandard dimensions are not established.

The applicant has requested a reduction in the dimensions to the Hamilton Zoning By-law No. 05-200 parking space standards of 2.6 m. in width and 5.5 m. in length. Staff have no objections to the requested reduction, as Hamilton Zoning By-law No. 05-200 parking space dimensions are the future standard throughout the municipality. In addition, the reduction will result in requiring less land needed for the parking lot in order to accommodate the same number of parking spaces.

3. The proposed development is a redevelopment project of an underused existing commercial operation (former Tammy’s Diner). The existing building will be demolished, and a revised proposal consisting of a four-storey, mixed-use building, two at-grade commercial units with a combined total of 194 sq. m., a

total of 13 residential dwellings on the first and upper floors, and one underground parking level with 20 parking spaces, will be constructed.

The proposal, as revised, includes a design of the proposed building that will be of a modern design with a stone façade on the first floor, and brick veneer and siding with extensive window glazing (See Appendix “D”). The first floor of the building will be a podium with commercial units fronting onto the King Street West lot line, with the residential lobby, underground parking entrance, and the loading pad, located along the Brock Street lot line. There will be a private amenity space in the rear yard, and a private terrace for the one residential dwelling unit on the first floor.

The underground parking will consist of 20 parking spaces and individual lockers. The proposal also includes five dwelling units on the second and third floors, and will range in size from 692 sq. ft. to 802 sq. ft. Finally, on the fourth floor, there will be two penthouse units with private terraces and will range in size from 988 sq. ft. to 1,135 sq. ft.

The overall massing of the proposed building will be stepped back on the upper floor from a podium base. This will provide for a distinctive architectural design with a less intensive and intrusive building mass. In addition, the design will also serve to reduce the building mass and scale, as viewed from King Street West and Brock Street lot lines. The reduction in height will also allow for a number of existing views of the Niagara Escarpment to be preserved. Finally, the terrace design would support the opportunity for greater outdoor space for dwelling units on the upper floors.

The proposal is an example of a project that will complement the overall scale of existing buildings within the residential community, which consist mainly of single detached dwellings that are two-storeys and two-and-a-half-storeys in height, and a three-storey, semi-detached dwelling, across the street from the subject lands. In addition, as the proposed building will be built to the front lot line, it also complements the existing high level pedestrian-oriented environment that exists along King Street West, and will be consistent with existing buildings with minimal front yards.

4. Two commercial units are proposed at-grade and will face King Street West with a combined floor area of 194 sq. m. Placing a maximum permitted floor area will restrict commercial operations to those that cater to local residents, and prevent operations that require a larger floor plate that may attract a larger regional customer base. Permitted commercial uses include convenience stores, variety stores, and retail stores. However, additional restrictions have been added into the implementing By-law to exclude commercial uses related to automotive and motor vehicle servicing and sale, restaurant uses, and medical clinics. No details

of other commercial tenants have been provided. The purpose of such restrictions is to prevent commercial uses that are more intrusive with respect to traffic, noise, and odour.

Providing for commercial uses facing towards King Street West satisfies policies within the UHOP with respect to creating an animated pedestrian-oriented environment, where alternative forms of transportation can be utilized to access goods and services. The proposed development improves the existing situation, as the existing commercial use and surface parking lot is not conducive to further encouraging an active pedestrian environment. In addition, the design of the front facing façade will include window glazing that will provide for an animated pedestrian environment and “eyes on the street”.

5. A Noise Study was submitted by the applicant as part of the original submission to address potential noise impacts on the proposed development from a nearby Canadian National Railway corridor, which is approximately 260 m. from the subject lands, and King Street West, which is considered as a major transportation corridor, and identified as an arterial corridor in the UHOP. However, the revised proposal did not include an addendum to the Noise Study to reflect the revisions to the proposal. A Holding Provision has been included in the implementing By-law requiring that a Noise Study be submitted and reviewed by staff.
6. As the existing commercial use will be redeveloped to a more sensitive land use, the applicant is required to submit a RSC with the City and Ministry of the Environment, to ensure that all perceived and actual contaminants on the subject property have been addressed. Staff note that a RSC has not been officially registered with the Ministry of the Environment, and has not been received by the City of Hamilton. As such, a Holding Provision has been added into the draft implementing By-law requiring the applicant to submit a RSC, to the satisfaction of the Director of Planning.
7. There is an existing 300 mm. diameter public watermain, a 300 mm. diameter shall municipal storm sewer, and a 200 mm. diameter municipal sanitary sewer within the King Street road allowance. However, the applicant has not provided sufficient information with respect to the ability of the existing watermain to service the proposed development. A Holding Provision has been added to the draft Zoning By-law requiring submitting a watermain hydraulic analysis report, in order to demonstrate that the existing fire flow and anticipated water usage can support the proposed development. In addition, through the Site Plan control stage, the Owner must demonstrate that the proposed development can be properly serviced with adequate water and wastewater usage.

There are no road widening requirements along this section of King Street West and Brock Street. In addition, a daylight triangle measuring 7 m. by 7 m. is required at the intersection. However, a 9 m. by 9 m. daylight triangle has been provided, as shown in Appendix "D".

In order to facilitate the proposed development, the applicant will be required to obtain a permit to install a sanitary inspection manhole on the private property next to the street line, and a video inspection may be required if the sewers are to be reused. This will be required as part of any future Site Plan approval. Finally, a stormwater management report will be required at the Site Plan Control stage to address the managing of stormwater on the subject lands.

8. A total of 63 letters of opposition were submitted as part of the Notice of Complete Application in November 2012, and 21 letters of opposition were submitted as part of the revised concept plan submitted April 2013. The issues include the following:

Height:

The maximum height permitted under the Single-Detached Residential "R2" Zone is 10.5 m., or approximately three-storeys, in height. Abutting properties under this zone are permitted up to three-storeys in height, "as of right", without amendments to the zoning By-law. In addition, there is an existing row of three-storey, semi-detached, dwelling units on the opposite side of Brock Street, which provides for a variety of height along this portion of King Street West.

The applicant is proposing to change the zoning to the Medium to High Density Residential "RM3" Zone, where a maximum height of 16.5 m., or approximately five-storeys, is permitted. As shown in the original submission (See Appendix "C"), the proposal included a building of up to six-storeys in height, which would require a site-specific modification to permit the increase in height. Subsequently, the revised concept plan shows that the building has been reduced in height to four-storeys and 14.6 m. (See Appendix "D"), which therefore is permitted under the proposed "RM3" Zone, and is more in keeping with the existing buildings.

It is noted that the concept plan shows that the proposed building will be stepped back from the podium, where it will have a lesser impact on abutting properties with respect to bulk, height, and massing. In addition, the stepping back of the upper floors will provide an architectural interest to the building and preserve the existing views of the Niagara Escarpment.

In addition, the proposal meets the policies of the UHOP under Urban Design Policy No. B.3.3.3, where the proposal results in a building mass that is reduced

in massing and scale through the stepping back of the upper floors to create a less imposing building. From street level, the stepping of the upper floors will give the impression that it is a lower building than what is being proposed.

Parking:

The revised concept plan proposed 20 underground parking spaces, whereas 27 parking spaces are required due to the 13 dwelling units and the at-grade commercial units. A reduction in the parking requirement can be supported as the subject lands are located on a public transit route (Route No. 5 – Delaware) which further reduces parking requirements, and encourages an alternative form of transportation. In addition, the proposed local commercial uses within the development will cater more to local residents, where parking demands will be lower, as local residents will walk or cycle to shop.

Over-shadowing/Privacy:

As shown in the revised concept plan, the upper floors of the proposed four-storey building will be stepped back from the podium, where it will have a lesser impact on abutting properties with respect to over-shadowing. This reduction to the proposed building will address the concerns of privacy and over-shadowing that were raised with a six-storey building, which was originally proposed.

Infrastructure:

Concerns were raised with the potential lack of electrical power, and the additional demands on electricity that the proposal would create. The application was circulated to the electrical provider who did not indicate any concerns with respect to the overloading of electrical demands for the community. Staff noted that in the draft Zoning By-law, a Holding Provision has been added requiring submission of a watermain hydraulic analysis report, in order to demonstrate that the existing fire flow and anticipated water usage can support the proposed development.

Balconies:

Under the original concept plan (See Appendix “C”), the westerly side yard setback of 0.3 m. would result in balconies of the proposed building being located very close to the westerly side lot line. Due to concerns with respect to insufficient side yard and building height, the proposed balconies have been revised to be set further back from the side lot line.

Loss of View of the Dundas Peak and Escarpment:

Concerns were raised due to the loss of view of the Niagara Escarpment from the proposed building. As the original submission included a six-storey multiple dwelling, there were concerns that some residents would not be able to have a view of the Escarpment. Subsequently, the proposed building was revised and lowered to four-storeys, which will provide greater visibility of the Escarpment. It is of note that the surrounding residential lots have the “R2” Zone, where the maximum height is 10.5 m., or three-storeys. The proposed “RM3” Zone will permit a maximum height of 16.5 m., or approximately four-storeys.

Furthermore, the NEC have reviewed the revised proposal and have provided comments where they have no further concerns, that the proposed building does not significantly impact on the views to the Escarpment brow and slopes, in particular the Dundas Park to the north, and the Escarpment features to the north and west. In addition, the proposal is generally in keeping with the built form of abutting residential properties.

Landscaping:

In the original concept plan, the westerly side yard setback of 0.3 m. would result in a lack of landscaping on the side yard. As shown in the revised concept plan (See Appendix “D”), the proposed westerly side yard setback has been increased to allow for landscaping to be provided. This would be a requirement as part of the Site Plan control stage. In addition, a 1.5 m. landscaped area along the King Street West lot line, and a 2.0 m. landscaped area along Brock Street South lot line, will provide for an appropriate separation between the road allowance and the proposed building.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment be denied, the property located at 336 King Street West could be developed as a single-detached dwelling in accordance with the Residential “R2” Zone provisions, and the property located at 338 King Street West could be continue to be used as a restaurant within the existing building, in accordance with the provisions of the Residential “R2-3” Zone, Modified, of the Dundas Zoning By-law.

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

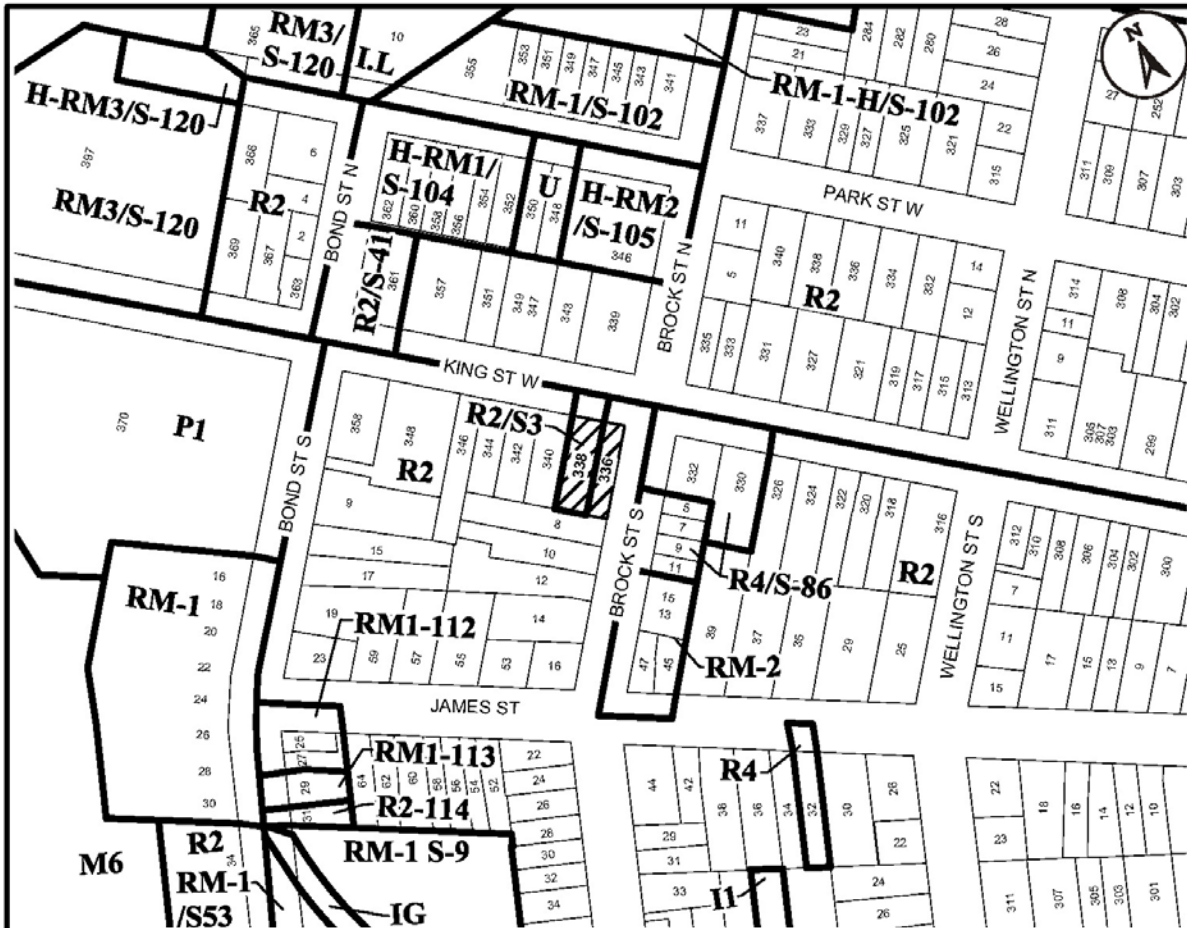
- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A”: Location Map
- Appendix “B”: Draft Zoning By-law
- Appendix “C”: Original Concept Plan
- Appendix “D”: Revised Concept Plan
- Appendix “E”: Resident Letters from November 2, 2012 Notice of Complete Application
- Appendix “F”: Resident Letters from April 23, 2013 Revised Notice of Complete Application

:TL

Attachments (6)



● Site of the Application



Ward 13 Key Map

N.T.S.

Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-12-043

Date:
November 25, 2013

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
KM/DB

Subject Property

336 & 338 King Street West



Change in Zoning from the Single Detached Residential "R2" Zone and the Single Detached Residential "R2/S-3" Zone, Modified, with a Special Exception, to the Holding-Medium to High Density Multiple Dwelling "H-RM3/S-127" Zone, Modified, with a Special Exception

Authority: Item [REDACTED]
Planning Committee
Report: 14-[REDACTED] (PED14027)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

**To Amend Zoning By-law No. 3581-86 (Dundas)
Respecting Lands Located at 336 and 338 King Street West**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as the "The Corporation of the Town of Dundas" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3581-86 (Dundas) was enacted on the 22nd day of May, 1986, and approved by the Ontario Municipal Board on the 10th day of May, 1988;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 14-[REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2014, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS in accordance with the Planning Act, R.S.O., 1990, Section 39, Council may pass By-laws authorizing the temporary use of land, buildings, or structures for any purposes that is otherwise prohibited by the Zoning By-law;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan of the City of Hamilton in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "L" (Spencer Creek), appended to and forming part of Zoning By-law No. 3581-86 (Dundas) is amended by changing the zoning from the Single Detached Residential "R2" Zone and the Single Detached Residential "R2/S-3" Zone, Modified, with a Special Exception to the Holding- Medium to High Density Multiple Dwelling "H-RM3/S-127" Zone, Modified, on the lands the extent and boundaries of which are shown on Schedule "A" which forms part of this By-law.
2. That Section 32: "EXCEPTIONS" of Zoning By-law No. 3581-86 (Dundas) is hereby further amended by adding the following Sub-section:

"H-RM3/S-127"

That notwithstanding the provisions of Section 14: Medium to High Density Multiple Dwelling Zone, the following Special Provisions shall apply to lands known municipally as 336 and 338 King Street East, shown as "RM3/S-127" on Schedule "A".

- (i) Notwithstanding Section 14.1 Permitted Uses, the following special regulation shall apply:

14.1.1 A MIXED-USE 4 STOREY APARTMENT BUILDING with two commercial units, located on the ground floor having a combined maximum floor area of 199 square metres along the King Street lot line. The commercial uses shall be limited to uses listed under Retail Trade Industries excluding any automotive and motor vehicle uses, restaurant use.

14.1.2 Uses listed under Health and Social Service Industries shall be prohibited, including medical clinics and day nurseries.

- (ii) Notwithstanding Section 14.2 Regulations for Apartment Buildings, the following special regulations shall apply:

14.2 REGULATIONS FOR APARTMENT BUILDINGS

14.2.1 AREA REQUIREMENTS

14.2.1.1 LOT AREA
Minimum 740 square metres

14.2.1.2 LOT FRONTAGE
Minimum 20 metres

14.2.2 YARD REQUIREMENTS

- 14.2.2.1 FRONT YARD
Minimum 1.5 metres
- 14.2.2.2 SIDE YARD (easterly)
Minimum 2.0 metres
- 14.2.2.2 SIDE YARD (westerly)
Minimum 1.2 metres
- 14.2.2.3 REAR YARD
Minimum 3.5 metres

- 14.2.4 DENSITY
Maximum 175 dwelling units per hectare

14.2.7 LANDSCAPING REQUIREMENTS

- 14.2.7.1 LANDSCAPED AREA
Minimum 15 percent of the site area shall be landscaped.
- 14.2.7.2 BUFFER STRIP (westerly)
Minimum 1.2 metres
- BUFFER STRIP (rear yard)
Minimum 0 metre

(iv) Notwithstanding Section 6.11 Landscape Requirements, the following special regulations shall apply:

6.11 LANDSCAPE REQUIREMENTS

- 6.11.1 LANDSCAPING ALONG STREET LINES
Minimum 2.0 metres along Brock Street
1.5 metres along King Street West

- 6.11.3 LANDSCAPING IN RESIDENTIAL FRONT YARDS
Minimum 20 percent

(e) Notwithstanding Section 7.12 Off-Street Parking and Section 7.13 Off-Street Loading Space, the following shall apply:

7.12 OFF-STREET PARKING SPACE REQUIREMENTS

7.12.1 RESIDENTIAL/COMMERCIAL USES

A total of 20 spaces shall be provided for an apartment building with two commercial units and thirteen residential units.

7.13 OFF-STREET LOADING REQUIREMENTS

0 (zero) loading spaces shall be provided instead of the required 1.

7.14 DIMENSIONS FOR THE DESIGN OF PARKING AREAS

The minimum dimensions for the provision of required parking spaces shall be 2.6 metres wide and 5.5 metres in length.

3. That the 'H' symbol may be removed at such time as the following has been satisfied:
 - a) The owner/applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.
 - b) The owner/applicant shall investigate noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environment's recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner/applicant and shall be submitted to the satisfaction of the Director of Planning.
 - c) The owner/applicant shall investigate anticipated residential water usage and fire flow through the submission of a Watermain Hydraulic Analysis Report to the satisfaction of the Senior Director of Growth Management.
4. That By-law No. 3581-86 of the Town of Dundas Zoning By-law is amended by adding this By-law to Section 32 as Schedule "S-127".

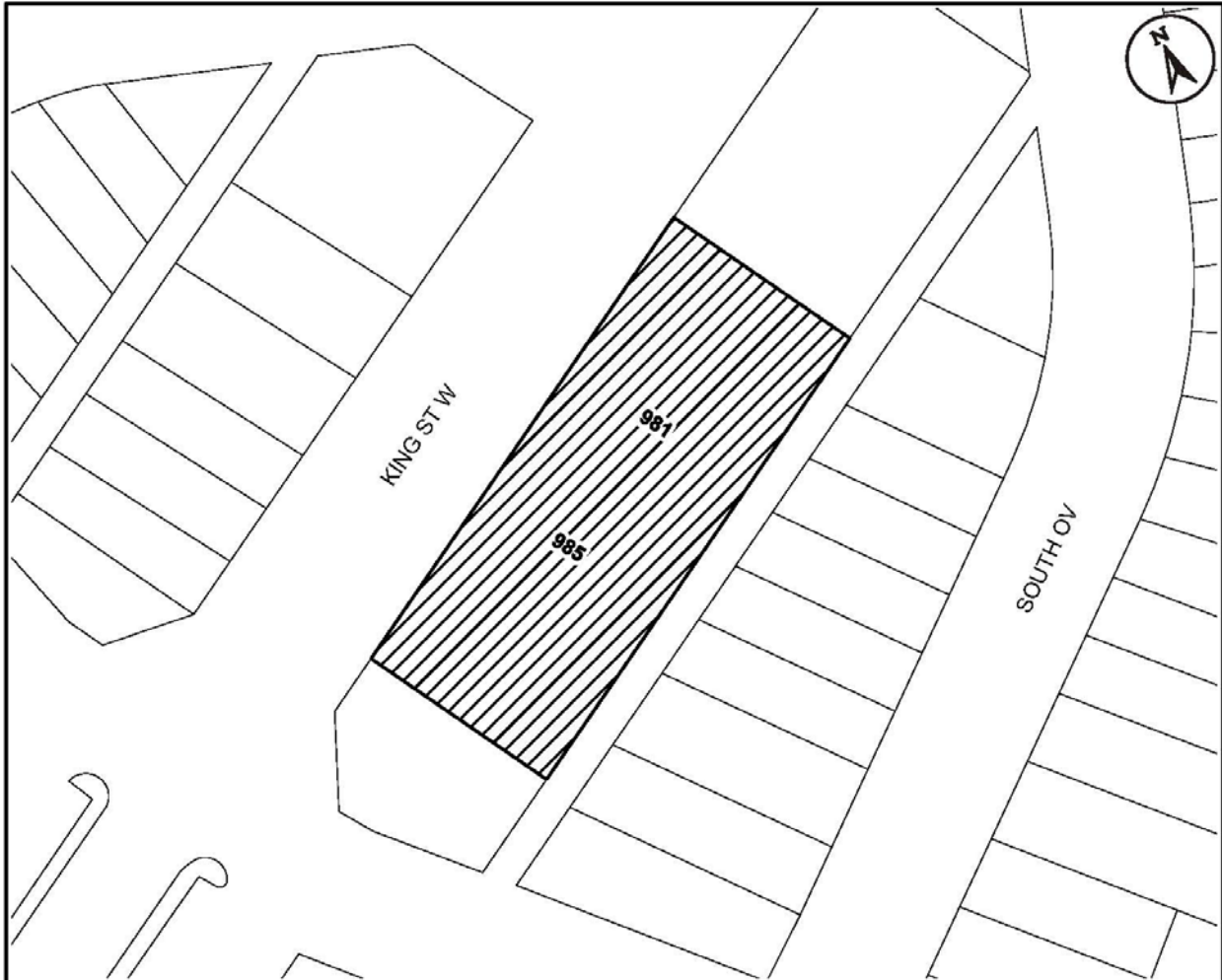
5. That Schedule "L" (Spencer Creek) of the Zoning Schedule Key Map is amended by marking the lands referred to in Section 2 of this By-law as "RM3/S-127".
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2014

R. Bratina
Mayor

R. Caterini
Clerk

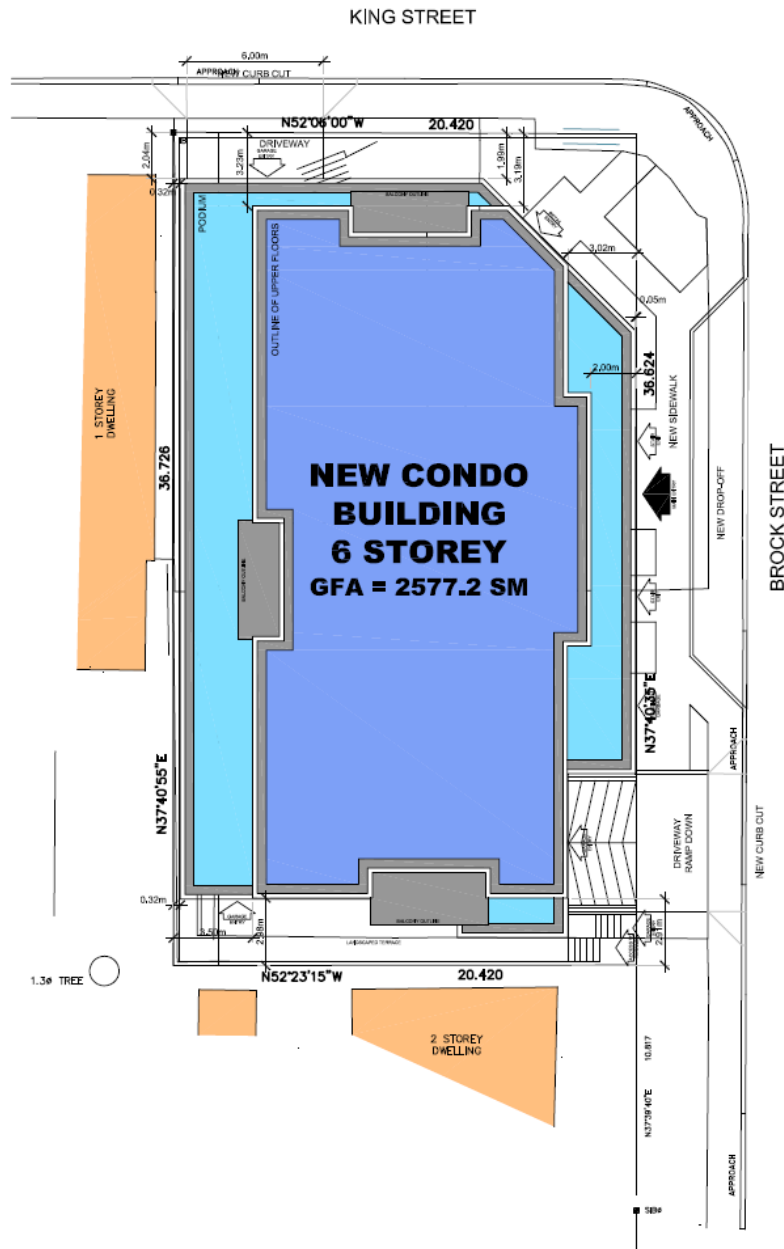
ZAC-12-043

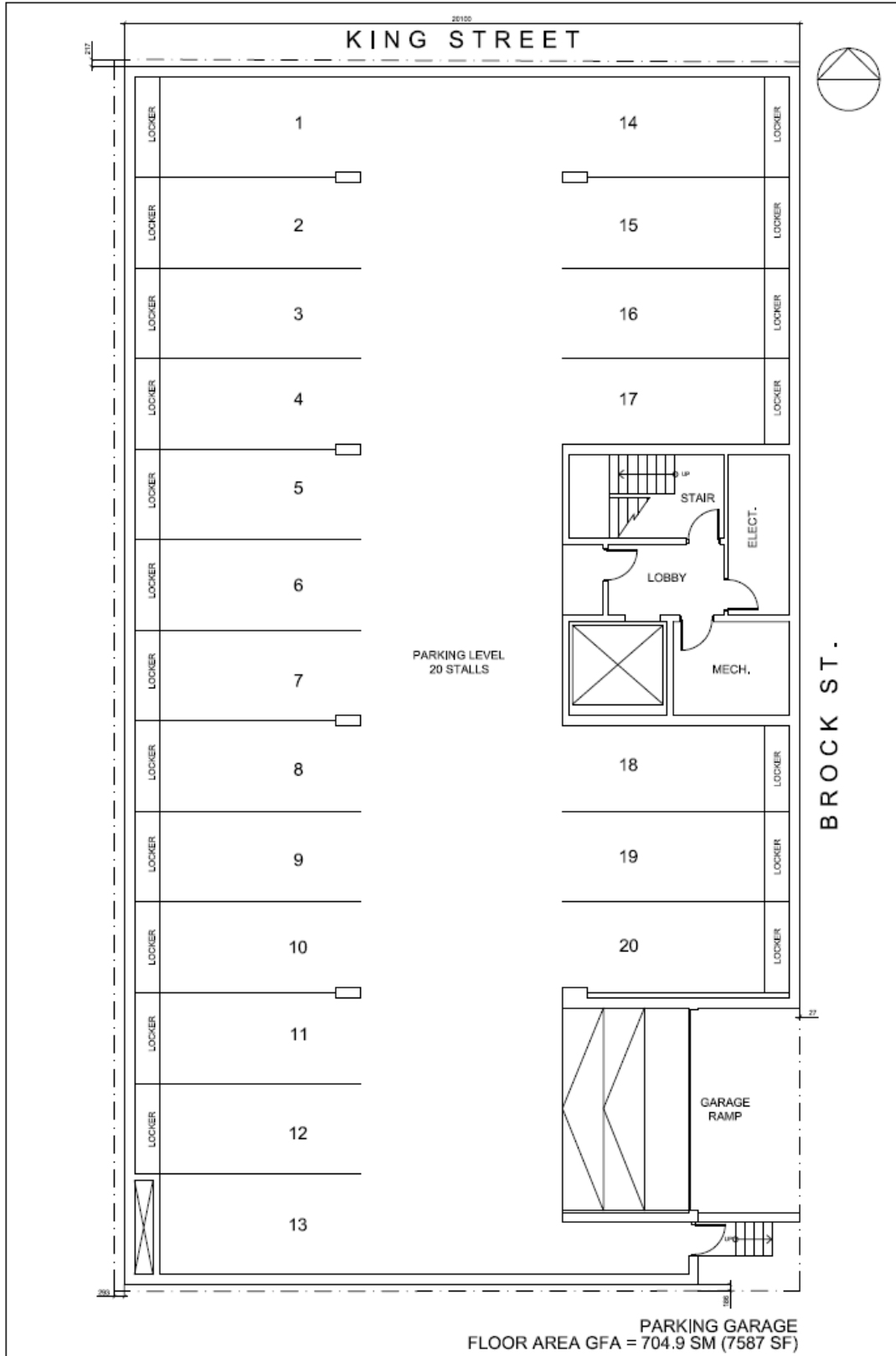


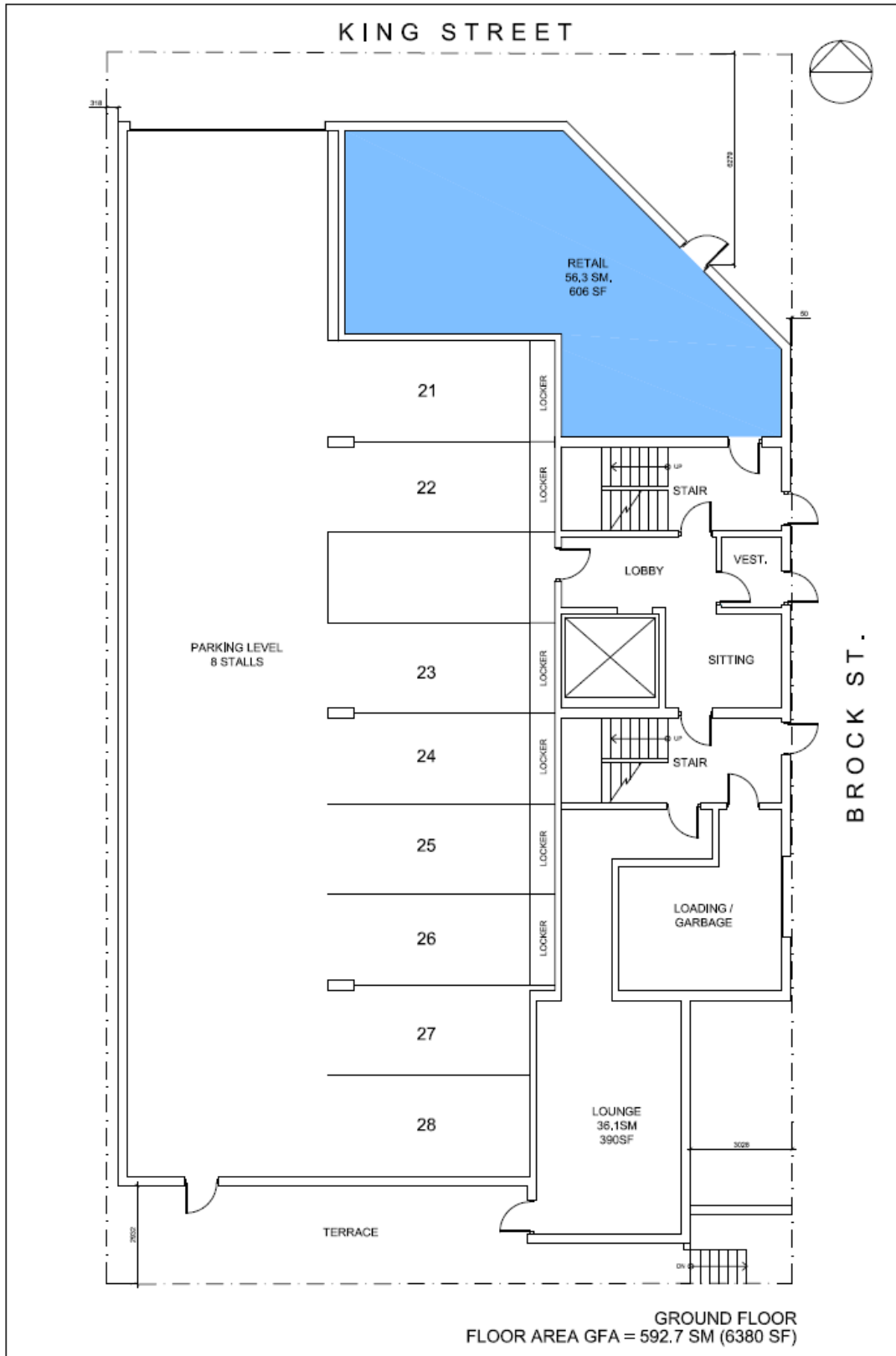
<p>This is Schedule "A" to By-law No. 14-</p> <p>Passed the day of, 2014</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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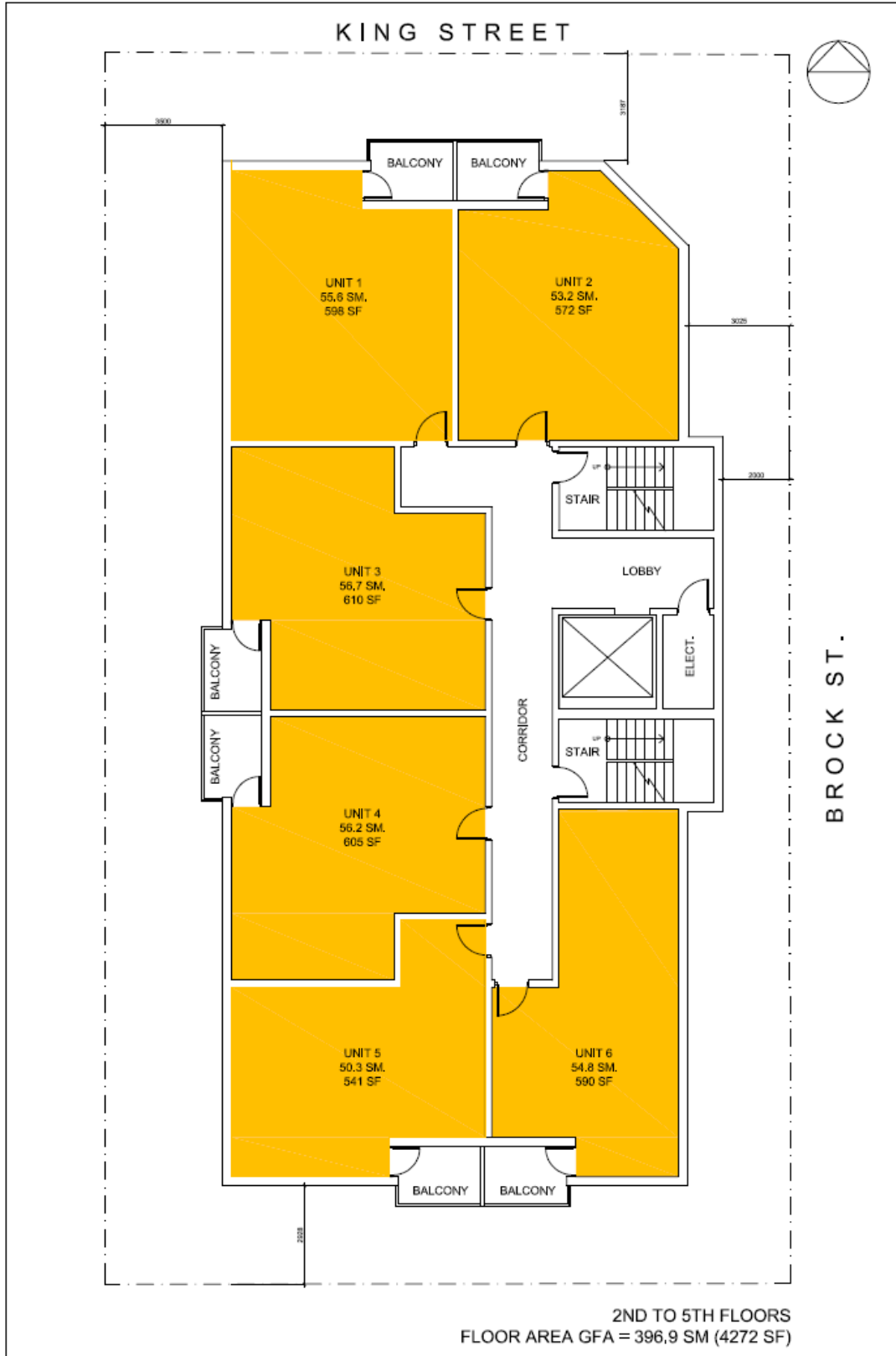
<h2 style="margin: 0;">Schedule "A"</h2> <p style="margin: 10px 0 0 0;">Map Forming Part of By-law No. 14-_____</p> <p style="margin: 10px 0 0 0;">to Amend By-law No. 6593</p>	<p>Subject Property 981 & 985 King Street West</p> <p> Change in Zoning from the "G/S-1361" (Neighbourhood Shopping Centre, etc.) District, Modified, to the "G/S-1361a" (Neighbourhood Shopping Centre, etc.) District, Modified"</p>
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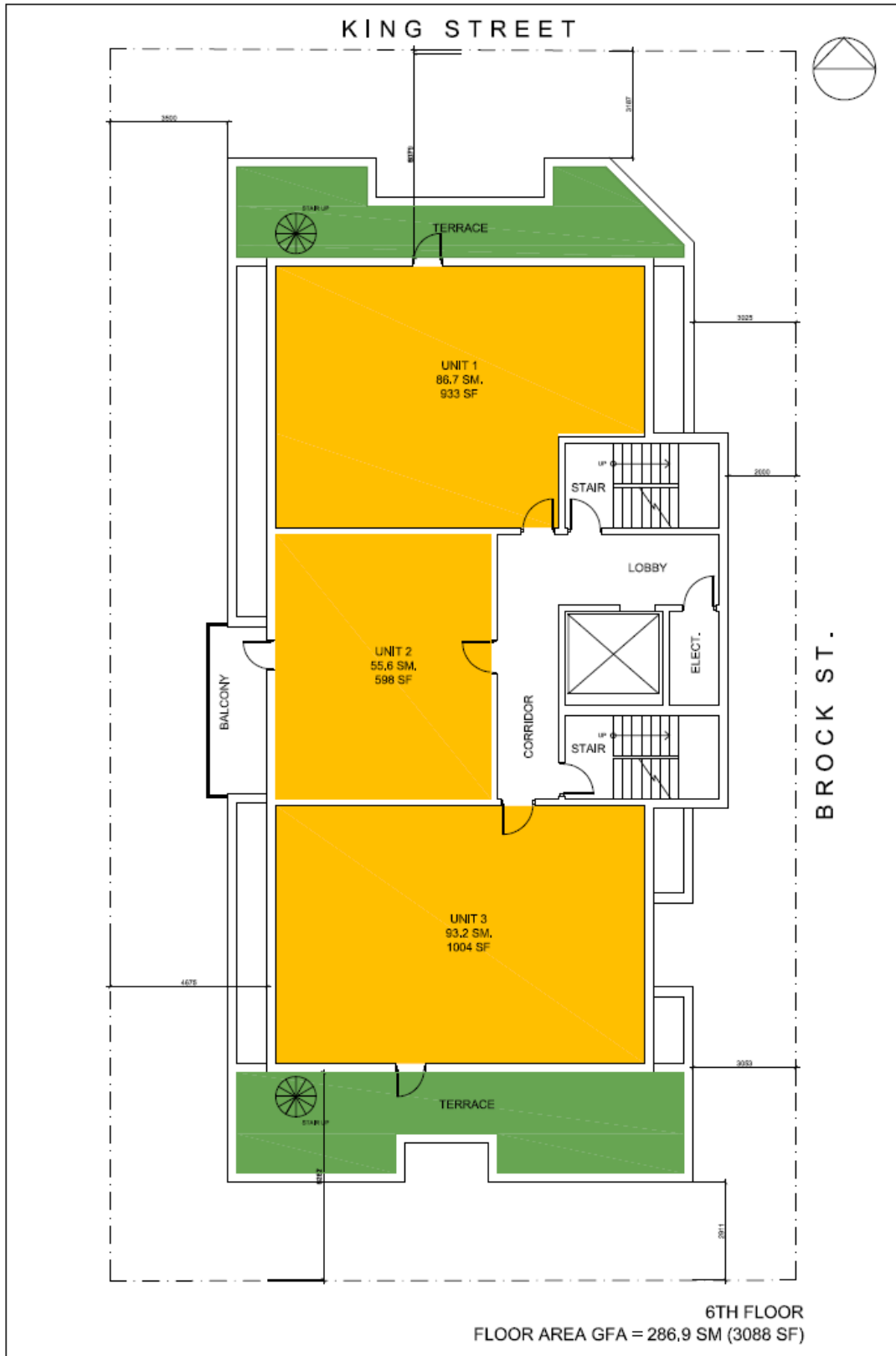
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<p>Date: Nov. 28, 2013</p>	<p>Planner/Technician: TL/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

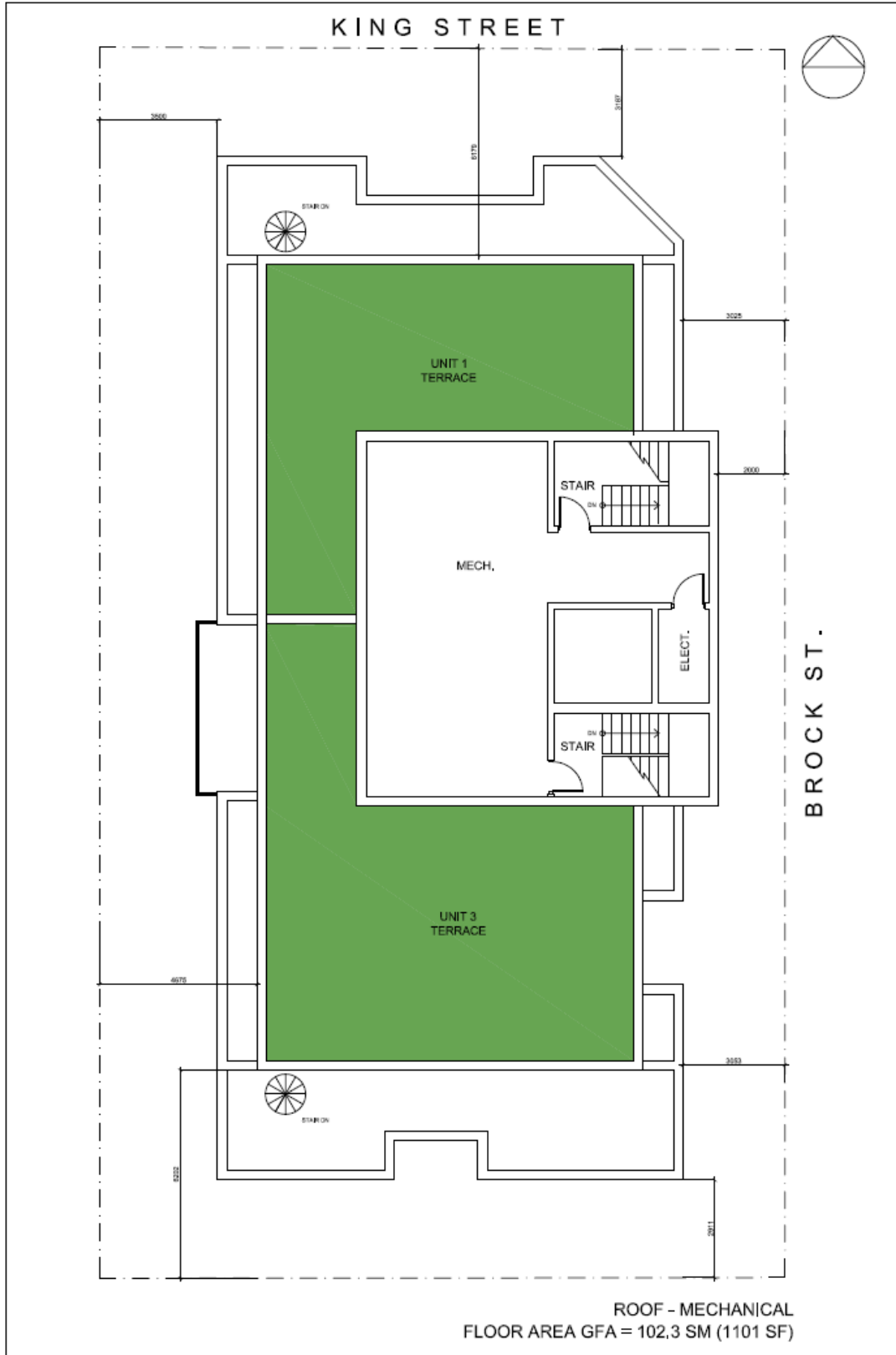










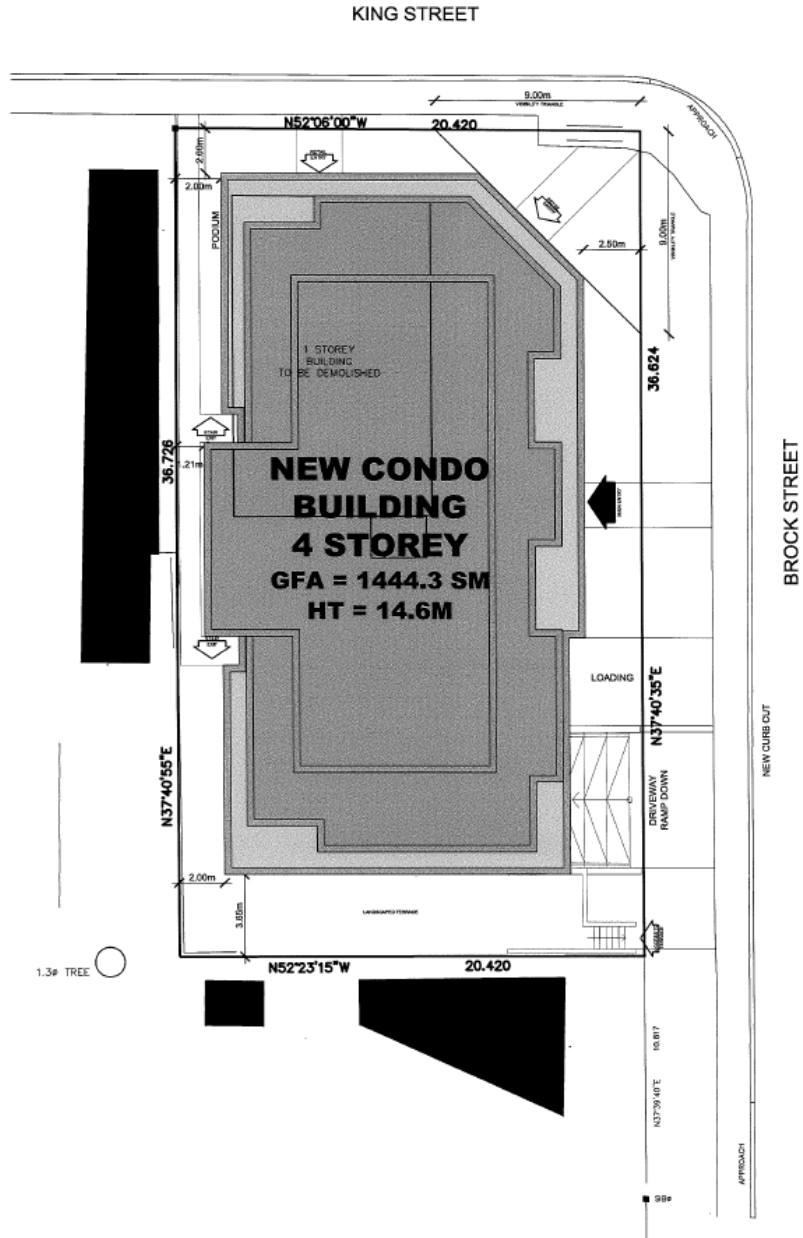






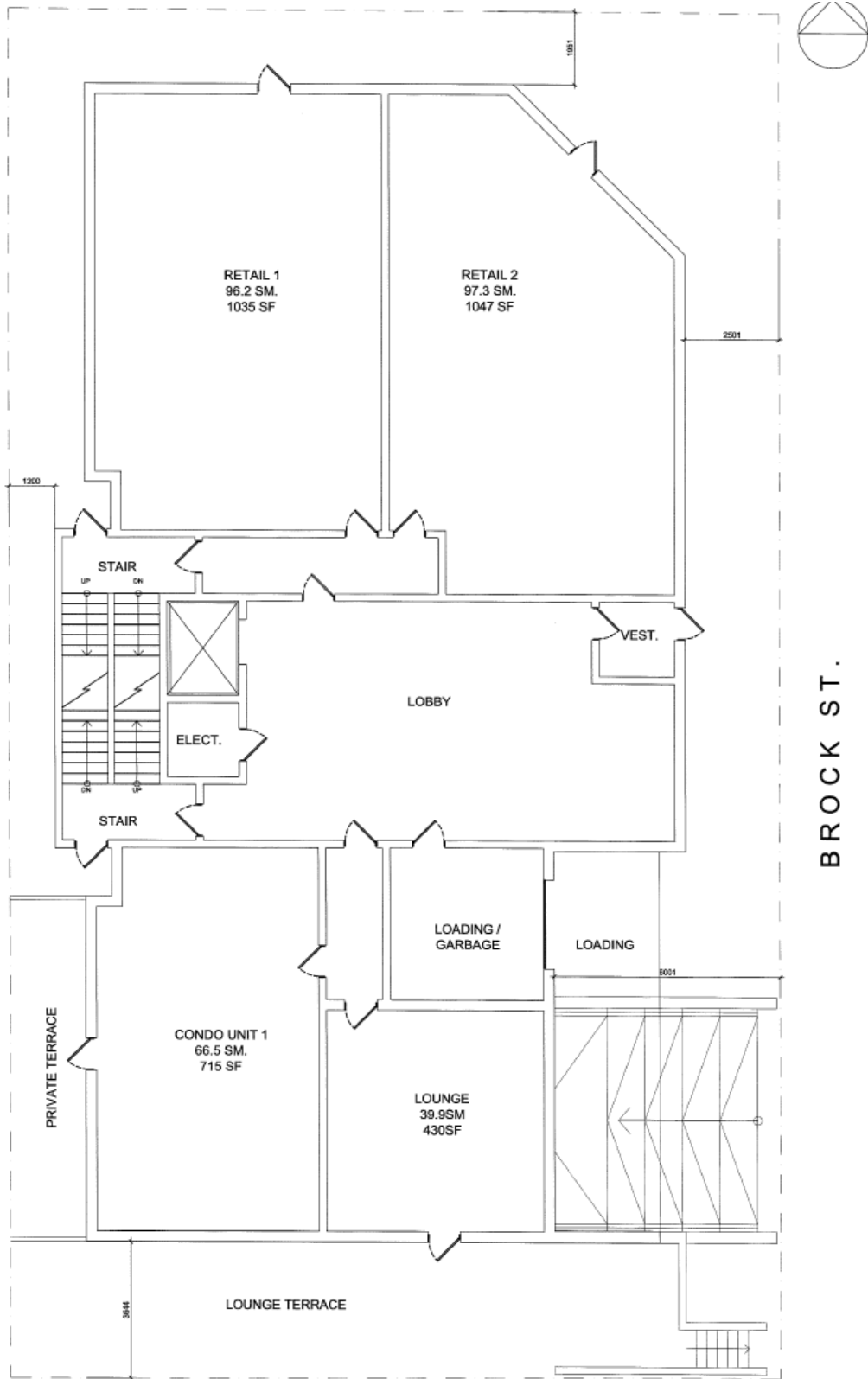




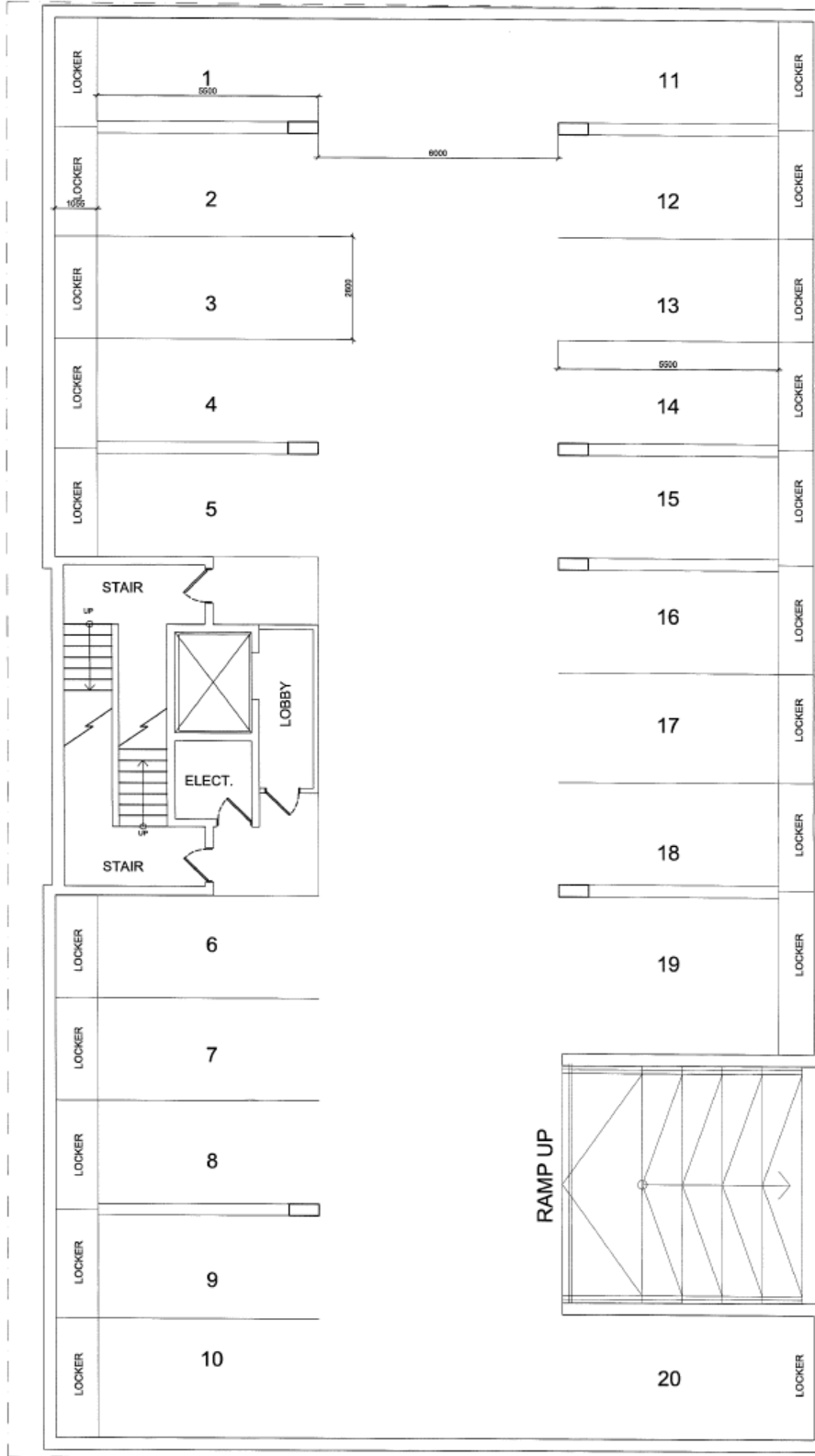


SITE STATISTICS
 SITE AREA = 748.88 SM
 TOTAL BUILDING GFA = 1444.3 SM
 FLOOR AREA RATIO = 1.92
 NORTH SETBACK = 2.0M
 WEST SETBACK = 2.0M
 EAST SETBACK = 2.5M
 SOUTH SETBACK = 3.65M
 TOTAL BUILDING HEIGHT = 14.6M
 TOTAL UNIT COUNT RESIDENTIAL = 13
 TOTAL UNIT COUNT COMMERCIAL = 2
 TOTAL UNIT COUNT BUILDING = 15
 TOTAL PARKING SPACES = 20
 RATIO - PARKING/UNITS = 1.33

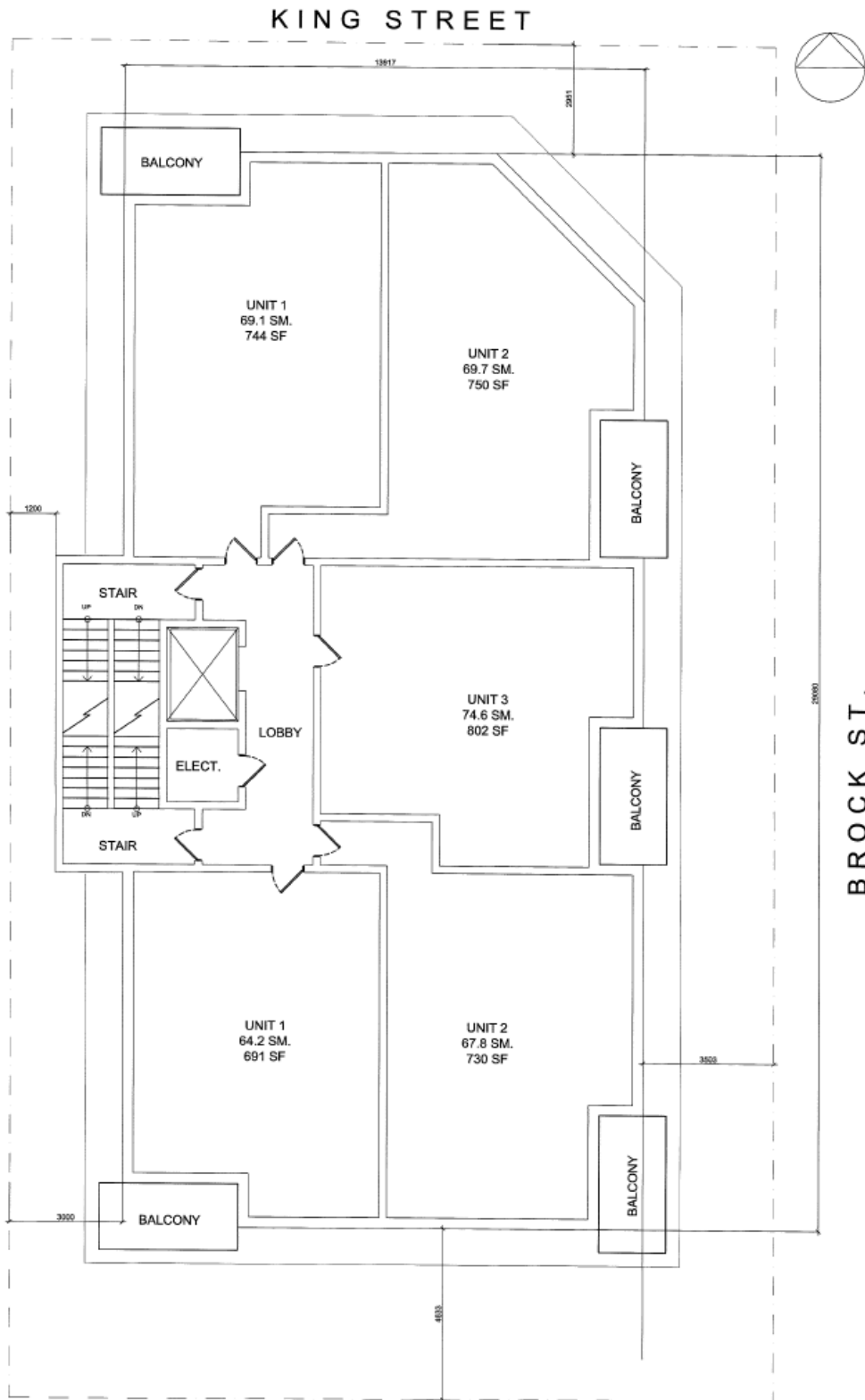
SITE PLAN



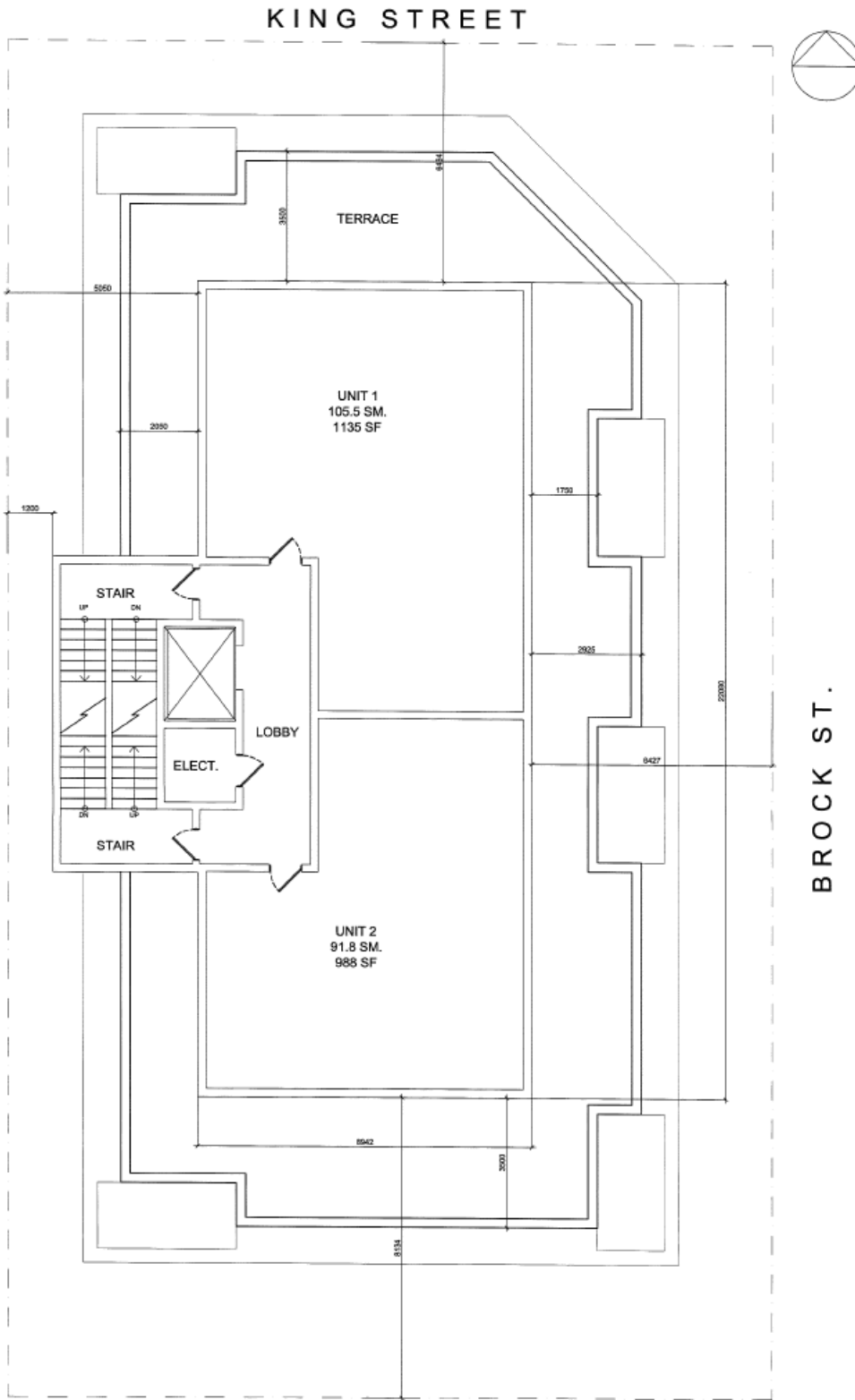
GROUND FLOOR
FLOOR AREA GFA = 446.7 SM (4808 SF)



PARKING GARAGE
 FLOOR AREA GFA = 670.6 SM (7218 SF)



2ND & 3RD FLOORS
FLOOR AREA GFA = 386.6 SM (4227 SF)



4TH FLOOR
FLOOR AREA GFA = 224.4 SM (2415 SF)



EAST ELEVATION - BROCK STREET



KINGSVIEW CONDOMINIUMS
CORNER OF KING AND BROCK STREETS
DATE :13-02-20

SCHEMATIC DESIGN SET

SCALE = 1/100

A5



NORTH ELEVATION - KING STREET





WEST ELEVATION





SOUTH ELEVATION



November 5 2012

Kate Mihaljevic

City of Hamilton

Planning and Economic Development Department

71 Main Street West

5th Floor

Hamilton Ontario L8P 4Y5

Re File #OPA-12-017/ZAC-12-043

We live at 36 James Street Dundas, this proposed 6 story building, we do not want built.

Parking – most households have at least 2 cars, sometimes 3 per family. The proposal states there will be 28 parking spots within the building. Where are the other 28-40 other cars parking?

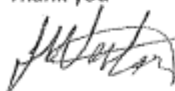
Water – before we became amalgamated our street was set to have new water mains put in, the test holes were completed the new pipes were on our road, then amalgamation came and the new pipes were taken away due to there was now no money to do this. Our water pressure is not good, so with 28 more families on our existing water lines, we will probably have no water pressure.

View – we enjoy our view of the escarpment, this 6 story building will take that away from us.

Construction – no one wants construction, nothing more needs to be said regarding this.

Please keep us informed as we do not want this building.

Thank you



John Westoby

36 James Street

Dundas Ontario L9H 2J6

Cc by e-mail Councillor Powers



Kim Westoby

36 James Street

Dundas Ontario L9H 2J6

Mihaljevic, Kate

From: S & S Jenvey
Sent: Thursday, November 08, 2012 12:19 PM
To: Mihaljevic, Kate
Cc: Powers, Russ; Brad.Clarke@hamilton.ca
Subject: Re: Application to amend official plan for 336 & 338 King St. West in Dundas

Here we go again.

Only a month after a similar proposal was unanimously defeated for a proposal at 24 Brock, a similar one appears.

Here are our concerns.

1. **First and foremost**, council and city planning must sit down together and get clear what development is acceptable and what is not. The city's planning department advised acceptance of the 24 Brock proposal **with no changes to the proposed plan**. City council unanimously turned this proposal down. I do not accept the planning department's rationale that this development, with its 10 requested variances, met general planning principles. Please, get together and work with the whole concept of what is "acceptable" development for specific neighbourhoods. A six story building anywhere along the west end of Dundas represents hodgepodge planning, **given the reality of what presently exists!**

2. I understand that the proposal for 336 and 338 King St. has attached to it 13 variances. This issue of pushing for variances was dealt with when council voted unanimously against the 24 Brock proposal. This many variances is an affront to an established town plan and further, a waste of council's time.

3. The principle of appropriate "transition" will be violated by this proposal. The home next door is but one story. The neighbourhood is comprised of 2-3 story homes. A six story building here, like 24 Brock, will be a harsh visual exclamation in a neighbourhood of single family dwellings.

Stephen and Sandra Jenvey
333 King St. W
Dundas

S & S Jenvey

Mihaljevic, Kate

From: Jane Lowry
Sent: Tuesday, November 06, 2012 12:03 PM
To: Mihaljevic, Kate
Subject: FW: 336 & 338 King St. W. Dundas

Hello Kate

Yesterday I received the notice regarding the proposed development of the above property. This appears to be gross over intensification on this small piece of property. The notice did not state what zoning changes or variances were being requested. Would you please provide in detail what these are. What is the size of the property? How many apartments? What is the height of the building in meters? There is a lot of pertinent information that is missing on this notification.

Dundas has been intensively developed in the past few years. I know that the Government of Ontario has guidelines regarding percentages that communities are to meet regarding intensification. Would you please provide the Ontario Intensification Guidelines for Dundas and where Dundas presently is in meeting them.

Thank you

Jane Lowry

Mihaljevic, Kate

From: Jane Lowry
Sent: Wednesday, November 21, 2012 2:59 PM
To: Clark, Brad; Mihaljevic, Kate; Powers, Russ
Subject: 336 & 338 King St. W. Dundas
November 21, 2012

Hello Councillor Clark, Councillor Powers and Kate

I am writing to express my opposition to the proposed 6 storey, 27 unit apartment building at 336 & 338 King St. W., Dundas.

My opposition is based on:

- Over intensification – including rezoning to RM3 plus 13 variances
- Over shadowing
- Lack of privacy
- Parking
- Traffic
- Lack of Infrastructure
- Does not conform to character of the community
- Lack of transition

I am also concerned about the faith that the city planning department puts into the planning justification report. Just a few of the statements and assumptions that must have their validity questioned and errors are listed below.

Page 4. "This section of King Street is characterised by lower density residential dwelling, many of which have been converted to Commercial and Office use." On this section of King St. there are three businesses on the opposite side of the street that were former residential properties. Since when does three become MANY?

Page 4. "The property immediately to the west is a one storey dwelling which is utilized as a residential and office (massage therapist.)" This is wrong. This property is home to a 70 + year old couple and their adult son. There is no business running out of this house.

Page 4. "Further east along King St., both sides are again characterised with two and two and a half storey dwelling some of which remain single family units while others have been converted into multiple apartments and Mixed Use buildings. Why were one storey homes over looked in this description? The closest Mixed Use building is a convenience store two blocks east at the corner of King and Peel.

Page 6. "There are also some low-scale apartment blocks within the vicinity." I have lived in this neighbourhood for 10 years and have not seen any of this type of housing in the vicinity. Please ask Mr. Ariens where should I be looking?

This Planning Justification Report implies that the surrounding area will be redeveloped. This area is filled with peoples' homes. Many have lived here for over 25 years. This is their neighbourhood of choice. How can John Ariens, IBI Group, make assumptions that these homes are ripe for redevelopment?

The planning report on available parking is a joke. It used an area that spread out over two blocks in all directions and came up with 268 available parking spaces. What about James and Bond St.? This is Dundas!!!! We did not choose to live here to have to walk over two blocks to get to our homes.

The building's parking entrance onto King St. is an accident waiting to happen. Heavy daily traffic and a bus stop at the entrance presents an unsafe situation. Accidents will happen. How many people have to be injured to realize that this development is an "OOPS"?

I hope that this proposal can be put to rest before countless time and money is spent.....and eliminate the anxiety felt by neighbours that their quality of life will be threatened.

Respectfully yours

Jane Lowry
351 Park St. W.
Dundas, Ontario
L9H 1Z3
☺

Mihaljevic, Kate

From: Andrea |
Sent: Wednesday, November 07, 2012 12:17 PM
To: Mihaljevic, Kate
Cc: Partridge, Judi; Clark, Brad; Powers, Russ
Subject: 336 & 338 King Street West, Dundas, ON Application FILE no. OPA-12-017/ZAC-12-043
RE: Application to amend the Official Plan and Zoning By-law at 336 & 338 King Street West, Dundas, ON

Tuesday, I received this rather vague application in regards to the above-mentioned properties. After a telephone call (for additional information) to Ms. Mihaljevic, I received this additional pertinent information:

1. These properties are currently zoned R2 (residential). The applicant wants to have the zoning changed to RM3 medium to high density so he can build a 6 storey condo.
2. There are 13 variances requested – mainly to increase the size of the proposed building on the lot in order to maximize it's size.
3. The proposal is for a 6 storey, 27 unit condo with commercial space on the first floor.
4. The proposal has 28 parking spaces.

I would like to state that I disagree completely with any of the proposals in this application for the following reasons:

1. It is too big and does not fit into the surrounding neighbourhood of 1 and 2 storey homes. The home next door is a 1 storey cottage/house and based on the schematic provided, the condo wall will be 0.32 m from the house. Furthermore, I do not feel that the District school conversion should be a consideration when deciding that this condo would "fit" into the neighbourhood. The school is an 80 year old building that will be maintaining it's original "foot print" when completed – NOT a new condo development.
2. There is no transition. The home next door is 1 storey and the house located behind the proposal is a 2 storey structure.
3. There are not enough parking spaces for the proposed number of units. Many people in this area of King Street West must use street parking. Also, what parking consideration is given to customers/staff accessing the commercial space on the first floor?
4. I am concerned with the ability of the existing infrastructure (eg. electrical, water, etc.) to handle the increased needs of this development especially after the school conversion is complete. Currently, I find that my area of Dundas experiences higher than normal power outages and the water pressure is lower than other people enjoy.

5. The Ontario government intensification policy (I have been told by the planning department that these are not guidelines but actual rules that must be followed when making planning decisions) asks each community to intensify by 4%. My understanding is that Dundas has already surpassed this policy (I think it stands at increased 4.2% intensification). Therefore, I also oppose this development because Dundas has more than met it's intensification obligation.

As a comment, I find it concerning that the city planning department representative has not yet viewed this property. My expectation is that when an application such as this is submitted for review by the city, that the planning staff member assigned to the project would be afforded the opportunity to actually go to the property and do a visual inspection.

Sincerely,

(Mrs.) Andrea Dalrymple
334 Park Street West,
Dundas, ON
L9H 1Z2

Mihaljevic, Kate

From: Andrea
Sent: Wednesday, November 14, 2012 2:12 PM
To: Mihaljevic, Kate
Cc: Clark, Brad; Powers, Russ; Partridge, Judi
Subject: RE: 336 and 338 King Street West proposal OPA-12-017/ZAC-12-043

Dear Kate;

I would like to add a further comment regarding the above proposal after the fire at 10 Bond Street North last night. The fire fighters had trouble fighting the Bond Street fire due to low water pressure. They had to close King Street West to set additional lines and had to truck in water. Due to the building abutting the escarpment, it must have made it a more difficult fire to contain. Fortunately the 24 Brock Street property allowed access to the site and a ladder truck was positioned on that property to allow hosing from above. I would hate to think about what would have happened had the 6 storey condo been there.

I do not feel the infrastructure in our area of Dundas can support any additional hi-rise developments.

Sincerely,

Andrea Dalrymple

Mihaljevic, Kate

From: Andree
Sent: Friday, November 16, 2012 11:39 AM
To: Mihaljevic, Kate
Cc: Clark, Brad; Powers, Russ; Partridge, Judi; John, Edward; Robichaud, Steve; Mallard, Paul; McCabe, Tim; Sergi, Tony; Norman, Gavin
Subject: Re: 336 and 338 King Street West proposal OPA-12-017/ZAC-12-043

Thanks for your concern Kate. Our house wasn't directly affected, however, it was certainly disconcerting to find that the water pressure was so low that the lines collapsed. What if it had been our house or a neighbours house and lives were at risk. Thankfully, the wind was not blowing the night of the fire and the fire fighters did a fabulous job!

Have you had an opportunity to find the answer to the question I asked in my original e-mail; namely, in the Ontario "Places to Grow" document, what was the intensification guideline? I thought it was 4% growth/per area. I believe Mr. Powers told HEARD that Dundas was already at 4.2% when in discussion about the 24 Brock Street development.

Thanks

Andrea Dalrymple

From: Mihaljevic, Kate
Sent: Friday, November 16, 2012 10:43 AM
To: Andrea
Cc: Clark, Brad ; Powers, Russ ; Partridge, Judi ; John, Edward ; Robichaud, Steve ; Mallard, Paul ; McCabe, Tim ; Sergi, Tony ; Norman, Gavin
Subject: RE: 336 and 338 King Street West proposal OPA-12-017/ZAC-12-043

Hi Andrea,

Thank you for these additional comments. I will include them with your previous ones when I conduct my review.

I hope that you were not negatively impacted by the fire, and I look forward to our continued dialogue on this application.

Sincerely,

Kate Mihaljevic, BES, MCIP, RPP
Planner II - Development Planning, Heritage and Design Section (West)
Planning and Economic Development Department
City of Hamilton
71 Main Street West, 5th Floor
Hamilton, ON L8P 4Y5
Tel: (905) 546-2424 Ext.4424
Fax: (905) 546-4202
E-mail: kate.mihaljevic@hamilton.ca
Web site: www.hamilton.ca

Mihaljevic, Kate

From:

Sent: Saturday, November 10, 2012 8:24 PM

To: Mihaljevic, Kate

Subject: Amendments to Plan and Zoning 336 and 338 King St W Dundas

To Mr. Edward John and Ms. Kate Mihaljevic

We are informing you of our objection to the change in plan and zoning regarding 336 and 338 King St. W. In Dundas- FILE # OPA-12-017/ZAC-12-043

We have many concerns regarding the proposed structure.

1. Height- 6 stories is inconsistent with surrounding housing. There are no buildings higher than 3 stories in a radius of several blocks.
2. Density- this area also does not contain multi-family dwellings.
3. Parking- although the former site was a restaurant, the parking lot was sufficient for that use with some spaces taken from the street. This building, with its large footprint, would potentially take up a number of spaces on the street.
4. View- we treasure our view of the Escarpment in all its seasons.
5. The Brock and Melville proposed building- it is clear from the objections of our neighbours to that structure that this type of housing is not welcomed in this neighbourhood.

We have no objection to the development of a low rise building of 3 stories or less. We are discouraged that this is the second such development to be proposed in a neighbourhood composed of low density housing. Is it too much to ask that the character of the neighbourhood be preserved?

Thanks for the opportunity to present our concerns.

Bill and Susan Nelan
13 Brock St. S.
Dundas, ON
L9H3G5

Mihaljevic, Kate

From: Marion Kinsella
Sent: Tuesday, November 13, 2012 7:17 PM
To: Mihaljevic, Kate
Subject: 336 & 338 King St. West, Dundas

Dear Kate Mihaljevic and those who make decisions,
I am writing to tell you that I am in oppositon to the proposed development of 336 Brock St. South!!

I live across the street from 336 King St. West on Brock St. and I feel the new building would be quite a change to the well-established character and style of our neighbourhood. Dundas is a community with a uniqueness and history. The sort of building proposed may be better suited in the suburbs of Dundas not on the main street.

I question sticking a 6 story building in our neighbourhood setting of houses. I also wonder why this location was chosen since building a six storey here would infringe on and take away the beauty for people to behold... which is a blessing to count right in our backyards. (ie. the escarpment).

I live across the street from the parking lot at 336 King. I foresee greater traffic to our area. I have a 2 year old and an 8 year old and I am concerned about **road safety**. And, being a paranoid mom, I am concerned about **stranger safety** with my children being exposed to far more people across from my place. Condos most likely will not be full of families and children which I would prefer as neighbours in my community. Plus, I think, the plan is a drop off area right across from our driveway. This could result in people turning around in our driveway to get back to King St. again and pose higher risk for my children playing outside.

I have another concern. I am a light sleeper. At the moment, any car door that closes outside my window once I am asleep wakes me up. The other night two young men were on my side yard talking at 3:30 am and I woke to the sound of their voices. I looked out the window to see them there. I feel it will be a greater inconvenience to have a complex across the road where people will be coming and going at all hours. If there is underground parking, I do not know if it is to be a loud door that opens each time or a silent entranceway.

In addition, our neighbourhood will need to endure all the pains of the development over the months of development.

I am not normally one to write to the City, but I know that there are a lot of neighbours in our area talking about the development that is proposed and not one of them is in favour. I wanted to say my little part to let you know there will be a sadness if a movement allows this to proceed. There will also be a fear of what other buildings will be allowed to be developed. I am very thankful that the City listened to us about 24 Brock St.

I thank you for your time and your ear!!
Have a great day,

Marion Kinsella
5 Brock St. South
Dundas, On
L9H 3G5

Re: Notice of Complete Applications and Preliminary
Circulation to amend the Official Plan and Zoning
By-law at 336 & 338 King Street West, Dundas

Kate Mihaljevic, City of Hamilton
Planning and Economic Development Department
Planning Division - Development Planning - West Section
71 Main Street West, 5th Floor, Hamilton, Ontario, L8P 4Y5.
Fax: 905-546-4202 - E-Mail: Kate.Mihaljevic@hamilton.ca

File No.:

OPA-12-017/ZAC-12-043. NOV 12/2012

I don't agree with the rezoning of the
property @ 336-338 King St W. Dundas.
I don't think this is the place for a
① six story condo building. It does not
suite this area of our town.

Verica M Walker Reay Apt.
340 King St W Dundas

I agree with the above letter
① concerning the proposed plan for
the above lots.

John Wood
340 King St W.
Dundas
L9H 1W7
(front apt.)

Thankyou. I would like any information
as to what happen w this meeting V.M.W

Mihaljevic, Kate

From: Steveonomad [mailto:steveonomad@rogers.com]
Sent: Thursday, November 15, 2012 6:34 PM
To: Clark, Brad; Mihaljevic, Kate; Powers, Russ; HEARD; Verhaeghe, Connie
Subject: Tammy's site redevelopment

I am strongly opposed to development of the Tammy's property for the following reasons;

This proposal is over intensification of a very small piece of property.

This property is presently zoned for residential and the developer is requesting six storeys with 27 units, first floor commercial, plus 13 variances.

This development does not conform to the character of the neighbourhood and runs contrary to the Town of Dundas Official Plan.

This development will overshadow homes in the neighbourhood and the balconies will reduce the privacy of neighbouring home owners.

Many homes in the area do not have driveways and rely on street parking. These parking spaces will be used by residents and visitors as parking spaces are limited and visitor parking non-existent.

Stephen D Cooke
26 James Street
Dundas

Mihaljevic, Kate

From:
Sent: Thursday, November 15, 2012 7:09 PM
Cc: Heard
Subject: 336 and 338 king street west Dundas

Please come and visit our neighbourhood. Walk our streets, watch the children play, stop and enjoy the street hockey games, enjoy our views, join in with the neighbours chatting and just spend some time. Get a feel of what we are about.

Please come and picture how your decisions could affect so many people. Janet Casey

Mihaljevic, Kate

From: John Hazaras [j]
Sent: Thursday, November 15, 2012 8:23 PM
To: Mihaljevic, Kate; Powers, Russ; Clark, Brad
Subject: development of Tammy's Place 336 & 338 King St. W. Dundas

From: John hazaras
228 Weirs lane, Dundas, Ontario
To: Russ Power Dundas councillor
CC: Brad Clark Chair City planning committee
Kate Mihaljevic City planning dept.

Re: re-zoning and development of Tammy's Place 336 & 338 King St. W. Dundas

I am very concerned with the application for the development of this address into six a storey, 27 unit apartment building.

If the zoning changes and variances are approved this development will have many bad points that will affect the lives of many residents in and around this proposed apartment building.

Many homeowners who currently park on the street will now have to compete with new renters and their visitors for parking spaces.

A 6 story building will be totally out of character for the local neighborhood and will look out of place. As well the height of this building and balconies will over-shadow many homes and many homeowners will feel like they are being spied on from on-lookers from above.

This development is a bad idea and should not proceed for the sake of keeping Dundas looking like a small town and not over developing the older homes in large homes or apartment buildings.

Please turn down any zoning applications and or variances to build a 6 story building in a low rise neighborhood.

Sincerely

John Hazaras (local Dundas resident)

Mihaljevic, Kate

From: Jim Blinkhorn [j]
Sent: Thursday, November 15, 2012 8:43 PM
To: Powers, Russ; Mihaljevic, Kate; Clark, Brad
Cc: Heard
Subject: My Opposition to the Application to Build at 336 & 338 King St W. Dundas

Ms. Mihaljevic, Mr. Clark & Mr. Powers,

It has been brought to my attention that there is a proposed application to build a six storey, 27 Unit apartment building at what is known as Tammy's Place in Dundas.

As a long time taxpayer and resident of Dundas and a former teacher at Parkside High School and Highland Secondary School, I greatly oppose this application. This proposed monstrosity on a postage stamp size lot will not only demean the existing residential landscape but also over-populate an existing neighborhood. The convolution and the lower quality of life for the existing residents that would be caused by this building are immeasurable. Some points in this regard are listed below.

To say that this application is unreasonable for the town of Dundas and the citizens in the surrounding neighborhood is clearly demonstrated by the request for thirteen variances, (exceptions to regulations).

I oppose the proposed application to build a six storey, 27 Unit apartment building at what is known as Tammy's Place in Dundas. for the following reasons:

This proposal is an over intensification of a very small piece of property.

This property is presently zoned for residential and the developer is requesting six storeys with 27 units, first floor

commercial, plus 13 variances.

This proposed application does not conform to the character of the neighborhood and runs contrary to the Town of Dundas Official Plan.

This proposal will overshadow homes in the neighborhood and the balconies will reduce the privacy of neighboring home owners.

Many homes in the area do not have driveways and rely on street parking. These parking spaces will be used by residents and visitors as parking spaces are limited and visitor parking non-existent.

Please consider the damage that an apartment building on the Tammy Place lots would have on the character of the neighborhood and the derogatory effect it would have on citizens of Dundas. This is not to mention the need for such a monstrosity in an already overly stressed Dundas neighborhood.

Sincerely,

*Jim Blinkhorn
73 Larraine Avenue
Dundas, ON
L9H6E5*

Mihaljevic, Kate

From: louis nagy

Sent: Friday, November 16, 2012 8:05 AM

To: Mihaljevic, Kate

Cc: Jane Lowry

Good morning Ms. Mihaljevic

reference file # OPA-12-017/ZAC-12-043

Plan to amend the zoning by law at 336 - 338 King Street West , Dundas

My name is Louis Nagy and I live at 5 Brock Street North. I am very much against the proposed plan to amend the zoning and official plan for the property in question. First of all the idea of placing a six storey monstrosity in the middle of a old residential area is ridiculous. Once again someone is focusing on changing all the rules so they can maximize profit with no regards to the integrity of the area or the concerns of the local residents. Is this going to be an annual event in east Dundas that some other developer wants to change all the rules and attempt to ruin the community? Is there no one on council to stop this nonsense before it continues to take up time of the local residents? There are no buildings within eye sight of this lot that are more then two stories high and yet we are considering SIX.

Once again we have the issues of traffic, parking, noise, safety, congestion, pollution, and aesthetics. The local area is home to many older buildings and homes that make up the character of Dundas. This is also in a location that thousands of visitors enter our town. They are to now be met by this proposed behemoth towering over the landscape around it. Not to mention the houses directly adjacent to the building that would be dwarfed.

It is ridiculous that this is even being considered. When is the message going to be sent form city hall that the character of Dundas is not for sale? Are the by laws and zoning regulations so weak in our city that they can be continuously challenged and altered? Why are they there in the first place? Are they not put there to PROTECT the local residents. Apparently as many as 13 variances are being requested. This echoes the same nonsense that a previous developer was trying to attain and council wisely voted it down; unanimously. Clearly in this instance council had the wisdom to see what was at stake. For the sake of our future community and town I hope they see this as yet another attempt to maximize profit with no regards to the rules that are in place nor to the community surrounding this venture.

I wish to be informed of all developments regarding this issue.

Thank you for your time

Lou, Val, Ainsley, Elise Nagy

Mihaljevic, Kate

From: Sandre
Sent: Friday, November 16, 2012 9:11 AM
To: Mihaljevic, Kate; Clark, Brad; Powers, Russ
Cc: heard.dundas@cogeco.ca
Subject: Tammy's Place Buidling Aplication

To all,

This application (like other recent ones in this area) is ridiculous and smacks of complete disregard for our bylaws. I can understand applying for a zone change. But to apply for a zone change *with* variances means these developers are simply thumbing their noses at our due process. Don't allow this or otherwise there is no point in having a planning committee.

Regards,

Dr. Sandra Fazakas

Mihaljevic, Kate

From: kimberly arsenault [mailto:kimberly.arsenault@cityofdundas.ca]
Sent: Friday, November 16, 2012 1:08 PM
To: Mihaljevic, Kate
Subject: 336 & 338 King Street West Dundas

Kate Mihaljevic,
November 16 2012

I am a resident of Brock Street S in Dundas next to the property of 336 & 338 King St W. With regards to the application to amend the zoning of the above mentioned property, this raises an abundance of concerns. In the event a 6 story building is permitted the view from my front porch will be lost. There are no other than 2 story buildings in this immediate area, to build such a large building in this area would not compliment the other dwellings in the area. Other builders have looked at this area and the escarpment area and have been told no as the plans were to great for this neighborhood. We have concerns regarding the safety and visibility to access the road from Brock St. An increase of more vehicles in the area will further congest the already busy roads at King and Brock Streets. There are concerns of the re-sale value of our property with a very large building next door to our hundred year old house. In addition I have great concerns of our privacy as the building will on look both my front and back yards. The increase and demand of more services such as power and water. The inconvenience of a construction site next door for an undetermined amount of time, will increase noise and disruption to our lives as we are shift workers. Lastly, the condominium type of housing does not reflect the need for affordable housing in town. In my opinion also only accommodates a select few who are able to afford a condo. I would ask the people involved to reflect on their own lives for a moment and ask themselves how interested they might be having their neighbor just one day decide they would like to erect a very large building next door. Perhaps it's a great idea in some other area where there are buildings of the like. We would like to say we support our neighbor in his endeavors, however we do not now, or in the future support a building plan of this size.

Stephen Hyrnick & Kimberly Arsenault
8 Brock Street S
Dundas Ontario
L9H 3G6

Mihaljevic, Kate

From: Marcia Kash [mailto:mkash@cityofedmonton.ca]
Sent: Friday, November 16, 2012 2:33 PM
To: Powers, Russ
Cc: Mihaljevic, Kate; Clark, Brad
Subject: Tammy's Place 336-338 King St. W

Dear Russ, Kate and Brad:

I am writing to implore you to prevent the zoning change from R2 to RM3 and the 13 variances (which will increase the size of the property even more) requested by the owner to the property above.

As you are well aware, this part of Dundas is residential and any such rezoning will mark the beginning of a transformation into a high-density area. It is hard to imagine why anyone would want to build a 6-storey building with 27 units on a small footprint like this. Not only will the building impact on the privacy of many of these homeowners due to its height (with balconies overlooking existing homes), but it will also add to parking woes, as many of the existing homes rely on street parking. And, once again the charm of the neighborhood will be sacrificed to increasing profit for a developer. Whilst we all understand the need for growth, we cannot, willy-nilly, allow pre-existing zoning to be altered on the whims of such developers. Not only is this proposition for 336-338 King St W detrimental to the character of the neighborhood it is also precedent setting. Should this request go through it is just a matter of a very short time before many such modest homes in the area are bought up and turned into monstrosities. Before we know it Dundas will be as hideous as Ancaster.

I urge you to turn this request down and help us maintain the integrity and residential flavor of this neighborhood.

Yours truly,

Marcia Kash

Mihaljevic, Kate

From: Mark McComb [mailto:markmccomb@rogers.com]
Sent: Friday, November 16, 2012 3:56 PM
To: Powers, Russ; Mihaljevic, Kate; Clark, Brad
Subject: Opposition to 336 and 338 King Street West Dundas

I am emailing to voice my opposition for the proposed construction of a 27 unit building at 336 and 338 King Street West Dundas. This proposal is over intensification of a very small piece of property. Presently, this property is zoned for residential and the developer is requesting six storeys with 27 units, first floor commercial, plus 13 variances.

Much like other proposed developments this building does not conform to the character of the neighbourhood and runs contrary to the Town of Dundas Official Plan.

I hope city and planners and city councilors will see this proposed build as ridiculous and turn down the proposal as it now. Adjacent to this property there are town houses which would be a more fitting addition to the area and would still allow for intensification.

--

Mark McComb
277 Melville Street Dundas, ON

Mihaljevic, Kate

From: Jim Stewart [mailto:jim.stewart@coedco.ca]
Sent: Friday, November 16, 2012 6:46 PM
To: Clark, Brad; Mihaljevic, Kate; Powers, Russ
Cc: heard.dundas@coedco.ca
Subject: Re: Request for ZoningChange - 336 & 338 King St. West

Councillor Powers and Planners,

While I understand that there is a need for intensification of residential properties, I also understand that this process needs to be approached intelligently, creatively, with common sense, with an appreciation for the existing community, and a sensitivity to the needs of the existing homeowners and community.

Dundas is an attractive, friendly community that still has a vibrant downtown core, unlike so many other small communities in Ontario. Part of the reason is that it retains a sense of human scale in most of its downtown core along King Street and continues to attract pedestrian travel to the many small businesses on King Street. Development of medium to high rise apartment towers, whether mixed with commercial bases or not, blocks the sun, creates wind tunnels, reduces green space, restricts sight lines and generally discourages pedestrian traffic. I would hate to see our community take the first steps on this slippery slope of questionable growth that can only end with predictable results.

This specific request for a zoning change is contrary to the Town of Dundas Official Plan. There are many options for intensification that do not require a 6 story building (plus additional height for elevator room?) that blocks the sun, obscures the sight lines and reduces the privacy and/or quiet enjoyment of the existing homeowners. Further, to request a zoning change AND THIRTEEN VARIANCES to the requested zoning shows a callous disregard for the planning principles incorporated into the zoning process as well as a complete disregard for the impact on the adjacent properties and the community in general. In addition, for any development to request a reduction of parking spaces in a mixed residential/commercial building completely ignores current realities. If anything, this proposed development should provide MORE parking spaces than the minimum required by code, not less. It is an unfortunate reality that many developers try to reduce their costs and increase their profits by sloughing off the needs of their target customers onto the community at large, a centuries old phenomenon known as "The Tragedy of the Commons". Anyone who has lived in downtown Hamilton knows only too well the impact of too many cars for the available parking spaces, especially in winter. It is aggravating for residents and hurts small business viability.

In summary, I am strongly opposed to this specific application for a zoning change and ancillary variances. While relatively new to Dundas, I have an appreciation for the unique character of this community and would be very disappointed to see development decisions destroy that

which has helped to retain the vibrancy of this community.

--

Best regards,

Jim Stewart
293 Park St. West
Dundas

Mihaljevic, Kate

From:

Sent: Saturday, November 17, 2012 9:48 PM

To: Powers, Russ; Clark, Brad; heard.dundas@cogeco.ca; Mihaljevic, Kate

Subject: Tammy's Place

November 17, 2012

Dear Sirs, Madam

We write with reference to the application of Scott Oldham with regard to Tammy's Place, 336 & 338 King Street West, Dundas requesting approval to build a six storey, 27 unit apartment at this location.

The property in question is presently zoned residential. If approval is granted, Mr Oldham will be allowed to build premises which will house commercial premises, apartments and parking facilities. This kind of facility does not belong in a residential area. The area will be severely overdeveloped and will certainly not conform to the character of our community in this neighbourhood. The requested re zoning and variances do not belong on this very small piece of property in a residential area. If this application is approved, the developer will severely encroach upon the privacy of the neighbouring home owners and certainly overshadow their properties with the height and size of the proposed structure. The current private homes will be overlooked with the proposed balconies of this building and parking space will be non existent for the current residents who, may we point out, in many cases do not have driveways and rely on street parking. The present street parking will be taken up by residents of this apartment building and their visitors and, consequently, no parking will be available for the current private home owners. Another concern will be the increased amount of traffic in these residential streets from the residents and visitors of this proposed apartment building. The streets will no longer be safe for the youngsters of this residential neighbourhood due to the increased traffic this proposed building will create.

This proposal is contrary to the Town of Dundas Official Plan. As such, the application should receive absolutely no consideration by Councillors, the Planning Department or the Planning Committee. If consideration is given to this application, it will only serve to open the floodgates for future ambitious developers to buy up small homes on large lots in our neighbourhoods and the residents of Dundas will be the losers and Dundas will become nothing more than

another concrete jungle. That is not what Dundas is about and it is certainly not what the residents (and current tax payers) of Dundas wish to happen to our town. There is a reason we are called the "Valley Town" - do not fill our valley with high rises.

The development of this structure does not take into consideration the well being of our town. It is proposed for no other reason than financial which is nothing more than greed.

We know for certain that members of the council or employees of the planning department or other committees would not want this eye sore in their neighbourhood, blocking out their view of our beautiful town and obliterating our wonderful escarpment so if they do not want it in their backyards, why should other residents be forced to have it in theirs? Stop this madness before it goes any further. Once this "disease" starts, there will be no stopping it. Stop it now!!! We urge you strongly to deny this application.

June & Ivor Lynch
369 King Street West
Dundas, Ontario
L9H 1W9

Mihaljevic, Kate

From: Mary Fazio
Sent: Sunday, November 18, 2012 6:54 PM
To: Mihaljevic, Kate
Subject: Rezoning Application: 336 & 338 King St. Dundas
Ms. Mihaljevic,

I am writing to you regarding the proposed application to build a six storey, 27 unit apartment / commercial building at 336 & 338 King St. West, Dundas, ON.

The property is currently zoned residential. I am requesting that you turn down the developer's (Scott Oldham) request to have the zoning changed from R2 to RM3 and to deny his request for 13 variances.

This proposal is over intensification of a small piece of property and runs contrary to the Town of Dundas Official Plan. If permitted, the proposed building will overshadow neighbouring homes, will not fit the character of the neighbourhood and will have a negative impact on the local community.

The City Planning committee does not have a mandate from the citizens of Hamilton (Dundas included) to drastically change the shape our neighbourhoods by allowing over intensification of residential property.

Thank you for reviewing my concerns; I hope you will consider them when reviewing the application.

Mary Fazio
Dundas, ON

Mihaljevic, Kate

From: Paul Weiss [
Sent: Sunday, November 18, 2012 7:40 PM
To: Mihaljevic, Kate; Powers, Russ; Clark, Brad
Cc: heard.dundas@cogeco.ca
Subject: Tammy's Place - Application for Variance

My wife and I live at 23 Wellington Street South in Dundas.

Please accept this as recording our strongest possible opposition to Mr Oldham's request for a variance to change his property from R2 to RM3 zoning. Clearly the requested variances are enormous. In percentage terms, virtually every possible category is deficient by 50%, 100% or even more from the accepted standard for RM3 zoning. Even if the property were remotely close to the accepted standards for this density, a change of this nature is completely out of step with the current character of the neighbourhood and runs contrary to the Town of Dundas official plan.

We respectfully request that you firmly deny this request for a zoning change of this magnitude as entirely inappropriate. Thank you.

Paul Weiss
Lisbeth Walkinshaw

Mihaljevic, Kate

From: Purchase, Tammy f
Sent: Monday, November 19, 2012 6:38 AM
To: Powers, Russ; Clark, Brad; Thomas, Cameron; Mihaljevic, Kate
Cc: heard.Dundas@cogeco.ca
Subject: 336 AND 338 King Street West, Dundas - I vote NO!!!

Good morning Mr. Powers and company,

I'm writing you again today to express my concern over the application to build a six storey, 27 unit apartment building at King and Brock Streets. It's so unfortunate that we have to write to all of you to try and stop this construction.

I moved to DUNDAS 25 years ago, from Toronto because I wanted to raise my children in a quiet, safe little town. I've been asked if I would ever move back and my answer was quickly NO. I love Dundas, it has the "olde town feel" and I don't want my children to be brought up in such an area. I still consider my community to be Dundas.

We live on the corner of James and Brock Streets and I feel that our view of the Peak will be jeopardized (which is one of the reasons we bought on this street), parking will become even more of an issue on Brock Street, King Street will be congested and once again, the look of the Olde Town will be lost. The privacy of others will be affected and it certainly doesn't conform to the "olde town feel". Not to mention that traffic will be doubled and our family and pet friendly streets will be compromised.

This is going to create HUGE eye sore and will definitely affect OUR neighbourhood immensely.

It frightens me when I read that 13 variances have been requested. What could this possibly mean to our beautiful neighbourhood if this and these variances are passed?

As you can certainly see, I vehemently OPPOSE the build of these apartments. This is truly unacceptable and I hope you take our feelings and concerns seriously – let's hope you listen to your people of Dundas and put a stop to this. Thank you for taking my thoughts into consideration.

Sincerely,

Tammy Purchase

Mihaljevic, Kate

From: June Clark [mailto:jclark@heard.ca]
Sent: Monday, November 19, 2012 10:25 AM
To: Mihaljevic, Kate; Clark, Brad; Powers, Russ
Cc: heard.dundas@cogeco.ca

Subject: Protesting Tammy's Place zoning Over Intensification

We protest the zoning change to RM3 - high density and requested 13 variances.
Our concerns are the over intensification of a small property; and
The resulting parking issues and affects to the neighbourhood.

Allowing this would be irresponsible.

June Clark and Ian Clark
319 Hatt St
Dundas, ON L9G 2H8

Mihaljevic, Kate

From: Riley, Amanda
Sent: Monday, November 19, 2012 10:30 AM
To: Mihaljevic, Kate; Powers, Russ; Clark, Brad
Cc: 'heard.dundas@cogeco.ca'
Subject: 336 & 338 King St. W Dundas application

Good Morning Mr. Powers and company,

I am writing today to hopefully get my point across with respect to the property once known as Tammy's Restaurant being turned into a 27 unit apartment.

Myself and many of the neighbors that surround this property wish for this development to not even be taken into consideration for the following reasons:

1. The view of the escarpment; a 6 storey building may not completely block the view but enough to cause an interference to the surrounding neighborhood dwellings;
2. Parking; Parking is a big enough issue for the residents on Brock/James street as it is (especially for the home owners who do not have a driveway and are forced to street parking). To add a commercial/residential building will only make this problem worse.
3. Traffic; Ever since the new stops signs went up on Hatt this has made a huge difference in the amount of traffic passing through Brock Street (this we are thankful for) By adding this new building on the corner we will be back dealing with the overflow of traffic again.
4. Property size; The application for the building seems to be quite the monstrosity for such a small piece of property and surrounding units. Not only will it look out of place but for residents in the near vicinity of the proposal may have purchased their home based on the view and to put this building there would most definitely take this away.

For these above reasons, I feel this proposal for a six storey (27 unit) building does not in any way belong in the proposed location. Dundas is a small historic town and we like our street the way it is and hope to keep it this way!

Please take my concerns into consideration and put yourself in our position to see how you would feel if this was happening in your neighborhood!

Thank you,
Amanda and Chris Montgomery

Mihaljevic, Kate

From:

Sent: Monday, November 19, 2012 12:26 PM

To: Mihaljevic, Kate; Clark, Brad; Powers, Russ

Cc: heard.dundas@cogeco.ca

Subject: proposed structure on the former Tammy's Place site

November 19, 2002

To: Russ Powers, Kate Mihaljevic, Brad Clark

Good morning:

My wife and I live at 7 Brock St. South, Dundas, Ontario which is located directly across the street from the former Tammy's Restaurant. We have been quite excited to know that this site was slated for new development as we consider that to be a cornerstone for further improvement of the neighbourhood.

We considered that there might be 2.5 story adjoined townhouses such as that which we live in. Such structures would conform to the neighbourhood fabric and skyline thus definitely contribute to greater betterment of the area. We are shocked and dismayed that the site owner would ever consider building a 6 story apartment block, anchored by commercial tenants on the first floor as this would have many negative consequences.

Let me first say that I am in the commercial architectural glass business and spend approximately 200 days per year speaking with architects, engineers, designers and contractors in addition conferences such as Green Build Festival in Toronto, Queens University Civil Forum, Montreal and District Architectural Specification Writers dinner meeting, Construct Canada, Ontario Building Envelope Council and many more in addition to lunch and learn sessions with specific firms. In fact I am a highly recruited speaker at many architectural forums across the country and am commonly recruited by many of the best known firms in the country for input regarding building design and performance. Having done this over the past number of years, I have greatly benefitted by the experience of reviewing with architects, designers and engineers, building design as related to general area, other neighbouring buildings, project lot size versus building footprint and rationale of design as this relates to strengthening the character of a particular area. I am most willing to send along a number of references that support my claim.

In reference to the building proposal, we have been presented with limited information however this is sufficient to envision the proposed structure's building foot print, proposed height, proposed usage and considered impact upon the neighbourhood as well the general, expected and accepted densification needs within designated areas under an official plan.

Upon considerable review, we observe the following:-

Brock St. is a relatively narrow street with houses located close to the street and closely beside to one another.

The distance of the proposed structure as relates to neighbouring homes is totally out of scale with accepted practice.

Regardless of whether the proposed building would have balconies or not, the closeness to neighbours versus height ratio are much too imposing and would render the neighbours no privacy even in the rear yards.

Appendix "E" to Report PED14027 (Page 33 of 79)

The proposed structure would massively dominate the sky line, eliminate view of the escarpment and block needed and highly beneficial sunlight over a large area.

The nature of the development is not conducive to a neighbourhood where there are few on street parking spots that are already presently used by some residents who do not have driveways.

The nature of the design indeed will detract from the neighbourhood as it will hugely increase traffic on a street already lined with parked cars.

I have asked myself ..."does this proposed development positively contribute towards the betterment of the neighbourhood and the town of Dundas" and am unable to arrive at even a single positive point. Rather, this proposal resembles a poorly considered attempt to maximize profits for one person with no discerning consideration for the negative impact on the quality of life for those in this neighbourhood and the greater area. Further it is highly reminiscent of poorly considered practices of the 1960s where anyone could build just about anything, anywhere resulting in the dilemma faced today by our enlightened municipal governments everywhere who are trying to deal with and correct the inherited results.

We live in a time of enlightenment where it is now understood that quality of neighbourhoods directly impact positively or negatively many other areas of our social and fiscal challenges. I personally enjoy and embrace change and development however this very poor proposal would create a huge negative impact upon the neighbourhood, area and town. Please reject this horrible proposal.

Thank you and best regards

Janice Tanner and John Carpenter

7 Brock St. S, Dundas ON L9H 3G5

Mihaljevic, Kate

From: rob roi [r]
Sent: Monday, November 19, 2012 3:49 PM
To: Mihaljevic, Kate
Subject: Tammy's Place

Dear Kate Mihaljevic,

We live at the corner of James and Bond streets in Dundas. We are most concerned with the application to build a six story, 27 unit at Tammy's Place restaurant in Dundas. This proposal will not only overwhelm that space, it will not conform to the character to that neighbourhood. We are concerned not only with the privacy of the neighbours, but also the reduction of parking spaces in the area. We are strongly opposed to such a building!

Sincerely,
Margaret & Robert Roi

Mihaljevic, Kate

From: George Jestratijevic

Sent: Monday, November 19, 2012 1:44 PM

To: Mihaljevic, Kate

Subject: Proposed eyesore at 336 and 338 King Street West in Dundas.

I trust you are aware of the proposed building that's about to be approved for the 336 and 338 King Street lot. Aside from being an eyesore to the beautiful area, where do you propose the additional parking will come for all the tenants, visitors and consumers of the proposed commercial units of the first floor? Once this mistake is put up then Dundas is stuck with it for the next 100 years. Has there been any thought put into this other than the taxes that will be generated. What kind of planning is involved to allow the variances listed below? Does not making these allowances really make the planning department redundant? If builders can do whatever they want, what's the point of the planning Dept?

You will be allowing them 13 zoning variances?

They are Lot Area, (1380 required for proposed building, builder requested 748)

Lot Frontage, Side yard,

Rear yard(which is supposed to be 45% of height of building and the builder is requesting 0),

Landscape area (supposed to be 30% and the builder is requesting 0).

Parking (36 spaces are required but the builder is proposing 28)

Loading Zone

Buffer area

Floor area for 1,2 and 3 bedroom units.

Density

Building height 21.4 meters

Side yard

Why has this even been considered and who down at city hall has allowed this to happen?

George Jestratijevic

331 Hatt Street

Dundas, ON

November 18, 2012

Re: Tammy's Place
336 and 338 King St W
Dundas, On

My name is Mary Davies and I live at 30 Brock St S in Dundas. My partner and I have lived in our home for the past 14 years. We waited patiently for a house in this neighborhood to become available as we fell in-love with the ambience and the uniqueness of this area.

I love being able to leave my home each morning and look up to the escarpment where an artist's palette of color embraces the seasons. It is a quiet friendly neighborhood where the neighbors know each other and have watched family's blossom.

A large percentage of us do not have driveways and cannot convert our frontage. We have city trees, which are large and majestic as our front lawns. There are senior citizens on the street, and because we can, we take turns cutting the grass and snow blowing their walkways. Currently these folks are able to park in front of their homes unload their groceries and get to and from their vehicles in the winter safely.

If this building is allowed to be built as planned, we would we experience huge parking headaches. Parking on our street is already at a premium. Often I must park my vehicle on James or Hatt Street.

A 6-storey building does not conform to the character of our neighborhood. Most of the homes have been built around the 1916 era are one or two storey homes.

Balconies and windows of the new building would look directly into the upper floor bedrooms and washrooms of houses within site lines.

A 6-storey building would block any view of the escarpment that we currently have. One of the few pleasures we tax paying residents of the city of Hamilton residents have left.

Brock Street is a through way without a stop sign between King and Hatt. Cars speed along this section of road already. Add a further 27 units the volume and speed of traffic on the street would become a real concern, especially for the many families with small children and the families with pets.

This neighborhood prides itself on caring for our properties, knowing our neighbors, helping our neighbors keeping the safe for our children and our pets. We love the quaintness and the natural view of the escarpment. To allow a building such as the 6 storey 27 units building that is proposed would be real travesty to the town of Dundas, to the homeowners in the area and to the historical character of the surrounding neighborhood.

Regards
Mary Davies
Sandra Lambie
30 Brock St S
Dundas ON
L9H 3G7

Mihaljevic, Kate

From: nancy woods []
Sent: Monday, November 19, 2012 5:47 PM
To: Mihaljevic, Kate; Powers, Russ; Clark, Brad; heard.dundas@cogeco.ca
Subject: Tammy's Place

Hello,

My name is Nancy Woods. I just bought a house on Brock Street this August. I spent the last 5 years working and saving to finally afford a house in Dundas so my kids can walk to school and be with their friends. I was so thrilled when I got this little house. I LOVE looking at the escarpment everyday as I pull out of my driveway. It would be quite devastating to me(a nature lover) to have an apartment complex completely block out the view. This street is also very crowded with cars parked on the street, and would be a nightmare with a large complex on it. You must not permit a 6 storey complex to be built. It would be a blight on the quaint setting, the view, this street, and my reason for moving here. I just made this my home to avoid that kind of thing. Sincerely,
Nancy Woods

Mihaljevic, Kate

From: r
Sent: Monday, November 19, 2012 8:19 PM
To: Powers, Russ
Cc: Heard, Dundas; Mihaljevic, Kate; Clark, Brad
Subject: Tammy Place Development

Dear Russ,

You may record my previous email (8/26/2012) concerning Brock St. N., which if not, I have repeated below. I'm against the six story development of the former Tammy's place for the same reason. On a positive note, it looks like the vacancy next to Starbucks is being filled and business taxes are clearly not too prohibitive.

Regards

Martin Shepley
121 Victoria Street
Dundas

When I return from work I do enjoy the drive down Cootes Drive towards Dundas. It's good, but not great. There are some really ugly monstrosities that sit above the tree line. Of course I'm not referring to the old post office. It's those horrible pastiches (I believe an architect's phrase of describing a building that's trying to look 'oldy worldy' and truly failing) that rise from Creekside Drive by Governors Road. The obvious crime of truly mediocre architecture could be forgiven if they were well below the tree line. Hey, I'm not against new buildings – the Starbucks on King is great and a good example of how modern architecture can be blended with older buildings (shame part of it is vacant – are the downtown Dundas business taxes a bit steep?).

We all know what this is about; developers getting dollars for penthouse flats with views and the city getting more tax dollars. We are at the thin end of the wedge. If you continue to permit building above the tree line you will destroy the downtown. Further cock-ups along the lines of Creekside Drive are not acceptable.

Needless to say, I am opposed to the 6 story development at 24 Brock St. N.

Mihaljevic, Kate

From: kevin archibald [mailto:kevin.archibald@cityofdundas.ca]
Sent: Monday, November 19, 2012 8:33 PM
To: Mihaljevic, Kate
Cc: Powers, Russ; Clark, Brad
Subject: 336 & 338 King St. W. Dundas (Tammy's Place)

Dear Kate-

I wish to register my protest to the proposed zoning changes on 336 & 337 King St W, Dundas (site of "Tammy's Place" Restaurant) with the intent of building a six story building on this lot originally intended for residential use.

I *strongly* believe that the original city planners had appropriate vision marking this as R2. The applicant wishes to change the zoning to an RM3 classification while at the same time mocking the designation with his request for 13 variances, which include having 0 metres buffer, 0% landscaping and 0 metres backyard! The lot area required for an RM3 is 1380M, while the site is 748.9M -- a mere 54% of the required land for such a designation! The applicant is attempting to make a farce of the zoning laws by trying to sneak this through as an RM3.

A six story building of this nature would be completely incongruous with the surrounding neighborhood both in character and size. The entire proposal is an over intensification of a very small piece of property, and runs in direct contradiction to the Town of Dundas Official Plan. Furthermore, this development would overshadow neighboring homes and the balconies would reduce the privacy of neighboring homeowners.

It is my sincere hope that this proposal for zoning change will be rejected and the original designated zoning would be upheld.

Many thanks-

Kevin Archibald
47 James Street
Dundas

Mihaljevic, Kate

From: Thomas & Carol Classen
Sent: Tuesday, November 20, 2012 7:11 AM
To: Mihaljevic, Kate
Subject: FW: 336/338 King St W Development Proposal

Dear Kate,

It is with strong opposition that we respond to the recent notification letter regarding the Zoning Bylaw Amendment Application for 336 & 338 King St. W., Dundas.

This condo proposal clearly represents yet another attempt by developers with no other concern than to maximize their profits. The proposed building on this site will mean the over-intensification of a heritage neighborhood that does not fit with this type of development and that will certainly lose its character in the process.

Our area of Dundas consists overwhelmingly of single detached homes, 1.5–2 stories high, with setbacks to the front and yards in the back. The only structure exceeding those general proportions is the old district high school, currently undergoing conversion into condo units. Residents have chosen and live in this area for its quiet, picturesque nature. Thousands of people come to the escarpment peak to look out onto this part of the city for its beauty. A city should be able to provide and respect these areas for those who value them and for the value that it brings the city.

As staff you should be well aware that council recently rejected a similarly unsuitable proposal for a 6-storey, 48-unit condo complex on the 24 Brock St. N. site, which is located only one street over from 336 & 338 King St. W. In their comments, the councillors of Hamilton clearly cited that any building that does not integrate into the character of the existing neighborhood would be unacceptable.

To attempt to push this proposal through, the developer is not only asking for a change in the current zoning, but they are also needing 13 variances beyond that. This is a building that obviously does not fit with the neighbourhood that residents have built here, but neither is it in the vision Dundas has developed for this area.

Any reasonable assessment would acknowledge that, based on the variances requested to the zoning for this address, the proposed development is unrealistic, if not outright ridiculous:

Proposed density is more than triple the RM3 requirement.

The buffer zone needs to be a minimum of 3m – this plan allows for no buffer zone at all.

Height is 130% over the maximum requirement.

Lot area is 85% more than the requirement.

Lot frontage 66% more than the requirement.

Landscape area is legislated to be a required 30% minimum, a reasonable percentage in general and an absolute essential to this kind of neighbourhood. This proposal offers ZERO landscaped area.

Parking is another problem issue, where 36 spaces are required for the building by code, and yet only 28 are proposed. This means that the extra parking will have to be absorbed by the surrounding neighbours – an unacceptable and unfair overload! The number and extent of these variances is evidence of the flagrant lack of consideration for the appropriateness for this area.

This exhibits utter disregard for the overall vision that has been carefully created by past councils, which have restricted zonings precisely in order to preserve the character of this town. We hope that the City would not opt for the often easier, short-sighted gains that a large condo brings, over the maintenance of these special areas – areas that its residents and visitors would continue to enjoy for generations.

We look forward to your response on this.

Sincerely,

Thomas and Carol Classen

November 14, 2012

Ms. Kate Mihaljevic
Planner
Planning and Economic Development Department
City of Hamilton

Dear Kate:

Subject: Kingsview
336 and 338 King Street West, Dundas
OPA-12-017/Zac-12-043

I have reviewed the limited documentation contained within this file and I am strongly opposed to this application and project.

The submitted Planning Justification and Urban Design Report if applied to the current zoning would meet the intent, goals and objectives of all the noted Polices, Guidelines, Official Plans and by-laws as stated in the submitted report. Plus the current zoning would comply with many other requirements that the submitted application fails to meet or address.

I have concerns with the following:

- Height
- Density
- Massing
- Floor Area Ratio
- Setbacks
- Landscaping
- Parking
- Overlooking
- Showing
- Privacy
- Transition
- Rezoning
- Variances in Total
- Change in the Character of Neighbourhood

- None compliance issues with:
 - o City of Hamilton Official Plan
 - o Dundas Official Plan
 - o Proposed Urban Hamilton Official Plan
 - o Proposed By-Law – Protection Measures for Existing Stable Residential Areas (PED11196)

I would be available at your convenience to review in detail any of the above concerns.

Regards
Bill Hilson
353 Park Street West
Dundas, Ontario
L9H 1Z3

Mihaljevic, Kate

From: Drochner, Patricia
Sent: Tuesday, November 20, 2012 1:32 PM
To: Mihaljevic, Kate; Powers, Russ; Clark, Brad
Cc: heard.dundas@cogeco.ca
Subject: Letter of concern attached

Please find attached a letter of concern from Mr. and Mrs. Jim and Anne Maloney, who are Brock Street (Dundas) residents with respect to the rezoning application for 336 and 338 King Street W., Dundas.

Please contact Mr. or Mrs. Maloney at [redacted] if you have any questions with respect to the attached letter.

Thank you.

November 18, 2012

To:

Mr. Russ Powers, Dundas Councillor
Ms. Kate Mihaljevic, City Planning Department
Mr. Brad Park, Chair, City Planning Committee
All at Hamilton City Hall
71 Main Street West
Hamilton, ON
L8P 4Y5

From:

Mr. M. Jim and Mrs. Anne Maloney
32 Brock Street South
Dundas, ON
L9H 3G7

Re: Proposed rezoning of the property at 336-338 King Street West, Dundas to allow building of a 6-storey, 27-unit apartment complex.

We wish to express our reaction to this proposal with an emphatic NO.

On first learning of this we were both mystified and incredulous. "How can they allow a building of that size on a small "postage stamp-sized" lot like that?"

Since then, thanks to the in-depth analysis done by "HEARD" group, details of many requested "variances" which are in direct contravention to the by-laws governing RM3-Medium to high-density zoning, have been uncovered.

We are Brock Street residents of over 50 years and although the density has increased markedly: young families; limited on-street parking; traffic volume, etc., the feeling of neighbourhood is good. This would be very adversely affected if the project as proposed were to go ahead.

Please reject the proposal and the arrogant "to hell with them" attitude it presents to our local community.

Thank you in advance.

✓ M. J. Maloney /

AnnMaloney /

Mihaljevic, Kate

From: John & Janet Coles
Sent: Tuesday, November 20, 2012 5:43 PM
To: Mihaljevic, Kate
Subject: Fw: 336-338 King St.W. Dundas

----- Original Message -----

From: John & Janet Coles
To: Kate Mihaljevic
Cc: Powers, Russ ; Brad Clark
Sent: Tuesday, November 20, 2012 3:02 PM
Subject: Re: 336-338 King St.W. Dundas

Kate Mihaljevic

Subject: Official Plan and Zoning By-law Amendment Application. (File Nos. OPA-12-017/ZAC-12-043)

I strongly oppose the above proposal for the following reasons:

1. The proposed variances are excessive for the location. Recently our elected representatives (City Council) denied a 6 storey proposal in the same neighbourhood largely because of excessive variances. Why does the Planning Department continue to work against what the City Council will approve?
2. The proposed condo does not conform to the historic character of the neighbourhood. Some homes in the area are 150 yrs. old and are 'listed buildings', The character of Dundas and its surrounding escarpment must be preserved for future generations.
3. Parking is at a premium in this area, because many homes were built before cars were available. Street parking is necessary for many existing homes. What is proposed will create a parking crisis in the immediate area especially when there are visitors to contend with.
4. The proposed condo will over shadow adjacent homes and windows/balconies will over-view existing properties which will be an intrusion of privacy. This is unacceptable.
5. This is surely another case of over intensification by an opportunistic developer who has no interest in the historic and natural beauty that exists in the town of Dundas. There is no transition between 1-2 stories adjacent properties. It is my understanding that distance or intermediate building height should be used to transition from low to high buildings. This condo would look like a mis-fit tower in the middle of 1-2 storey homes. A reminder of a time when miss-applied intensification was exercised in our town.
6. I really can;t see how it benefits anyone to entertain a proposal without first checking the infrastructure. The recent Bond St. fire was proof that lack of water pressure is already putting existing residents at risk, without any added burden of 6 storey condos.
7. I think the principle of intensification is sound, BUT the way it is being implemented by our Planners is beyond what was intended and reasonable. The developer who is creating condos inside the Dundas School could have saved money if he were to have demolished the building and started over, however he did not because he respected the historic value of Dundas. We applaud him.

S. J. Coles, P.Eng.
341 Park St. West
Dundas, ON
L9H 1Z3

Mihaljevic, Kate

From: Jim Wiebe [
Sent: Tuesday, November 20, 2012 6:40 PM
To: Mihaljevic, Kate; Powers, Russ; Clark, Brad
Cc: heard.dundas@cogeco.ca
Subject: Rezoning of 336 & 338 King Street W. ,Dundas
To: City Planning Department (Hamilton)

I am very concerned about the application to have 336 & 338 King Street West rezoned from R2 to RM3. I assume you have looked at the actual site. When I first saw the plot plan for the projected development on this site, I was really taken aback at how anyone could think such a small piece of property could be suitable for such a large building. Now that I see what variances and how many (13) of them would be required for the zone change, it even makes less sense to me. E.g.

- Zero Landscaping
- 0 Buffer
- Area
- Lot Area and Frontage
- Side and Rear Yard requirements
- Height and Unit Density increase
- Etc, etc.

Simply said, I fail to see how anyone could approve these variances for this neighborhood.

May sanity prevail.
Regards,

Jim Wiebe, P. Eng. Ret'd.

38 James Street, Dundas

Mihaljevic, Kate

From: JOHN SUZI MURPHY [
Sent: Tuesday, November 20, 2012 8:07 PM
To: Mihaljevic, Kate; heard.dundas@cogeco.ca
Subject: 336 & 338 King St. W. Dundas, ON

Dear Ms. Mihaljevic:

Please accept this email as a motion of our absolute disdain at the proposal to build a multi storey building at the above mentioned address. Clearly, requesting 13 variances is a strong indication that the proposed building does not meet the needs of Dundas and specifically the neighbourhood in which it is proposed. The proposed development will be over intensive and will not conform to the character of the community/neighbourhood. The fact that the development runs contrary to the Town of Dundas Official Plan speaks volumes.

Sincerely,

John and Suzi Murphy
7 James St.
Dundas, ON
L9H 2J4

57 James St.
Dundas, Ontario
L9H 2J8
November 21, 2012

RECEIVED
NOV 21 2012

Dear Kate, Councillor Powers, and Councillor Clark

I have lived at 57 James Street, Dundas since 1957 – 55 years. This is the neighbourhood where my husband and I choose to raise our family.

I am opposed to the 6 storey apartment at Tammys because it is too big and not suitable with the houses that are already here.

A problem already exists with lack of parking on James St. between Brock and Bond, and the extra vehicles will only add to our problem. Most families have more than one vehicle and many are parked on the street daily. From the information as I understand it, the first floor commercial will increase the need for street parking.

A tall building in the area will spoil the opportunity for use to enjoy the escarpment views.

If built, people living in this building will be able to look into neighbours' back yards. What about my privacy?

I hope that you will seriously consider my concerns when you are making your decision.

Yours truly

Jenny Fleet

Mihaljevic, Kate

From: Adele Barrett
Sent: Wednesday, November 21, 2012 6:27 PM
To: Powers, Russ; Mihaljevic, Kate; Clark, Brad
Subject: 336 & 338 King St. W. Dundas

Dear Councillor Clark, Councillor Powers and Kate Mihaljevic,

I am opposed to the proposed 6 storey, 27 unit apartment building at 336 & 338 King St. W., Dundas.

Reasons for my opposition include:

Over intensification – including rezoning to RM3 plus 13 variances

Over shadowing--it will dwarf neighbouring homes.

Lack of privacy--windows and/or balconies will invade current residents' privacy.

Parking--not enough spaces for residents and visitors.

Lack of Infrastructure--see below, water pressure problems already exist.

Does not conform to character of the community--townhomes are the tallest neighbouring structures and this is the example to follow for intensification.

Lack of transition--multi storey apartments and condos are not appropriate, or in character with the other small homes. They belong in the East end of town where this pattern is established.

The recent lack of water pressure was evident during the fire at 10 Bond Street. I am concerned that once the Dundas District School conversion is complete that this extra demand on the water will effect the ability to fight fires in this neighbourhood. Adding another condo will further compromise our safety.

I am worried that Dundas is the target of developers (and investors) who want to capitalize on our unique features, without regard for the well being of it's residents, and will destroy our walkable and livable neighbourhoods, if allowed. The irony is that Dundas will be changed forever, and our uniqueness lost, our appeal spoiled.

The planning department has shown by it's approvals of the Fiddler's Green condo and the 24 Brock condo that they do not have the best interest of our neighbourhoods at heart. This is a distressing trend.

I hope to be proven wrong.

Sincerely,

Adele Barrett

353 Park Street, Dundas, ON L9H 1Z3

Mihaljevic, Kate

From: Charlotte Archibald [mailto:charlotte.archibald@cityofedmonton.ca]
Sent: Wednesday, November 21, 2012 10:02 PM
To: Powers, Russ; Clark, Brad; Mihaljevic, Kate
Subject: 336 & 338 King St W ('Tammy's Place') development application

Dear Councillor Powers, Councillor Clark and Kate Milheljevic, city planning dept

I am writing to express my heartfelt dismay and shock that there are plans to build a six storey building on the site of 'Tammy's Place' restaurant at 336 and 338 King St W, Dundas.

I want to make sure that you realise that our neighbourhood is primarily one and two storey buildings, mostly older homes lived in by families and individuals, very few commercial properties. There are no other buildings over 3 storeys for several blocks that I know of, (the nearest being on John St) and none within sight of the proposed location. Every single person I have spoken to in Dundas expresses disbelief and disappointment that this kind of building would be considered at this location and it seems obvious that six storeys is completely incongruous and does not fit the landscape and character of our neighbourhood at all!

Here are the causes for concern...

Over Intensification

I strongly object to the change in zoning to RM3 because I feel the current zoning is appropriate - and there are 13 variances requested that make a mockery of the RM3 zoning requirements, which presumably are in place for good reason. To mention a few relating to the size and space it takes up - the building will be larger and taller than RM3 zoning allows, with no rear yard (required) no landscaping or 'buffer' (both required), a side yard of only 1.9m (7.5m required).

Loss of the enjoyment of the natural beauty of Dundas Peak and escarpment

With the current plans for Tammys, the Dundas Peak will no longer be visible from our homes, and the escarpment views drastically reduced.

This is no small thing - I cannot express how living beneath the natural beauty of the 'Dundas Peak' has improved the quality of life for myself, my family and our neighbours, it is a daily source of beauty and inspiration. It was a main reason why we chose this home. It would be a sad loss indeed for us and so many of our neighbours, and for future homeowners in this area.

Loss of privacy/sunlight

The proposed apartments will look directly down into many homes and back yards, resulting in the feeling of being constantly overlooked and I find the prospect of such a lack of privacy uncomfortable. The surrounding smaller homes will be towered over by this proposed development which will inevitably mean a large shadow is cast.

Traffic and parking

There are not enough parking spaces provided by the plans. Many of the homes on Brock Street South do not have driveways and need to park on the street, and it seems unlikely the increased demand for parking will be able to be met should this new building be approved.

Increased street parking will further reduce visibility when turning onto Brock Street from James st - there is a problem with cars driving at dangerous speeds down Brock Street South from Hatt St resulting in 2 serious collisions recently, one requiring emergency services, and many other near misses that I have witnessed. I fear that having even more cars parked on Brock Street

South (due to this new building) will result in accident and injury.

Thank you for your time and consideration
Charlotte Archibald
47 James St, Dundas

Mihaljevic, Kate

From: Greg
Sent: Thursday, November 22, 2012 6:49 AM
To: Clark, Brad; Powers, Russ; Mihaljevic, Kate
Subject: Dundas Development

Dear Sirs / Madam.

My name is Greg Dawson and I am a resident of Dundas (13 James St) I am writing to you today to express my concerns with current development proposals that have been or are currently being tabled before the cities planning committee.

Before I continue with this letter I would like you to understand that I am not against development within what was formally the township of Dundas, in fact I applaud development such as the old district high school. Changing it's use whilst leaving the frontage and green areas is a great idea. I also understand that we have changing needs as our community continues to grow, I'm just not sure that the proposals of some developers are of benefit to our community as a whole.

I have watched with interest the developments at 24 Brock street and now 336 - 338 King St (Tammies) and write to ask what possible benefit can there be in these developments other than huge profits for the developer and increased tax revenue for the city. As I have already stated I believe in development to build our community but is it really necessary to introduce 6-7 storey development with no green spaces for children and inadequate parking. Do we need more retail / office space when we already have units both new & old standing empty in the vicinity. Is it fair to sell the views of the escarpment that have been enjoyed by all and remove light & privacy from neighbouring properties?

It seems the people of Dundas are becoming victims of there own success, The people make it the great place it is and now we have our quiet way of life threatened, is that fair?

I don't wish to preach and as professionals I am sure that you can see the many pitfalls with these development proposals. We look to you our elected / employed officials to take care of this community & respect the people who live here as you guide our growth.

Yours faithfully.

Greg Dawson.

Mihaljevic, Kate

From: Wilson Air Ltd
Sent: Thursday, November 22, 2012 9:50 AM
To: Mihaljevic, Kate
Subject: File No:OPA-12-017/2AC-12-043

In regards to File No:OPA-12-017/2AC-12-043

336 and 338 King Steet West, Dundas

Hello, Kate

My name is Todd Wilson and I would like to go on record as being in favour of Mr. Oldham's plan to construct a 6 storey building at 336 and 338 King Street West in Dundas.

Being the owner of 347 and 349 King Street West in Dundas, I embrace the development of this part of town, so much so that I have started a facebook page "The Dundas West Village".

I feel this would make a great start to bringing alive this part of a great town.

Sincerely yours

Todd Wilson

Mihaljevic, Kate

From: W Peter Archibald
Sent: Thursday, November 22, 2012 10:36 AM
To: Mihaljevic, Kate; Clark, Brad; Powers, Russ
Subject: 336&338 King St. Weest, Dundas

Dear Ms. Mihaljevic, Mr. Clark and Mr. Powers,

I am writing to express my concerns with the proposed development of this property. I have owned and lived at 29 James St., a block from the "Tammy's restaurant" property since 1982. I bought my own house in good part because of its location, far enough away to avoid the frequent congestion of the downtown but close to the magnificent view of the escarpment as well as hiking trails for dog walking, and so on. I am not opposed to more intense housing so that others can benefit from these advantages of living in Dundas, and would regard a three story building on that lot as acceptable. Nevertheless, the proposed six-storey building right up against the sidewalks, with limited parking, would be totally out of keeping with current buildings in the area as well as not worth having to violate so many zoning specifications and inconveniencing immediate neighbours; in terms of parking, congestion and less privacy; over and above limiting their views of the escarpment. The condos going into District school are three stories and do not overpower the natural environment, and the same is true for the existing, semi-detached units across Brock Street from Tammy's. Surely, many of the same problems with the proposed six-storey development for the corner of Brock and Melville, which your committee has rightly refused permission for, apply to the Tammy property. My wife Lindsey George and I therefore urge you to also not approve this second proposal.

Yours sincerely,
W. Peter Archibald

Mihaljevic, Kate

From: Leanne Skingley

Sent: Thursday, November 22, 2012 10:47 AM

To: Mihaljevic, Kate; Powers, Russ; Clark, Brad

Subject: Opposition to the proposed development at Tammy's Place - Dundas

Hello,

I have attached a letter of concern on behalf of my mother, Beth Skingley, in her opposition of the proposed development at Tammy's Place - 336 and 338 King St. W, Dundas. Thank you for your time and your consideration.

Sincerely,

Leanne Skingley

To whom it may concern,

My opposition to the proposed six storey apartment at "Tammy's Place," 336 and 338 King St. W, Dundas, is not a case of N.I.M.B.Y. I already lost my beautiful view of the "Dundas Peak" years ago, due to the three storey townhouses to my west. My concern deals with a large number of housing units in a very small area, and all the obtrusiveness this entails. RM3 requirements are set for a reason, and the variances in this proposal, requesting permission for a taller, unit-packed building with a significantly smaller lot area, lot frontage, and a practically non-existent yard with limited parking, are preposterous.

Not only will these units increase parked cars and traffic on the corner of two already busy streets, neighbourhood homes will also be literally overshadowed by a large building blocking out natural light. These same neighbours will also lose much of their privacy in their homes and yards.

My gravest concern is for the infrastructure of this very old neighbourhood. Can sewers and water-mains withstand all these extra dwellings? Recently a large fire in our area required pumper trucks to be brought in to douse the flames, as water pressure in the area was insufficient. What will happen if our systems are more taxed than they already are?

My opposition to this proposed building is much more than changes to the character of our quaint neighbourhood. It is about inconvenience to the present neighbours, and indeed, the safety and well-being of all nearby.

Sincerely, from a concerned thirty-year resident of "Olde Dundas,"

Beth Skingley

Mihaljevic, Kate

From:
Sent: Thursday, November 22, 2012 1:34 PM
To: Powers, Russ; Mihaljevic, Kate; bradclark@hamilton.ca
Cc: heard.dundas@cogeco.ca
Subject: 336 and 338 King Street West Dundas

We are against a zoning change from residential R2 to RM3 which is medium to high density for 336 and 338 King Street West Dundas properties by the applicant Scott Oldham. In addition, we are against the thirteen variances that are requested by the applicant which allows the building to be bigger than the RM3 zoning requirements. This proposal is an over intensification of the property and the neighbourhood. The proposed building will over shadow homes, reduce privacy, and deny views of the escarpment to the existing homeowners. Many properties including our own have no driveways and rely on street parking. The development proposal has no visitor parking and limited parking for residents - which will add to the problems of on street parking. Please listen to our community - Sincerely, Brian and Nancy Wylie

Mihaljevic, Kate

From: Chris Keen [mailto:chris.keen@dundas.ca]

Sent: Thursday, November 22, 2012 4:35 PM

To: Mihaljevic, Kate; Clark, Brad; Powers, Russ

Subject: Objection to the development of 336 & 338 King St. West. (Tammy's Place) Dundas

Dear Ms. Mihaljevic, Mr. Brad Clark, and Mr. Russ Powers,

Regarding the application to build an apartment building at 336 & 338 King Street. W. Dundas

I am very concerned by the application being made to build a six storey apartment building at the corner of Brock and King Street West in Dundas. A building of such a size seems to be very out of keeping with King Street and this residential area. Such intensification on such a small piece of property will have a negative effect not only on the neighbours that will be living in the shadow of the building but is also completely out of character for the town of Dundas. The building will obstruct views of the escarpment, affect the town's skyline and make a significant impact on the view of town from the top of the escarpment.

As someone living in the immediate neighbourhood I cannot see how a 28 unit apartment could possibly fit without having drastic consequences for the rest of the neighbourhood. The project itself seems to be a proposal that in no way takes into consideration the people already living at this end of King Street West. This is a residential neighbourhood with no homes rising higher than 2 and a half stories. Many of these homes are over 100 years old and are part of the distinctive character and charm of Dundas. Many don't have driveways and owners park on the street. This neighbourhood cannot support the parking requirements that this proposed apartment would require. Not to mention the additional traffic that would come along with 28 new cars attached to a lot that would normally have just two houses on it.

I am not against development but this proposal seems extreme. The requested variances in the developers proposal are astonishing in their disregard for neighbours, nature and the town of Dundas as a whole. Approving this application would set a dangerous precedent and would send the message to developers that anything is possible in Dundas and bylaws and regulations can be modified to accommodate even the most extreme proposals. I am concerned that the developer in this case is simply looking for a compromise and will be happy to build a 3 or 4 storey building as a way of making "concessions". I don't believe that an apartment building of any size belongs on that property.

For the sake of this neighbourhood and Dundas as a community I strongly oppose this application and trust that it will be declined.

Sincerely,

Chris Keen
37 James Street
Dundas, Ontario
L9H 1J5

Mihaljevic, Kate

From: Chris Keen [keenmont@cogeco.ca]
Sent: Friday, November 30, 2012 12:32 PM
To: Mihaljevic, Kate
Subject: Re: Objection to the development of 336 & 338 King St. West. (Tammy's Place) Dundas
Thank you Kate.

I received the letter dated November 2 which is the Notice of Complete Applications and Preliminary Circulation that includes the neighbourhood map and architectural schematic plan for the proposed condo building.

I have just read in the Dundas Star, an article about the proposal that refers to amendments that are reflective of "modern planning goals". Modern planning goals that dismiss the character and intent of an established neighbourhood and community at the expense of one developer's ambitions.

If they exist, I would like to know what the new planning goals for Dundas are. The area in question is a residential area and such a building on such a small lot would infringe on the lives of all of the families and homeowners in the area. To say that there is plenty of street parking for the proposed building is to take parking away from the homes that are already in the neighbourhood. This case is an example of one property owner assuming entitlement to use a neighbourhood's resources as their own and at the expense of all others.

I would value the opportunity to review any additional materials related to this application and ask that you let me know what the next steps in this process are. What can I do to help ensure that the majority aren't victimized by one person? I live in a home built in the 1860s that I moved my family to because of the neighbourhood and character of this community. The project will put everyone in the shadow of monolith and that will have a detrimental affect on everyone and the town as a whole.

Thank you for your help and consideration.

Chris

Mihaljevic, Kate

From: patti harvey

Sent: Thursday, November 22, 2012 7:24 PM

To: Powers, Russ; Mihaljevic, Kate; Clark, Brad; heard.dundas@cogeco.ca

To Whom It May Concern,

The proposal for 336 and 338 King Street West Dundas does not conform to this neighbourhood. I live at 14 Brock Street South Dundas and already experience high volume of cars parking on the road. This will overshadow homes in our neighbourhood and will reduce the privacy in my backyard. This is a very small piece of property to put a 6 story apartment building on. I chose to live in Dundas because of its quaint homes and charming downtown, as well as scenic view of the escarpment. This is no different then the issues regarding 24 Brock Street North. As a community we don't want or need buildings that don't fit in with our surroundings.

Sincerely,

Patricia Harvey

Mihaljevic, Kate

From: janet.fleming
Sent: Thursday, November 22, 2012 8:48 PM
To: Mihaljevic, Kate; Powers, Russ; Clark, Brad
Cc: heard.dundas@cogeco.ca
Subject: Tammy's Place - 336 338 King Street West, Dundas
To all concerned.

As lifelong residents of Dundas and property owners of 25 James Street in Dundas for 23 years we believe that this proposed development is not a fit with this area.

The West end of Dundas is a very well established area. Our own home is over one hundred years old.

Since Dundas amalgamated with Hamilton in 2001 there has been many instances where the old town feel has been overlooked. The smaller communities that were swallowed up by Hamilton do not have much say. If this development were approved there would be many homes in the area affected. These homes would have their privacy taken away as they would be overshadowed by this new building. Not only would the property be an issue there would also be a huge parking problem.

I ask that you take into consideration the lives of many people in this area and I ask you if you would like to have such a building beside your home.

We are very proud citizens of Dundas and are sad to see how things are sliding in this beautiful Town of Dundas.

Respectfully

Mark & Janet Fleming
25 James Street
Dundas, Ontario L9H 2J5

Mihaljevic, Kate

From: HOPPY H [

Sent: Thursday, November 22, 2012 9:38 PM

To: Mihaljevic, Kate; Powers, Russ; heard.dundas@cogeco.ca; Clark, Brad

Subject: 336&338 king st w

Please let it be known that we are in opposition to the changes to 336&338 king st w Dundas . We have recently moved to James st from Dundas st because of the same type of buildings. These Types of changes to quiet neighborhoods are destroying what small town Dundas has always been about. When we travel we always brag about our town because of its feel and beauty. Allowing this kind of growth in quiet neighborhoods would be a travesty!

Brad Hopkins 60 James st. proudly Dundas!

Mihaljevic, Kate

From: Kelly Guy
Sent: Thursday, November 22, 2012 11:46 PM
To: VanderBeek, Arlene; Mihaljevic, Kate
Cc: heard.dundas@cogeco.ca
Subject: Regarding Tammy's Place located at 336/338 King Street West, Dundas

To whom it may concern,

I am a resident of 330 King Street West in Dundas and I am very upset and saddened to hear that the city planning department is going to allow the construction of a six storey, 27 unit, building to be constructed on the small piece of property that was previously Tammy's Place. The proposed building would be an awkward and ugly sight if it were to be built on this tiny piece of property. Dundas is an older and established town that has a rich feel to it, as well as a deep sense of character full of older houses and residences. The sight of the proposed building would cheapen the whole likeness and attraction of what Dundas is all about - an established community. It would be shameful to allow this project to be approved.

Aside from the unattractive aesthetics that the proposed building will have, it will also cause much more traffic and parking issues to this area of town. As of now, it is a nice and quiet corner with little commotion, but if all these units get filled with tenants, this warm feeling area will be tarnished.

I am GREATLY opposed to this building being constructed and I sincerely hope that the proposal will be tossed. Please keep the town of Dundas the ideal area for the older generation and young families to live with a large sense privacy and peace!

Thank you,

Kelly Guy

Mihaljevic, Kate

From: Sharp ' /
Sent: Friday, November 23, 2012 8:19 AM
To: Mihaljevic, Kate
Cc: Clark, Brad; Powers, Russ; Heard
Subject: 336/338 King St. W., Dundas - OPA-12-017/ZAC-12-043

Good morning, Kate:

Attached please find our response to the above-mentioned application. Based on the recent Council decision regarding 24 Brock St. N., it shouldn't take the Planning Committee long to reach the same conclusion with this proposal.

Elaine and Keith Sharp

Elaine and Keith Sharp
335 King St. W.
Dundas, L9H1W5

November 22, 2012
City of Hamilton
Planning and Economic Development Department
Planning Division – Development Planning – West Section
Attn: Kate Mihaljevic
Re: 336/338 King St. W. Dundas
OPA-12-017/ZAC-12-043

Dear Ms. Mihaljevic

Here we go again! Hot on the heels of a development application for 24 Brock St. N., a property only two blocks away from the subject application which was soundly rejected by Council for a number of reasons, comes another proposal suffering from most, if not all, of the same problems. Those issues include: building mass, too small a lot area, too many variances, many of a non-minor nature, parking, traffic, water pressure (emphasized by problems at the recent fire at an adjoining property), lack of transition, overshadowing and loss of privacy. In short, this is another building that doesn't belong on that lot in that neighbourhood. Not only does the application for 336/338 King St. W. require a zoning change, but includes requests for 13 variances to allow it to meet the zoning regulations. Most of those variances are for substantial adjustments. Some of those requests are summarized as follows:

- Landscaping – completely eliminated
- Buffer area – completely eliminated
- Rear yard setback – completely eliminated
- Side yard setback – 75% reduction
- Height – 30% increase
- Lot frontage – 32% reduction
- Lot area – 46% reduction
- Parking – 22% reduction

Planning and zoning regulations were put in place by good people with good foresight and for good reason – consistency – to provide a level playing field and suitability with the existing neighbourhood. It is time that developers are made acutely aware that if they want to play the game they have to play by the rules.

Based on the outcome of the Brock Street proposal, this one should be a no brainer. There is no possible way that any reasonable person would support this application.

Elaine and Keith Sharp

Mihaljevic, Kate

From: Kaz Nasvytis

Sent: Friday, November 23, 2012 8:56 AM

To: Mihaljevic, Kate; Powers, Russ; Clark, Brad; heard.dundas@cogeco.ca

Subject: Tammys 24 Brock st

Dear people, I must voice my concern that this type of project is even being considered. The area here is of mainly single family homes.

To drop a project of this size on the small corner lot is akin to taking a monster truck to a Go-kart track and then wondering how it went so wrong! I live in Dundas on the corner of Bond and King and love this town and area. It is a real gem. Larger buildings should be kept down near York St. The old Cashway site now housing Shoppers Drug Mart is a perfect example of a distorted street scape. It does not bring balance to the quaint and historic downtown feel.

My family and I strongly oppose this project.

Yours Truly,
Kaz Nasvytis

Mihaljevic, Kate

From: Cassandra Chapman
Sent: Friday, November 23, 2012 8:58 AM
To: Mihaljevic, Kate
Subject: 336 & 338 King St W, Dundas

Hello,

My name is Cassandra Chapman and I have just recently moved to Dundas. We moved here because it is a quiet community and we really liked the feel of the neighbourhood. I would like to strongly express my concern with the proposal to build a six storey, 27 unit apartment building at Tammy's Place (336 & 338 King St W). This property would not be suitable for this area and would ruin the feel of this neighbourhood. It would also take up key parking spaces in the neighbourhood. Many of us home owners in the neighbourhood do not have parking as it is. This neighbourhood is well known for its heritage homes, which have been well maintained for over a century. A development like the one proposed would overshadow the value of these homes and make this neighbourhood like any other in a large city.

I look forward to hearing from you.

Cassandra Chapman

Mihaljevic, Kate

From: Chrissy McComb
Sent: Friday, November 23, 2012 4:03 PM
To: Powers, Russ; Mihaljevic, Kate; Clark, Brad
Subject: Opposition to 336 and 338 King Street West Dundas

I am writing to express my strong opposition to the proposed development at 336 and 338 King Street West Dundas.

This typed of development - 27 units on a very small parcel of land - is completely uncharacteristic of the surrounding buildings and community.

I am very concerned that if this development is allowed, it will set a new precedent where developers can purchase single family dwellings and turn them into mega-condos wedged in-between small family homes.

With the recent fire in Dundas just metres from other proposed condos, it seems an obvious and timely warning of the potential tragedy if these high-rise buildings are squeezed into small lots with extreme variances (such as the reduction to 0 m in this proposal). I fear for the safety of residents who are in a burning building where there is no space for emergency vehicles. The fire I witnessed last week could have been a major disaster if a large residence existed with such little open space around it.

I truly hope that the city rejects this proposal, and all others like this, where developers completely ignore the city's guidelines and squeeze the community out of the equation.

Sincerely,

Christine McComb
277 Melville St.
Dundas ON
L9H 2B5

Mihaljevic, Kate

From: James Picken
Sent: Friday, November 23, 2012 11:39 PM
To: Mihaljevic, Kate; Clark, Brad; Powers, Russ
Cc: heard.dundas@cogeco.ca
Subject: RM3 Proposed re zone of 336, 338 King St Dundas
RE Tammy's Place Property/336, 338 King St Dundas –

I oppose this to the umpteenth degree! At least make the proposal somewhat viable as to up keep the character of this old Dundas area. Not only are the variances applied for completely unacceptable, this area of Dundas has hundred plus year old homes and the future of this site should reflect this. As a resident that lives on Brock St South, I do not want 6 stories obstructing, and thus diminishing, the value of my picturesque escarpment view. Also, this is not something that people entering Dundas need to see as soon as they enter our beautiful town. Enough with hi-rises in Dundas already!

James Picken
Brock St South, Dundas

Mihaljevic, Kate

From: Joan Sinding [mailto:joan@sinding.ca]
Sent: Sunday, November 25, 2012 5:09 AM
To: Mihaljevic, Kate; Clark, Brad
Cc: heard.Dundas@cogeco.ca
Subject: Tammy's Place, 336-8 King street West, Dundas

I am writing to express my opposition to the proposal to build an apartment on the above property. This proposal is an over intensification of a very small piece of property presently shown for residential, and the developer is requesting a six storey building with 27 units. It does not conform to the character of the neighbourhood, will overshadow homes in the area, and cause too many parking problems.
Joan Sinding

Mihaljevic, Kate

From: malcolm skingley
Sent: Monday, November 26, 2012 9:46 AM
To: Mihaljevic, Kate
Subject: RE: OPA-12-017/ZAC-12-043 revised

November 23, 2012

Kate Mihaljevic, City of Hamilton
Planning and Economic Development Department
email – Kate.Mihaljevic@hamilton.ca
Application File # OPA-12-017/ZAC-12-043
336 & 338 King street West Dundas

Dear Kate;

This email shall serve as a notice of a basic objection to an application for development of the lands noted above. Without a detailed application for construction of a six storey mixed use building with 28 parking spaces contained within the building specific objections to this application cannot be addressed. I will contact your office for these plans.

As a homeowner living close to this project my basic concerns are traffic and parking. King st. or formally known as Highway #8 serves as a busy thoroughfare between Cambridge and Rockton to the City of Hamilton. Parking spaces are limited and presently are shared by local homeowners, clients and employees of neighbouring businesses. Brock St. also has limited parking for residents without any additional demand created by new residents or their visitors or the new commercial clients and employees (unknown uses at this time) which would utilize all parking necessary for existing residents. This creates an extreme shortage of available parking spaces. Overflow would spill onto side streets such as James, Park and Bond once again displacing existing spaces available to current residents. Some without driveways.

Safety is affected by traffic entering or crossing King St. Presently crossing or turning onto King st. is a hazard due to the locations of existing buildings (Tammy's Restaurant) and parked cars blocking the view of oncoming traffic. If this building is erected as indicated in the schematic supplied, vision will be impaired even more, creating a more dangerous situation for drivers and pedestrians.

The size of this proposed building is disproportional to the available land. This is a residential area consisting of relatively low roof lines in comparison to this proposed six storey structure. A building this large in this area takes away the small town comfortable atmosphere my family appreciates and enjoys. Our view of "the peak" was taken away a few years ago by the building of condo's on Brock Street across the road from this site by an unscrupulous builder, developer, Fred Spencer. This building, if built will block more of our view of the escarpment This city appears to be powerless to control developers and is too quick to grant variances and make exceptions to rules with out considering consequences or concern for existing residents.

I do understand development is necessary to provide essential services to benefit a community and the official development plan for this area promotes improvements. A building structure of this size creates too many inconveniences to the neighbourhood and the general public without contributing value to this town. A structure of this concept is premature for this time and therefore not in the best interest of the affected neighbours.

Malcolm Skingley P. Log.
35 James St., Dundas

Mihaljevic, Kate

From: John Parcher
Sent: Monday, November 26, 2012 11:27 AM
To: Mihaljevic, Kate; Powers, Russ; Clark, Brad
Subject: Tammy's Place 336 & 338 King St W. Dundas, ON
Importance: High

To whom it may concern,

It seems, that our system for development and approval is flawed. We are being bombarded with applications from property owners attempting to develop projects which do not fit the existing pieces of property without having zoning changes and variance upon variance – just to try and squeeze the development into a piece of land which is far too small.

Who protects the rights of the surrounding property owners from these mega projects on postage stamps. Does the property department not see the realities, or do they just rubber stamp projects as they are presented.

Please note my concerns as follows:

This proposal is over intensification of a very small piece of property.

This property is presently zoned for residential and the developer is requesting six storeys with 27 units, first floor commercial, plus 13 variances.

This development does not conform to the character of the neighbourhood and runs contrary to the Town of Dundas Official Plan.

This development will overshadow homes in the neighbourhood and the balconies will reduce the privacy of neighbouring home owners.

Many homes in the area do not have driveways and rely on street parking. These parking spaces will be used by residents and visitors as parking spaces are limited and visitor parking non-existent.

It is time for the planning department to lead, and not follow.

Thankfully, we have a councillor and planning council who can see a vision of what a community and neighbourhood is about.

Sincerely,

John Parcher
238 Melville St
Dundas, ON, L9H 2B4



Mihaljevic, Kate

From:
Sent: Monday, November 26, 2012 2:27 PM
To: Mihaljevic, Kate; Powers, Russ; Clark, Brad
Subject: 336 & 338 King St. W., Dundas

The proposal for this piece of property is overly intensified. It doesn't fit in with the rest of the neighbourhood. We totally oppose any structure that large and that requires that many variances.

Shirley and Jack Irvine.

Mihaljevic, Kate

From: Taylor, Sheree L.
Sent: Monday, November 26, 2012 3:56 PM
To: Mallard, Paul; Mihaljevic, Kate
Cc: Robicheau, Vanessa
Subject: FW: File No: OPA-12-017

Hello Paul/Kate,

The following was received in the Clerk's office. Forwarding along for your information/files.

Sheree Taylor

Administrative Assistant to the City Clerk
Office of the City Clerk
City of Hamilton
71 Main St. W., 1st Floor
Hamilton, ON L8P 4Y5
Ph: 905 546-2424 x5485
Fax: 905 546-2095

From: Rick Malda
Sent: November-26-12 3:49 PM
To: clerk@hamilton.ca
Cc: Newman, Christopher
Subject: File No: OPA-12-017

I would like to still put on record if possible my concerns regarding the Official Plan and Zoning By-law change at 336 and 338 King St west , Dundas.

As the owner of the building directly across the road I am concerned of the sheer size of the proposed building. I am concerned of the volume of traffic that this area will be seeing all in a very short period of time. With the condos being finished soon at the former high school up the road and then with this building now. My concern is traffic as stated, and with it also a parking issue that will incur on Brock St.

My next concern would be the height of this proposed building. I am afraid that 6 stories would loom well overhead any of the current homes in the area and thereby also blocking any kind of view which we now all enjoy of the Dundas escarpment and peek.

Please let it be known that these are not objections but they are concerns.

Thank you,

Rick Malda
332 King St West, Dundas

Mihaljevic, Kate

From: Karen Bruder f
Sent: Tuesday, November 27, 2012 10:33 AM
To: Powers, Russ; Mihaljevic, Kate; Clark, Brad; Heard; Kerry Bruder
Subject: Development at Tammy's

Dear City Planning Department

Being concerned about my town, I write this letter to you.

The charm of Dundas that makes it unique and makes it a place that people want to live and visit, is the fact that it is protected. Our town is protected from those that would abuse it for profit. Having our town improve and grow is always a benefit, but keep our town as it is. Keep the small town charm that, once gone can not be captured again. Please do not open the door to those that would take advantage of us.

I am so proud of the way that Dundas is being developed and the caring that those "in charge" use in making decisions that affect us all. Keep making good decisions. Making money is not the only thing that matters.

May you be guided and blessed as you go forth to plan and care for our town and its residents.

Sincerely,
Karen Bruder
2 Witherspoon St.
Dundas Ontario L9H 2C5

Mihaljevic, Kate

From: Kristen Traherne
Sent: Tuesday, November 27, 2012 1:18 PM
To: Powers, Russ; Clark, Brad; Mihaljevic, Kate
Cc: heard dundas
Subject: 336 & 338 King Street West

Dear Councillors and Staff,

I'm writing to express my opposition to the proposed development at 336 & 338 King Street West. It seems the Town of Dundas Official Plan is being completely disregarded by developers and designers of this project. Our neighborhood would welcome healthy intensification on this site, but what has been proposed would be destructive to the character and the privacy of the adjacent properties.

I have attached a photo of the site, taken from the Dundas peak on November 11, 2012. Look at the surrounding residential streets: the proposed building would be completely out of place! I would urge you to take a drive by the site yourself and please see it with your own eyes if you haven't already.

I feel that this is an abuse of the intensification concept. I am hoping that a clear message can be sent to these over-developers, to stop such monstrous propositions, dripping with variances, that waste the time and money of our Council and taxpayers.

Sincerely,
Kristen Traherne
314 Park Street West
Dundas



62

Brad Clark,
City Planning Committee,
Hamilton, Ontario

Dear Sir,

This letter is in response to Scott Oldham's proposal to develop the property on 336 & 338 King Street West, Dundas, where Tammy's Restaurant used to be.

In the first place, I do not think that we would be going through the vexation of opposing this proposal if Dundas were governed by those who drew up the Town of Dundas Official Plan. They established the zoning regulations uncluttered by lobbying developers. Those regulations were meant to allow development of this nature to take place in certain parts of town and to protect long established residential neighbourhoods so that their residents might rest assured that invasive overdevelopment was not a threat.

My reasons for opposing this proposal is that it wants to violate setback conditions and rise six storey's dwarfing and crowding everything and everyone around. The answer to this request should simply be no. Instead, we are going to use up vast amount of concerned citizens' time and lots of taxpayers' money to vet something that should not be considered in the first place. How can we point to the RESIDENTIAL ZONING of this property more clearly? Development within RESIDENTIAL ZONING regulations is perfectly acceptable. That is what was dispassionately agreed upon by the Town planners and as a substantial taxpayer in my home town of 60 some years, I urge you to turn this application down. Let's not start the ball rolling on turning our family home neighbourhoods into Eglinton Avenue, Toronto. Dundas deserves this consideration.

Thank you for receiving this input.

Best regards,
The Reverend Patrick Doran,
132 Melville Street,
Dundas, Ontario
L9H 2A5

cc. Kate Mihaljevic, Russ Powers,
HEARD



Lee, Timothy

From: Janis Hudak
Sent: Thursday, May 09, 2013 11:27 AM
To: Bell, Chris
Subject: Tammy's Place Development, Dundas

Hello Mr. Bell,

I am always amazed that developers are allowed to buy property and then it is up to the local citizens to fight against their total disregard for what fits in with the neighbourhood. Your department has to see that this 4 story, 17 unit condominium does not fit at this location of single family homes. It would be very much like the condo development at Aberdeen and Dundurn which should never have been allowed.

I am registering my objection to the Tammy's Place development.

Sincerely,

Janis Hudak
174 Melville St.
Dundas, Ontario

Lee, Timothy

From: kimberly arsenault
Sent: Thursday, May 09, 2013 2:00 PM
To: Bell, Chris
Subject: Tammys Place

As the resident next door to this proposed building site(8 Brock St S,) I have many concerns about a 4 storey building next door to our family home. Parking is already an issue for the cramped streets. The size of the building is going to over power the others on the street, in relation to size. I was present with my spouse at the April 3rd meeting at town hall, and the drawings of the new proposal have a balcony facing our front deck, as well as the back yard. City services like garbage, recycling how will it be stored and where will it be put out. Strain on city services like water, hydro, and rubbish pick up.

The building will take away the great view enjoyed by many, especially from our front porch. I may add the view of the escarpment was a seller for us when we purchased this house. The privacy we have at the moment will be compromised from all the new proposed units. We are concerned about the foundation of our home, with that kind of construction next door. Our home wasn't constructed like new homes. We just really don't like the idea of such a large building in area. There are not to many buildings the proposed size. We feel its just to big.

Sincerely Kimberly Arsenault
Stephen Hymnick

Lee, Timothy

From: Thomas & Carol Classen
Sent: Friday, May 17, 2013 5:24 AM
To: Bell, Chris
Cc: 'Heard'; Powers, Russ
Subject: King St 336/338

To the City of Hamilton Planning Department,

It is with dismay that we took note of the changed proposal for 336/338 King. St. Despite the fact that the developer has shrunk the overall size of the structure, it looks like most of the aspects that are a problem to the community have remained the same. It is still yet another attempt to build in this neighborhood with out regard for its current character and fabric.

There are still issues of the setbacks to adjacent properties and the drastic loss of privacy through the views permitted by the design and height of the proposed building. We would also like to know about the number of variances the developers are asking for and their exact nature. We are also concerned that current regulations do not accurately reflect the parking that will be required for a building this size and therefore that adjacent streets will simply be packed with cars.

It seems to us that, once again, the Planning Department is entertaining proposals that are going beyond the scope of an already existing planning vision for Dundas. The existing zonings were carefully set to recognize and preserve our town's character whilst leaving plenty of room for growth.

The parcel of land used to be home to a small diner (that closed every day by 3pm!), a low-rise structure, no residents and one single dwelling. That should be the starting point for the measure of intensification. If one were to build 10 units in 2 stories, it would represent a considerable intensification.

There would be no need for zoning changes, no need for large numbers for variances and yet an ample opportunity for growth – growth of a nature that would allow for proper integration into the neighborhood.

We strongly urge the developer as well as the Planning Department to recognize that this community will not stand idly by as over-intensification and the drive for financial gain attempt to destroy the character of our living environment.

Regards

Thomas & Carol Classen

Lee, Timothy

From: Andrea
Sent: Thursday, April 04, 2013 10:18 AM
To: Bell, Chris
Cc: John, Edward; Powers, Russ
Subject: RE: Tammy's Place 336 and 338 King Street West, Dundas Application FILE no. OPA-12-017/ZAC-12-043

Hi Chris,

Last evening I attended the open house for the above project. I was happy to see that the height has been reduced to 4 stories, however, I continue to have concerns:

1. It is a large building on a small lot. Though Mr. Arien's likes to compare the height to the school conversion down the street, I believe that he is comparing apples and oranges. The school has been in existence for over 80 years and is located at the end of the street. It is part of the West Dundas landscape. The Tammy's proposal is next to a small bungalow in the middle of single family homes. A maximum **3 storey** condo building would fit in best on this small lot, therefore, I would like to see the zoning remain the same.
2. The underground parking spaces have been increased to 20 to accommodate the 1.25 spaces per unit for the condo's (13 units) and commercial space (2 units), however, there is no visitor parking at all. As you may be aware, parking is an issue in this area as many homeowners have no off street parking available. This winter, due to all the snow, it became a challenge for them to find a parking spot near their homes. Mr. Arien's maintains there is underground parking for visitors but since he is just meeting the minimum parking requirements right now, I would like to know where it is.
3. I continue to have concerns about the infrastructure of the area and in particular water pressure. I heard that the contractor doing the school conversion was required to move the intake pipes to King Street from Park Street. This indicates to me that there is/was a water pressure/supply concern. I am concerned about low pressure in the area if this proposal is also added.
4. There is be no green space planned. So we are talking about another concrete structure devoid of any green except for a tree or two. Last night, Mr. Arien mentioned perhaps adding a green roof, however, this addition is only helpful to slow down rain accumulation during storms and adds nothing to the look of the neighbourhood.
5. Variances: He is still requesting numerous variances to do with setbacks etc. I thought that variances were put into place to allow very small adjustments in size not so a developer could build a giant structure on a small lot. Mr. Arien maintains that the old town of Dundas rules are outdated (in effect since 1994) and he is "looking forward to the next 20 years".
I too am looking forward to the next 20 years and my vision isn't a landscape of 6 storey condo's lining King Street in Dundas. Tall multi-unit buildings belong in the downtown core.

I look forward to hearing from you about my concerns.

Sincerely

Andrea Dalrymple

12/04/2012

RECEIVED
MAY 10 2013

May 8, 2013

Chris Bell, City of Hamilton
Planning and Development Department
West Section
71 Main Street West, 5th Floor, Hamilton, Ontario
L8P 4Y6
Re: Application File # OPA-12-017/ZAC-12-043
336 & 338 King Street West, Dundas

Dear Chris,

Once again I am submitting an objection to the proposed plans to develop 336 & 338 King Street West in Dundas by the owner Scott Oldham under the direction of Consultant John Ariens of the IBI group. I had an opportunity to view the new proposal for the four storey building and find the new plan to be more suitable for the location however the new design effort fails to address two of the initial concerns of the neighbours. The new structure presented, depicts a futuristic glass and metal facade not conducive to the theme of the old town of Dundas atmosphere. In a Dundas Star publication of April 11 Mr. Ariens stated "If making it look more Dundasy helps the neighbours, it's obviously in our best interest to do so". Since this was a concern in the early stages of the first plan, a more suitable design should have been incorporated in the revised plan. I feel this image concern has not been satisfied at this time and therefore request alternative suitable designs to be presented prior to acceptance of this plan.

Parking remains the number one issue for the neighbours. On Brock street, many resident are without driveways and rely on available parking spaces close to their homes. I am in receipt of a parking study supplied by IBI and submitted to the planning October 1, 2012 where it concludes there exists a surplus of available parking spaces within a **two block radius**. The demographics of this neighbourhood suggest residents are mostly working class (both parents) with children at home. This study was conducted, one weekday (noon to 1pm), one Friday (5:30 pm to 6:30pm) and one Saturday (11am to noon) during the month of September. Most people are at work thru the week at these hours or are attending children activities or shopping. On Saturday some work or shop during these hours. All other notices to were only sent to assessed property owners within a **120 metre radius** of the property but their report covers a two block radius. If the radius was increased so to would the results. I have asked Mr. Ariens for a revision using more realistic study times. Studies of human nature prove people are generally lazy and therefore will chose to park as close to their destination or residence as possible. They will not walk two blocks to park in a so called surplus parking space but will park in front of someones home if the snow has been cleared (by the homeowner) and not to inconvenienced by walking. This creates a displacing chain whereby when a homeowner without a driveway arriyes home from work and there is a car parked in front of his home, he now has to displace another neighbour and the chain continues. Mr. Ariens insists it is a party situation and asks what would you do if you had a party at your home? A party does not continue 365 days a year (residences and retail clients require daily parking) and the party parking requirements are short lived. Most party goers will leave the same day

-2-

The new plan still falls short of the required parking necessary for this building. The exact numbers of required spaces is dependent upon the type of retail outlet occupying these two units and the parking demanded by customers or clients. Another concern with retail, is the hours of operation. If they are open 24 hours and there is no parking permitted on King street, where will the cars park? During the winter of 2012-2013 **The City of Hamilton FAILED TO REMOVE ANY SNOW** from all these back streets (see photo provide #1- Brock street between James and King) (photo #2 James street between Brock and Wellington) (photo #3 James street between Brock and Bond) Photos taken March 3,2013.

Please refer to a Spectator article published recently (attached #4) with regards to "changing demographics, increasing car ownership". **Responsible planning** must realize these changes will come about. What happens when the next developer comes along in this area not willing to provide adequate parking and the next and the next. If Planners and Councillors continue to grant exemptions to these bylaws and without controls and proper management of our resources, **cars will be parking on lawns**, additional parking enforcement officers will need to be hired as well as unnecessary and costly police services to deal with parking issues. These social costs must be considered.

Daily I enter onto King street from Brock street and encounter a line of vision hazard created by the location of the existing building, bushes and parked cars on King street west of Brock. According to the new proposed plan, the intent is to request a variance to place the building closer to both King street and Brock street. Photo #5 shows the line of view in my vehicle with the front tires in the position of a proper legal stopped position. Envision the effects of granting a variance and positioning the new building closer to the sidewalks. Even with the requirement to recess the new building on the easterly corner by a 45 degree angle, drivers must still block the crosswalk and /or partially enter the intersection Planner Kate Mihaljevic indicated during a meeting last fall, **if a stop light** is required the developer will pay the costs. However once these units are sold, will this cost be transferred to tax payers? What other social costs will the city incur.?

If the west side variance is granted, the new building will be located **.32 metres** from an existing residence. Due to the characteristics of the soil at this location, I believe there is a potential for undermining of this residence. My experience digging holes and trenches (for the City of Hamilton) in this area suggests the potato like round river stones which is comparable to digging into a box of marbles. An 18 inch trench soon becomes a 4 or 5 foot wide hole. When this problem was presented to Mr. Ariens he suggested the contractor would shore up these walls. However normal shoring techniques may not suffice. Mr. Arien also suggested if there was damage, the homeowner and contractor would be **covered by insurance** (is this a responsible attitude?). If a claim is filed by the homeowner it becomes a claim against them. Can you imagine living in that house with someone digging approximately 3 feet away? Maybe a bond should be considered?

As I indicated in my first letter of November 23, 2012, I believe development is necessary and these developments should provides essential services to benefit a community. What I disagree with is this developer and his consultants plan which fails to meet minimum requirements as set out by current bylaws to save themselves money at the expense and inconvenience to the neighbourhood and the taxpayers of Hamilton (DUNDAS). The presentation of the new proposed plan left me with the impression **the consultant is arrogant and inconsiderate** of reasonable requests by neighbours concerns and extremely confident they will be granted the 10 variances required. **A Bylaw is a rule governing the internal affairs of an organization.** Building laws are established to protect the occupants and the safety of all parties involved as well as promote responsible decision making by planners and developers as well as set guidelines for responsible development. If Planners and city representative allow these bylaws to be ignored, they are irresponsible and should be replaced.

-3-

Not too long ago, the Town of Dundas experienced the workings of Fred Spencer (a developer and builder). The City of Hamilton was powerless to control and too quick to grant variances and made exceptions to rules without any enforceable consequences or concerns for existing residents. How did "Fred" get these variances? Collusion is a possibility! So far from what I have seen in these plans, I would suggest that planners and decision makers should take a very close look at this presentation. There might be some smoke and mirrors within ?

Malcolm Skingley P. Log

A handwritten signature in black ink, appearing to read "Malcolm Skingley". The signature is written in a cursive style with a large initial 'M' and 'S'.

35 James Street, Dundas

Lee, Timothy

From: Bill Hilsor
Sent: Monday, May 06, 2013 10:14 AM
To: Bell, Chris
Subject: Zoning Application 336 & 338 King Street West, Dundas

Mr. Bell

I recently received a revised application for this property. The revised application addresses the issue of height from six story to four story structure. I am preparing my comments for the May 9th deadline. Am I correct that the only variance the revised application addresses is the height issue. All other variances remain the same as stated in the original application.

Thank you for your assistance.

William Hilsor
353 Park Street West, Dundas

May 8, 2013

Mr. Chris Bell
Planner
Planning and Economic Development Department
City Of Hamilton

Dear Mr. Bell

Subject: Kingsview
336 & 338 King Street West, Dundas
Rezoning Application and Revised Application
OPA-12-017?ZAC- 12-043

I have had an opportunity to review the limited documentation provide by the developer contained within the file. I am strongly opposed to this application and proposed development.

The development of this property will take place and I accept this fact. However, the developer and his proposed application is counter productive and shows little regard and is non compliant as to the Provincial Policy Statement, City of Hamilton Official Plan, Dundas Official Plan and the Proposed Urban Hamilton Official Plan.

Mr. Ariens (The Developer's Planner) has stated at the developer's open meeting and also to the press that "the Dundas Official Plan means nothing", it is my understanding that the Dundas Official Plan is the document that this application must meet for compliance and acceptance.

The developer's vision of this site is defined by profit and not the Official Polices and Guidelines that are in place. The fact is he wants to develop this site as per his own policies and regulations.

The neighbourhood's vision of this site is that it be developed according to the Official Polices, Guidelines and of main importance the Dundas Official Policy to maintain the character of the existing neighbourhood.

Provincial Policy Statement

The two main sections of the PPS that the developer is stated as a requirement for this project are the 40% infill section and intensification. I have reviewed the building permits for the Dundas area for the past three

years and it is will documented that Dundas far exceeds this 40% infill requirement. Also the approved applications for the next few years also exceed the 40% infill requirement. Therefore this project is not required to meet the requirements of the PPS 40% infill obligation.

The PPS requirement of intensification can be easily achieved by the current zoning. A structure of this size is not required to achieve intensification.

The Application does not comply in many respects to the Dundas Official Plan.

Height: The application is requesting an approved height of 14.5 metres. The current zoning allows 10.5 metres. This is approximately a 40% increase over the current allowable height. A 40% increase is not a minor variance.

Density: Using the formula 100 units per hectare. The developer states his site is approximately 750 sq. metres. This would allow 7 units to be built on this site. The developer's application is proposing 2 retail units and 13 condo units for a total of 15 units. This is over a 100% increase in units as per the standard.

Floor Area Ratio as compared to surrounding properties. The developer has not addressed this issue.

Setbacks: South setback is 1.2 metres. The Dundas Official Plan requires a 7 metre setback. The developer is requesting a decrease of this setback of approximately 82%.

West setback (side yard) 1.2 metres. The Dundas Official Plan requires a setback of 45% of the building Height. Building height 14.5 metres, (45% of 14.5 = 6.55 metres) The developer is requesting a decrease in the side yard setback of approximately 75%.

Parking: the application allows for only 1 parking space per unit (most households today have 2 vehicles) and does not provide any visitors parking. The Dundas Official Plan clearly states the number of parking spaces per unit 1.25 plus .25 spaces per unit for visitors. No unit overflow or visitors parking is provided.

Landscaping; all the surrounding properties have some form of landscaping at street level. The proposed application only provides concrete at street level. No landscaping plan has been presented for street level.

Overviewing: With such limited setbacks, no consideration for privacy to the properties to the south and west has been given or addressed.

Overshadowing. The structure completely overshadows the property directly to the west. Overshadowing issues are a problem for other neighbourhood residents.

Transition as per the Policies and Guidelines are non-existent.

The developer has stated rezoning and variances as stand alone issues to reduce their overall impact. However as we have seen these variances are significant in each case. When we look at them in a collective state they are dramatic in nature and overwhelming to the neighbourhood.

The developer has stated the surrounding neighbourhood as a collection of Georgian, Victorian and Queen Anne, Gothic Revival, Colonial and Prairie/Craftsman residents.

The PPS, Former Hamilton-Wentworth Official Plan, Former Town of Dundas Plan, Former Town of Dundas Zoning By-law, Town of Dundas Official Plan and Proposed Urban Hamilton Official Plan all have a very strong element that is all new development and infill must be in the character of the existing neighbourhood.

The building proposed by the developer can be best described a huge glass fish bowl and in no way does it reflect the character of the neighbourhood as stated by Mr. Ariens the developer's planner.

For the above noted reasons I respectfully request this application be denied.

William Hilson
353 Park Street West
Dundas, Ontario, L9H 1Z3

Bell, Chris

From: Marion Kinsella
Sent: Tuesday, May 07, 2013 9:26 PM
To: Bell, Chris
Subject: Planning To redevelop at Tammy's Place

File No: OAP - 12- 017/ ZAC- 12-043

May 7th

I am Writing to express my oppositon to the building being proposed in the location of Tammy's Place in Dundas.

I live directly across the street from Tammy' Place on Brock St. South and I feel the new building would be quite a change to the well-established character and style of our neighbourhood. Dundas is a community with a uniqueness and history.

On a more personal note, I foresee greater **traffic** to the area as one concern. I have a 2 year old and an 8 year old and I am concerned about road safety. And, being a paranoid mom, I am concerned about **stranger** safety with my children being exposed to far more people across from my place. Condos most likely will not be full of families and children which I would prefer as neighbours in my community.

Along with the increased vehicle traffic will be the **noise** that comes with vehicles. We have very lovely neighbours in the area however, I am easily awakened already by the car that drops off the neighbour's newspaper at 5 am as well as the garbage truck that collects the community garbage bin infront of Tammy's at 5 am. Often the neighbours who rent and come home late at night close their car doors and talk at regular voice level , but this is loud enough to wake me up. I can't imagine what it would be like with constant vehciles and people coming and going.

We have a bus that parks right across from the house in Tammy's parking lot. When the driver sits in the front seat, he can see right into our living area. I dread to think about our loss of our **privacy** as the new building goes up!!!!

I was aware that there was a **parking** study happening in this area. Knowing a few of the neighbours and their vehciles and their regular parking patterns makes me wish to comment on the accuracy of the parking study results. What I had noticed was that the neighbours that normally parked on the street were actually parking in Tammy's lot - which resulted in making it seem as if parking on the street was more available than it actually is.

In addition, the neighbourhood will need to endure all the **pains of the development** over the months of development.

I am not normally one to write to my councillor, but I know that there are a lot of neighbours in our area talking about the development that is proposed and not one of them is in favour. I wanted to say my little part to let you know there will be a **sadness** if a movement allows this to proceed. There will also be a fear of what other buildings will be allowed to be developed.

Thank you for sending me a letter in the mail about the proposed plan. This is greatly appreciated! Please continue to do so.

I thank you for your time and your ear!!
Have a great day,

Marion Kinsella
5 Brock St. South
Dundas, On
L9H 3G5

Bell, Chris

From: Jane Lowry
Sent: Monday, May 06, 2013 6:18 PM
To: Bell, Chris.
Subject: Tammy's Place

May 6, 2013

Hello Chris

I e-mailed Edward John requesting the variances that the new Tammy's Place development is requesting and he said that he would forward them to you and you would reply when you returned from holiday on April 29. Not having received a response from you, I e-mail you for variance information on May 1, 2013. I have not received a reply from you so I am assuming that the variances have not changes and accept my letter based on that fact.

I am opposed to the proposed 4 storey, 17 unit apartment building at 336 & 338 King St. W., Dundas.

My opposition is based on:

- Over intensification including numerous variances
- Lack of privacy
- Parking
- Traffic
- Lack of Infrastructure
- Does not conform to character of the community
- Lack of transition

I am also concerned about the faith that the city planning department puts into the planning justification report. Just a few of the statements and assumptions that must have their validity questioned and errors are listed below.

Page 4. "This section of King Street is characterised by lower density residential dwelling, many of which have been converted to Commercial and Office use." On this section of King St. there are three businesses on the opposite side of the street that were former residential properties. Since when does three become MANY?

Page 4. "The property immediately to the west is a one storey dwelling which is utilized as a residential and office (massage therapist.)" This is wrong. This property is home to a 70+ year old couple and their adult son. There is no business running out of this house.

Page 4. "Further east along King St., both sides are again characterised with two and two and a half storey dwelling some of which remain single family units while others have been converted into multiple apartments and Mixed Use buildings. Why were one storey

homes over looked in this description? The closest Mixed Use building is a convenience store two blocks east at the corner of King and Peel.

Page 6. "There are also some low-scale apartment blocks within the vicinity." I have lived in this neighbourhood for 10 years and have not seen any of this type of housing in the vicinity. Please ask Mr. Ariens where should I be looking?

This Planning Justification Report implies that the surrounding area will be redeveloped. This area is filled with peoples' homes. Many have lived here for over 25 years. This is their neighbourhood of choice. How can John Ariens, IBI Group, make assumptions that these homes are ripe for redevelopment?

The planning report on available parking is a joke. It used an area that spread out over two blocks in all directions and came up with 268 available parking spaces. What about James and Bond St.? This is Dundas!!!! We did not choose to live here to have to walk over two blocks to get to our homes.

I hope that this proposal can be put to rest before countless time and money is spent.....and the anxiety felt by neighbours that their quality of life will be threatened.

Respectfully yours

Jane Lowry
351 Park St. W.
Dundas, Ontario
L9H 1Z3

Bell, Chris

From: Jim Couper
Sent: Monday, May 06, 2013 9:10 PM
To: Bell, Chris
Subject: Tammy's

Hi Chris,

Most HEARD members probably know that the developer of Tammy's has submitted a new proposal for a four storey 17 unit building. From what was viewed at the open house on April 3, the setbacks look the same as the original proposal. This proposal is still far too intensive for this property. There continue to be issues of: parking, over-viewing, lack of appropriate setbacks, as well as the proposal neglecting the character of the neighbourhood.

Jim.

Bell, Chris

From: John & Janet Coles
Sent: Monday, May 06, 2013 3:14 PM
To: Bell, Chris
Subject: Proposed 4 story Condo for 336 and 338 King St West Dundas

Subject: Official Plan and Zoning By-law Amendment Application. (File Nos. OPA-12-017/ZAC-12-043)

I strongly oppose the revised proposal for the following reasons:

1. The proposed variances are excessive for the location. Recently our elected representatives (City Council) denied a 6 storey proposal in the same neighbourhood largely because of excessive variances. Why does the Planning Department continue to work against what the City Council will approve? I live in a townhouse on Park st W and my property is approximatly half the size of the lot being proposed.and they want to build 15 units. Talk about intensification!!
2. The proposed condo design does not conform to the historic character of the neighbourhood.The ultra-modern appearance is insensitive to the surrounding buidings Some homes in the area are 150 yrs. old and are 'listed buildings'. The historic character of Dundas and its surrounding escarpment must be preserved for future generations.It's what makes Dundas so attractive.
3. Parking is at a premium in this area, because many homes were built before cars were available. Street parking is necessary for many existing homes. The underground parking proposed seems impractical in regards to the access ramp.(slope) What is proposed will create a parking crisis in the immediate area especially when there are visitors to contend with.Also the safety concerns of accessing the underground parking.
4. The proposed condo will over shadow adjacent homes and windows/balconies will over-view existing properties which will be an intrusion of privacy. This is unacceptable.
5. This is surely another case of over intensification by an opportunistic individual, who is not really a developer He has no interest in the historic and natural beauty that exists in the town of Dundas. It is my understanding that distance or intermediate building height should be used to transition from low to high buildings. This condo would look like a mis-fit "holiday flat type design " in the middle of 1-2 storey historic homes. If built, it would be a reminder of a time when miss-applied intensification was exercised in our town.
6. I really can;t see how it benefits anyone to entertain a proposal without first checking the infrastructure. The recent Bond St. fire was proof that lack of water pressure is already putting existing residents at risk, without any added burden of 4 storey condos.
7. I think the principle of intensification is sound, BUT the way it is being implemented by our Planners is beyond what was intended and reasonable. The developer who is creating condos inside the Dundas School could have saved money if he were to have demolished the building and started over, however he did not because he respected the historic value of Dundas. I applaud him.
- 8) I doubt whether this proposed condo design would be more profitable to the owner than if he were to consider building 5 or 6 three storey town houses similar to those at 5,7,9 and 11 Brock st south. This design involves deep foundations, an elevator and various other expensive safety equipment etc.I wonder if this has even been considered?

S. J. Coles, P.Eng.
341 Park St. West
Dundas, ON
L9H 1Z3

Bell, Chris

From: Adele Barrett
Sent: Monday, May 06, 2013 2:03 PM
To: Bell, Chris
Subject: Tammy's Place development

Hello

I attended the open house and spoke with the planner about my concerns which include the proposed building's proximity to and over-view of neighbours, and the small set-backs from the property lines.

I believe that any new development should have a respectful transition from adjoining homes and in order to do this the setbacks required by the current zoning should be maintained.

Development should not be allowed that requires dramatic variances.

Why do we have guidelines if they can be ignored?

Adele Barrett

Bell, Chris

From: rob roi
Sent: Monday, May 06, 2013 1:10 PM
To: Bell, Chris
Subject: Tammy's place

Dear Chris,

I am very concerned with the plans for that space. I frequently drive up Brock street and turn onto King street going East. In order to see the traffic on King I have to pull into the intersection -I shudder at the thought of a larger building and extra parked cars to further block my view - Accidents will happen!

Concerned,
Rob Roi

Bell, Chris

From: Karen Bruder
Sent: Sunday, May 05, 2013 10:32 AM
To: Bell, Chris
Subject: Dundas

Dear Chris

Please keep our town the picturesque and beautiful place it is. Help create something that fits in with this jewel of a town. People come here to experience small town charm. Many of us live here and value what it is.

Help create a place that, when you look back on your work, you will smile and be pleased that you did the right thing.

Many Thanks,
Karen Bruder
2 Witherspoon St.
Dundas

Chris Bell,
City of Hamilton
Planning and Economic Development Department
71 Main St. W.
Hamilton, Ontario
905-546-2424 ext. 1262

Greetings,

My understanding is that the property once known as Tammy's on King Street West in Dundas, has had a new application proposed for its development. Perhaps it is a reduced proposal of 4 stories and 17 units? Despite this rollback from the previous proposal, there will continue to be issues of: parking, overlooking, lack of appropriate setbacks and not in character with the neighbourhood.

Chris, this matter relates to development in general in the west end of Dundas. There is the outstanding issue around 24 Brock Street North plus whatever will become of the commercial property recently ravaged by fire. All three properties and perhaps others, will remain contentious issues as long as they intend to exceed the setbacks and zoning restrictions so carefully set in place to maintain the character of this part of town. Any further intensification will impact the neighbours negatively and tend to overstress the infrastructure of the area. It seems eminently reasonable to maintain the Master Plan for Dundas. That plan places intensive development in allocated parts of town and leaves historic neighbourhoods unmolested by encroaching developments. Surely Hamilton offers enough locations for this kind of development without giving the West end of Dundas an Eglinton Avenue, Toronto treatment.

As a tax payer in one of the most highly taxed cities in Southern Ontario, my request is that we stop incurring arbitration costs by encouraging developers to violate setbacks and height restrictions in their applications and triggering what has become a consistent and adamant critique from the citizens of this area.

Thank you for taking this letter into consideration,

Patrick Doran
132 Melville Street,
Dundas, Ontario
L9H 2A5

Bell, Chris

From: Deborah and Patrick Doran
Sent: Sunday, May 05, 2013 9:27 AM
To: Bell, Chris
Subject: Hamilton's Development Department

Chris,

I know that we have to have some process for variances but when it comes to height and setback restrictions, surely they should be dealt with by only allowing one variance at a time, - this to discourage big developments from broaching the very nature of the neighbourhoods.

Respectfully submitted,

Patrick Doran

Bell, Chris

From: Annette
Sent: Sunday, May 05, 2013 8:27 AM
To: Bell, Chris
Subject: Proposed development in Dundas

Hello Mr. Bell,

I would like to express my concerns regarding a proposed development of a 4 story 17 unit complex at 336 & 338 King St. W in Dundas at a former restaurant "Tammy's Place." The plans are far too intensive and overwhelming for the size of property. There does not appear to be enough setback from the road, inadequate amount of parking, and the design is not keeping with the character of the surrounding residential neighbourhood.

I invite you, and any other city employees involved in the decision making to visit Dundas and take a good look at the site. Once again a developer is trying to over intensify development in a quiet residential area.

A concerned citizen,
Annette Lawson

F.M.
RECEIVED
MAY - 3 2013

File Nos. OPA-12-017/ZAC-12-043

Property at 336 & 338 King St. W. Dundas.

I still don't agree with the structure of such a building on these 2 lots, family homes would suite the lots and area. Homes would fit into the street area a lot better. I would like to see the area stay as it is.

Parking is also an issue! its bad enough with the doctors office across the street.

At the last meeting we were told a three story building to two condos on the next floor. This letter sounds like were going up ~~two~~ four floors now." is this plus the two condos or what?

The concern about privacy is another issue for some home owners. I will have little privacy and the light & sun on my home will be cut of completely.

Sorry can't agree to this building but I honestly think this is not the place for this kind of structure.

Sincerely,

Kena Walker
340 King St W
Dundas.
L9H1W7.

File # OPA-12-017/ZAC-12-043

Chris Bell
Planning and Economic Development Department
Planning Division
71 Main Street West, 5th Floor
Hamilton, Ontario, L8P 4Y5

RECEIVED
MAY 02 2013

My name is Louis Nagy and both my wife Valerie and I are against the idea of changing the official plan or the zoning by-laws effecting the property on 336 and 338 King Street west Dundas. Our understanding is that by laws and zoning regulations and restrictions on development are put in place to protect the integrity and character of neighbourhoods; not just in Dundas, but everywhere. However it seems that our little part of Dundas is continuously sought after by people who try to change the existing laws for the sake of profit. Quite frankly we are getting sick of it and wonder why such rules, laws are put in place at all if a little money, time and persuasion is all that are required to change them. Why are we, the residents WHO LIVE here, the ones who always have to be fighting the one individual who wants to change the laws. Is there no one in office who says enough is enough. The whole process is ridiculous where one individual for the sake of profit can disrupt an entire community. Dundas seems to be going the way of many communities before us, money and profit are clearly the motivation that drives our system. As a 25+ year resident of Dundas it is very disheartening.

Just out of curiosity why do we call it the Official plan since it can be constantly changed if someone smells the opportunity to make some money and then just go ahead and change restrictions, variances, zoning, by laws, despite clear resentment and anger from the community?

We are against any changes to the existing by laws or amendments to official plans as they now exist.

We wish to be updated on all proceedings on this manner.

Louis and Valerie Nagy
5 Brock Street North
Dundas, Ontario
L9H 3A5

April 14, 2013

IBI Group
200 East Wing
360 James St. North
Hamilton, Ontario
L8L 1H5

This letter is to provide some concerns regarding the proposed development of the former Tammie's Diner at 336 & 338 King St., Dundas.

I attended your open house on April 3, 2013 to see your new proposal. While informative, I feel the below mentioned issues were not properly addressed.

Your proposal of four stories does not fit into the existing homes of the surrounding area. The height of such a structure will loom over the adjacent properties and infringe on the privacy of the residents.

Parking in and around this area is already at a premium and adding more vehicles to the mix would make things more difficult. This will also become an issue in the winter months for snow accumulation and snow removal.

You did not address the issue of the water pressure in the area. When the town houses on Bond Street were built a change in the pressure occurred in a negative way. The water pressure in the area has always been low and with the additional town houses the pressure has decreased. With the proposed new buildings, the water pressure is now going to be affected again.

In conjunction with the water pressure issues the subsequent concern is the sewage systems. Your proposal did not incorporate any information as to the overload on the sewage system that will inevitably occur with additional housing.

I anticipate the above noted concerns will be addressed at any future meetings prior to any decisions being made surrounding the proposed developments. Please feel free to contact me to discuss further if necessary. You can reach me at my home number [redacted] or for ease you can respond to the senders email.

Thank you

Respectfully submitted,

Russ Cooper

April 14, 2013

IBI Group
200 East Wing
360 James St. North
Hamilton, Ontario
L8L 1H5

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Thank you

Respectfully submitted,

Jennifer Plett
57 JAMES ST
DUNDAS ONTARIO

CC CHRIS BELL LGH ZJ8
CC RUSS POWERS

Bell, Chris

From: Terry Johnson
Sent: Monday, May 06, 2013 1:17 PM
To: 'Heard'; Bell, Chris
Subject: Tammy's Place - Terry Johnson - 335 King St W.

Hi Chris,

My name is Terry Johnson and I just moved into **335 King St W** (Keith's Sharpe's old home). I did go to the open house on April 3rd, but really didn't meet anyone that evening. I did look over the plans for the condo and was not impressed. I know that the residents have many concerns and my concerns are probably the same but I would like to strongly disapprove this condo from being built.

As you know I live across the street and this condo would greatly affect my view (sunset)/feel of the area and my property value. The parking is a huge concern for me as well. Having a condo building on the corner will most certainly affect the parking on the street. Parking is already a concern for most home owners without private drives and who use the street now. The condo will most certainly increase the number of cars on the street (condo owners/condo visitors/retail customers); in my opinion to an overwhelmed capacity and therefore not allowing any room for actual home owners to park. The streets around the proposed condo are also used by many nature lovers to park their cars when enjoying the trails, etc., having the access to trails at the end of Brook Street. The sunset would also be affected by the buildings location; and in turn that will affect owners gardens, etc.

Another huge concern is the proposed retail spots on ground level. They are said to only be zoned for commercial/office space, however, we both know that they will most likely accept almost any retail to move in. That being said, the traffic (which is already substantial) will be greatly increased with parking again being a huge problem. It is also a concern when turning right (south) from Brook onto King St that the curve of the street will present a problem being able to see oncoming cars (cars driving south). This is already a hard spot to see oncoming cars and with a building, more traffic and more street parking it will be worse. This presents a safety concern and brings a question to mind - "are they going to install traffic lights"? So basically the intersection will turn into a very busy commercial spot! This location is "out of the downtown area" and is zoned for 2 single resident homes for a reason; why place an ugly glass building in the middle of it and ruin that special neighbourly feel by have those condo residents looking down into our backyards to ruin the privacy that we all deserve and enjoy.

The building design is also not at all suitable or close to what the rest of the town's current design is. Everyone has made an effort to keep that "historical/Victorian" design in the town and a glass condo building will surely stick out in a bad way. There are many design ideas that would reflect the town's feel and glass certainly is not one of them. I understand that they have looked into placing the special glass that protects the birds from flying into, but are we sure that is being done? The birds are so beautiful and it would be devastating to see the birds die when it could be completely preventable.

I moved to Dundas because I love the beautiful surroundings and the fact that the town and its residents have worked hard to keep its' special history intact; including the character which is obvious to anyone who walks the streets and enjoys the beauty of all the residents hard work in keeping their homes historical character.

The current proposal is not acceptable!

Please let me know how I can help... is there something I can sign?

Terry Johnson

Regards,

Terry Johnson
Office Manager
THN Publications Inc.
Home News & Prestige Home & Lifestyle Magazines
1020 Johnson's Lane - Unit A1
Mississauga, ON L5J 2P7