



Hamilton

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

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	February 18, 2014
<b>SUBJECT/REPORT NO:</b>	Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Greg Macdonald (905) 546-2424 Ext. 4283
<b>SUBMITTED BY:</b>	Joe-Anne Priel Acting General Manager Planning and Economic Development Department
<b>SIGNATURE:</b>	

**RECOMMENDATION**

That approval be given to **Zoning By-law Amendment Application ZAC-09-030, by Mattamy Homes (Waterdown) Limited, (Owner)**, for a modification to the existing Urban Residential “R1-30” Zone, in order to remove the regulation permitting a maximum of 34 dwelling units on the subject lands, for lands located at the southwest corner of Parkside Drive and Spring Creek Drive (Flamborough), as shown on Appendix “A” to Report PED14018, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED14018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP).

**EXECUTIVE SUMMARY**

The purpose of the application is for a change in zoning to allow the subject lands to be developed for a maximum of 85 street townhouse dwelling units. The current zoning regulations would permit the subdivision of the subject lands into 34 lots. The rezoning would ultimately allow an additional 51 units over what is currently permitted. Given the 2.04 ha of net developable lands subject to this application, the unit yield would result in a density of up to 41.7 units per net residential hectare, and would be in accordance

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with the “Neighbourhoods” designation of the UHOP, which permits a maximum density of 60 units per hectare for low density residential uses.

The proposal can be supported, as it is consistent with the Provincial Policy Statement (PPS), and conforms to Places to Grow: Growth Plan for the Greater Golden Horseshoe, and implements the “Neighbourhoods” designation of the UHOP. It implements the existing approved draft plan of subdivision, which contemplated street townhouses at this density on the subject lands.

***Alternatives for Consideration – See Page 10***

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: N/A.

Staffing: N/A.

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

**HISTORICAL BACKGROUND**

**Proposal:**

The applicant has applied for a change in zoning to modify the existing Urban Residential “R1-30” Zone to remove the site-specific regulation, allowing a maximum of 34 dwelling units in order to permit up to a maximum of 85 street townhouses, in accordance with the existing draft approved subdivision. No other changes are being sought to the type of units proposed, nor to the existing development regulations (i.e. lot frontage, lot area, setbacks and coverage, etc.).

The subject property was part of a previous Zoning By-law Amendment and Draft Plan of Subdivision applications (ZAC-03-025 and 25T-200307) to consider a range of residential and commercial uses on 19.56 ha of lands between Dundas Street (Highway No. 5) and Parkside Drive. The applications were approved by City Council on August 12, 2004, and resulted in the approval of a draft plan of subdivision consisting of 352 residential dwelling units, ranging in type and tenure, that was to be phased based on the timing of transportation infrastructure improvements (se Appendix “C”).

As part of the approvals in 2004, the 2.82 ha of land subject to this development application were zoned Urban Residential “R1-30”. Site-specific provisions adopted as part of the Zoning By-law Amendment permitted up to 34 units consisting of either single detached or street townhouse dwellings on the subject lands. In addition, the

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draft plan of subdivision served to set the street pattern, which is to consist of a looped street with a connection to the existing Fellowes Crescent and Spring Creek Drive.

**Chronology:**

August 12, 2004: By-law No. 04-203 passed by City Council enacting the “R1-30” Zone on the subject lands proposed as part of Zoning Application ZAC-03-025.

May 17, 2007: Subdivision Application 25T-200307, “Upcountry Estates” is Draft Approved.

August 12, 2009: Zoning Application ZAC-09-030 deemed complete (along with Official Plan Amendment Application OPA-09-007 which is no longer required and has been withdrawn).

August 20, 2009: Notice of Complete Application and Preliminary Circulation for Zoning Application ZAC-09-030 (and the then proposed Official Plan Amendment) sent to all property owners and residents within 120 m of the subject lands.

August 26, 2009: Public Notice sign erected on the subject lands.

September 30, 2009: By-law No. 09-204 is passed by City Council as part of Zoning Application ZAH-09-020, removing the ‘H’ Holding Provision from the subject lands (and other portions of the “Upcountry Estates” Draft Plan of Subdivision) as the Environmental Assessment process for the Transportation Master Plan had proceeded to a stage where alternatives and the bypass routes were identified.

December 11, 2012: Phase 1B of the “Upcountry Estates” Draft Plan of Subdivision (25T-200307) is Registered as Plan 62M-1184 (see Appendix “D”) which includes 34 street townhouse lots that the “R1-30” Zone permits.

September 4, 2013: Development Planning, Heritage and Design Section advised that ownership of the subject lands had changed and that the development application has been transferred from Upcountry Estates Limited to Mattamy (Waterdown) Limited.

January 31, 2014: Notice of Public Meeting sent to all residents within 120 m of the subject lands.

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**Details of Submitted Application:**

**Location:** South side of Parkside Drive, west of Spring Creek Drive, Waterdown (see Appendix “A”)

**Owner/Applicant:** Mattamy Homes (Waterdown) Limited

**Property Description:** Area: 2.82 ha  
Frontage: 126.1 m (along Parkside Drive)  
Depth: 193.3 m

**Servicing:** Full Municipal Services

**EXISTING LAND USE AND ZONING:**

	<b><u>Existing Land Use</u></b>	<b><u>Existing Zoning</u></b>
<b><u>Subject Lands:</u></b>	Vacant	Urban Residential “R1-30” Zone

**Surrounding Lands:**

<b>North</b>	Single detached dwellings and agriculture	Agricultural “A” Zone
<b>South</b>	Single detached dwellings	Urban Residential “R1-27” Zone
<b>West</b>	Townhouse and single detached dwellings	Urban Residential “R6-4” Zone and Urban Residential “R1-7” Zone
<b>East</b>	Vacant	Urban Residential “R1-27” Zone

**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

**Provincial Policy Statement (PPS):**

The PPS provides policy direction of Provincial interest related to land use planning and development. The Planning Act requires that in exercising any authority that affects planning matters, planning authorities shall be consistent with policy statements issued under the Act. The application is consistent with the PPS, since Policy No. 1.1.3.1

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states that 'Settlement Areas' shall be the focus of growth, and Policy No. 1.1.3.3 states that Planning Authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated.

**Places to Grow: Growth Plan for the Greater Golden Horseshoe:**

Section 1.2.2 of the Growth Plan for the Greater Golden Horseshoe indicates that some of the guiding principles of the Plan are to "build compact, vibrant and complete communities", and to "optimize the use of existing and new infrastructure to support growth in a compact efficient form". The application conforms with these principles since it proposes to build a more compact community by developing an underutilized area of land in a location where full services and infrastructure already exist.

Based on the foregoing, the proposal conforms to the policies of the Growth Plan for the Greater Golden Horseshoe (Places to Grow).

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

The UHOP designates the subject lands as "Neighbourhoods" on Schedule "E" – Urban Structure and on Schedule "E-1" - Urban Land Use Designations. There is no approved Secondary Plan or Neighbourhood Plan applicable to the subject lands. Therefore, the following policies, among others, are applicable to the subject lands:

"E.3.2.3 The following uses shall be permitted on lands designated "Neighbourhoods" on Schedule E-1 - Urban Land Use Designations:

- a) Residential dwellings, including second dwelling units and housing with supports;

**E.3.3 Residential Uses - General Policies**

Three categories of residential land use are described in this section, but are not designated on Schedule E-1 - Urban Land Use Designations. These residential categories provide general location, scale, and design directions for the purposes of secondary planning and zoning. These categories may also be applied in the redevelopment of larger sites.

E.3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

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E.3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

E.3.4 Low Density Residential

Function

E.3.4.3 Uses permitted in low density residential areas include single-detached, semi-detached, duplex, triplex, and street townhouse dwellings.

Scale

E.3.4.4 For low density residential areas the maximum *net residential density* shall be 60 units per hectare.”

The “Neighbourhoods” designation permits a range of residential uses that are compatible with the existing character of established neighbourhoods, including street townhouses, in accordance with the low density residential category which contemplates a density of up to 60 units per hectare (up to 41.7 units per hectare are proposed). The proposal implements a form of development previously approved through the related Draft Plan of Subdivision.

## **RELEVANT CONSULTATION**

The following Departments and Agencies had no comments or objections:

- Traffic Engineering Section (Public Works Department).
- Hamilton Street Railway.
- Recreation Division (Public Works Department).

The following Departments and Agencies submitted the following comments:

**Hamilton Municipal Parking System** had originally expressed concern with respect to the amount of street parking available to accommodate the proposed townhouses. The applicant has submitted an on-street parking plan, as well as amended versions of this plan, to address Hamilton Municipal Parking System and Development Engineering Approvals Section feedback. As a result of the revisions, the amount of on-street parking possible will exceed the required amount of 40%, which has satisfied Hamilton Municipal Parking System.

## **PUBLIC CONSULTATION**

In accordance with the provisions of the Planning Act and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation was circulated to 144 property owners within 120 m of the subject property in 2009, requesting public input on the application. A Public Notice sign was also posted on the property in 2009. At some point in the past, the sign had been removed but has recently been reinstated with updated information including the new owner of Mattamy Homes. Notice of the Public Meeting was also given in accordance with the requirements of the Planning Act. To date, 12 letters have been received from local residents, mainly expressing concerns about the change in land use and increase in density. A review of the concerns is contained in the Analysis and Rationale for Recommendation Section this report.

## **ANALYSIS AND RATIONALE FOR RECOMMENDATION**

1. The proposal has merit and can be supported for the following reasons:
  - (i) It is consistent with the PPS and conforms to Places to Grow (Growth Plan for the Greater Golden Horseshoe);
  - (ii) It conforms with and implements the “Neighbourhoods” designation of the UHOP;
  - (iii) It implements the Draft Approved Plan of Subdivision 25T-200307 “Upcountry Estates”; and,
  - (iv) Townhouses have always been planned for these lands and the rezoning is necessary to allow the remaining lands in Phase 1C of the “Upcountry Estates” Draft Approved Plan of Subdivision to be developed at an appropriate density and interface between the subject lands and existing dwellings to the south.
  
2. The proposed zoning modification would remove the regulation contained within the existing Urban Residential “R1-30” Zone that limits the total number of dwelling units on the subject lands to 34. The “R1-30” Zone permits both street townhouses and single detached dwellings. The proposed zoning modification would not change any of the other underlying zoning provisions that would apply to single detached dwellings or street townhouses. In this regard, the street townhouses must provide:
  - Minimum lot area of 156 sq m;
  - Minimum lot frontage of 6 m;
  - No maximum lot coverage applies;
  - Minimum front yard of 3.5 m except 6 m to a garage;

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- Minimum 6.5 m rear yard;
- Minimum interior side yard of 1.2 m (at the end of a group of townhouses);
- Minimum exterior side yard of 3.5 m (where a side yard abuts a road but 6 m to a garage); and,
- Additional provisions for yard encroachments are also provided for, in the By-law.

The applicant is proposing to develop the subject lands for 85 street townhouses (although the applicant has now indicated only 81 will likely be developed) in conformity with the above-noted special provisions which have already been approved and are in effect. The proposed density of up to 41.7 units/ha conforms with the UHOP which permits street townhouses at a density of up to 60 units/ha. It also should be noted that this zoning application implements an existing Draft Approved Plan of Subdivision (see Appendix “C”). Within this subdivision and abutting lands to the west, street townhouses (and block townhouses) abut single detached dwellings, and are an established form of development. No changes to the approved road pattern are proposed, and the applicant must satisfy all of the existing conditions of approval of this subdivision, prior to the development moving forward to the building permit stage.

3. In addition to the above, it should be noted that Phase 1B of the overall subdivision plan was registered on December 11, 2012, as Plan 62M-1184 (see Appendix “D”). This plan created five blocks for 34 street townhouses fronting onto Lupo Drive, and also included a short extension of Fellowes Crescent easterly, and then the construction of Lupo Drive from Fellowes Crescent to Spring Creek Drive. While individual lots within each block have not yet been created through the Part Lot Control Exemption process, these townhouses are now under construction, including units that will back onto existing single detached dwellings to the south. Therefore, all of the 34 dwelling units permitted within the entirety of the “R1-30” zoned lands have already been allocated to Plan 62M-1184 with none remaining for the rest of the “R1-30” zoned lands. Therefore, without approval of this Zoning Application to lift the 34 unit cap, no further development could occur, and the Fellowes Crescent extension may not be built. Appendix “E” shows how the remaining lands are proposed to be developed for street townhouses.
4. When the original application for the “Upcountry Estates” subdivision and related changes in zoning were reviewed and brought forward to Planning Committee in 2004, there was no unit cap or density restriction proposed by staff for the subject lands. However, in 2004 after a final review of the number of units proposed was undertaken, it was determined that due to the density of the single detached dwellings proposed in the subject lands, the overall subdivision would exceed the Town of Flamborough’s Official Plan Policy, that only permitted low density residential development at a maximum density of 26 units per hectare.



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In order to allow the subdivision to move forward and to permit additional phases to be registered (lands to the south of the subject lands), and to avoid the need for delays to conduct an Official Plan Amendment, the number of units within the subject lands to a maximum of 34 units to ensure the implementing zoning (contained in By-law No. 04-203) conformed with the Town of Flamborough Official Plan. However, since that time, additional lands have been added to the Draft Plan of Subdivision (Block 237 on 25T-200307) and the UHOP is now in effect. Therefore, the current planned density no longer exceeds any Official Plan policy.

5. The proponents submitted a Traffic Impact Study (TIS) as part of their application. The TIS was reviewed by the City's Traffic Engineering staff, who concur with the conclusion of the report, which indicates the existing road network can accommodate the incremental increase in traffic volume that may occur by the increased unit yield on the site.
6. The Public Consultation Section of this Report noted that 12 letters were received from area residents whom expressed concerns primarily about the increase in density and the proposed development of the subject lands for townhouses. In this regard, the subject lands have always been planned to allow either single detached dwellings or street townhouses, and when the original subdivision plan was reviewed, the applicant at the time (Upcountry Estates Limited) was proposing street townhouses on the subject lands. Persons who purchased abutting lots could have checked what zoning is permitted on the subject lands. In addition, a subdivision sign showing future land uses was erected at the corner of Lupo Drive and Spring Creek Drive in late 2012, indicating that the subject lands were planned for "proposed multiple residential" land uses. As noted above, an interface whereby the rear yards of street townhouses back onto the rear yards of single detached dwellings, is a normal interface between two slightly different forms of low density residential uses, and this interface exists throughout Waterdown.

Finally, since 2009 when many of the letter writers had written, Phase 1B has been registered as 62M-1184 with construction of street townhouses already proceeding abutting some of these lands. Finally, the subject lands have direct street access to Spring Creek Drive which connects to Parkside Drive and Dundas Street, as such, no traffic would infiltrate surrounding lands to the south. Therefore, staff is satisfied that the planned street townhouses at the density proposed are appropriate and represent good planning with no negative impacts to existing development.

7. All matters pertaining to engineering (grading, servicing, storm water management), archaeology clearances, tree preservation, sidewalks, road design, utilities, postal services, etc., are included as part of the Subdivision

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Agreement for “Upcountry Estates” (25T-200307) and must be addressed prior to registering any subsequent phases of development on the subject lands.

8. While the lands impacted by the proposed application only consist of the residential subdivision to contain up to 85 street townhouses, the extent of the existing Urban Residential “R1-30” Zoning also includes an existing municipal pumping station located at 460 Parkside Drive (which is surrounded by the residential lands). Such municipal infrastructure uses are permitted in all zones, and the “R1-30” Zone has no specific zoning provisions pertaining to the pumping station. However, as the text of the “R1-30” Zone is being amended by the application, it also de facto changes the zoning on this parcel of City of Hamilton owned lands. The Public Works Department has been made aware of the matter and have not raised any concerns with regard to including 460 Parkside Drive as part of the lands subject to the zoning application. Including this property as part of the zoning change does not impact the public notice or the range of properties that would have been pre-circulated the application in 2009, or circulated the public meeting notice in 2014.

## **ALTERNATIVES FOR CONSIDERATION**

If the application is denied, the portion of the subject lands already registered as Phase 1B will still be developed for 34 street townhouses, but the remaining lands could not be developed.

## **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:**

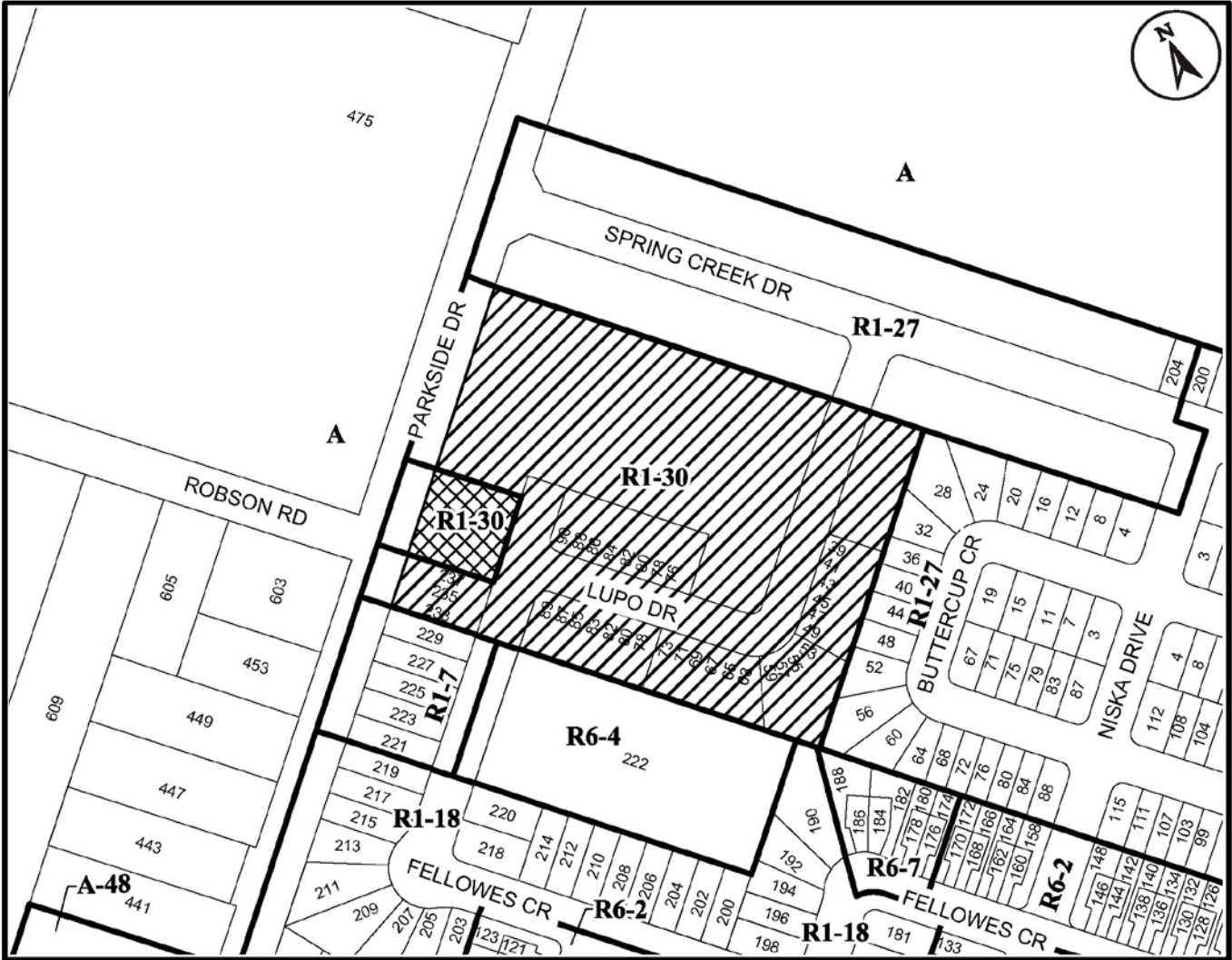
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

**APPENDICES AND SCHEDULES ATTACHED**

- Appendix "A": Location Map
- Appendix "B": Draft Zoning By-law Amendment
- Appendix "C": Draft Plan of Subdivision
- Appendix "D": Registered Plan 62M-1184
- Appendix "E": Sketch of the Remaining Lands Zoned "R1-30"
- Appendix "F": Public Comments

:GM

Attachs. (6)



● Site of the Application

## Location Map



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:  
ZAC-09-030

Date:  
January 7, 2014

Appendix "A"

Scale:  
N.T.S.

Planner/Technician:  
GM/NB

### Subject Property



Modification to the Urban Residential "R1-30" Zone



City Owned Lands



Ward 15 Key Map

N.T.S.



**Authority:** Item [REDACTED]  
Planning Committee  
Report 14 [REDACTED] (PED14018)  
CM: [REDACTED]

**Bill No.** [REDACTED]

## CITY OF HAMILTON

**BY-LAW NO.** [REDACTED]

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended  
Respecting lands located on the South Side of Parkside Drive,  
West of Spring Creek Drive**

**WHEREAS** the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 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 Corporation of the Town of Flamborough" 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 of the former area municipalities 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. 90-145-Z (Flamborough) was enacted on the 5<sup>th</sup> day of November 1990, and approved by the Ontario Municipal Board on the 21<sup>st</sup> day of December, 1992;

**AND WHEREAS** the Council of the City of Hamilton, in adopting Section [REDACTED] of Report [REDACTED] of the Planning Committee at its meeting held on the [REDACTED] day of [REDACTED], 2014, recommended that Zoning By-law No. 90-145-Z (Flamborough), be amended as hereinafter provided;

**AND WHEREAS** this By-law is in conformity with the Urban Hamilton Official Plan;

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

1. Section 6 – Urban Residential Zone of Zoning By-Law No. 90-145-Z (Flamborough), as amended, is hereby further amended by deleting Subsection 6.3.30 "R1-30", and replacing it with the following:

6.3.30 "R1-30" (See Schedule A-32)

Permitted Uses

- (a) Single Detached Dwelling
- (b) Street Townhouse

Zone Provisions

- (a) Single Detached Dwellings shall comply with all other zone provisions of Subsection 6.3.27
  - (b) Street Townhouses shall comply with all other zone provisions of subsection 11.3.12.
2. 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.

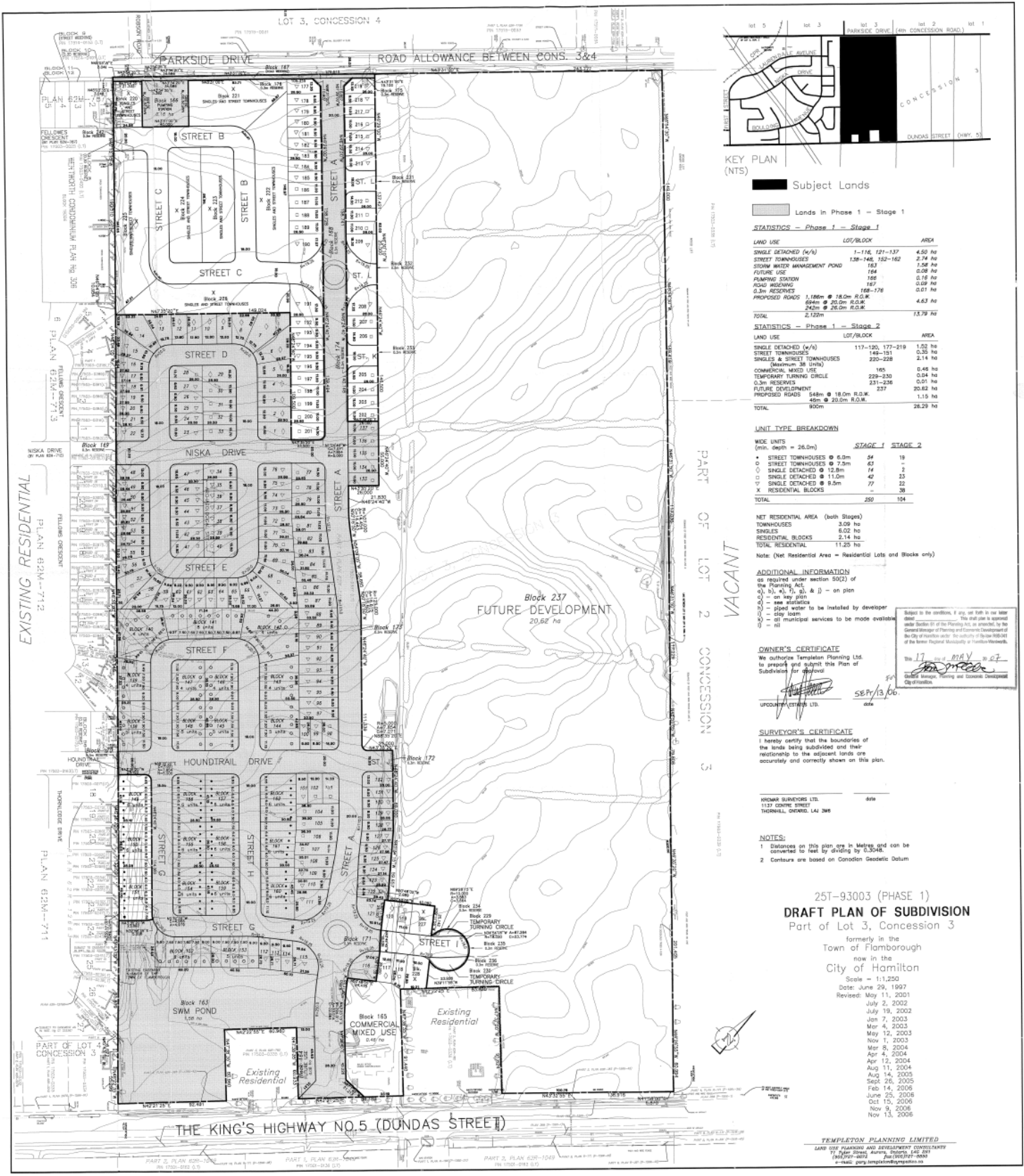
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R. Bratina  
Mayor

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Rose Caterini  
Clerk

ZAC-09-030



KEY PLAN (NTS)  
 ■ Subject Lands

STATISTICS - Phase 1 - Stage 1

LAND USE	LOT/BLOCK	AREA
SINGLE DETACHED (w/a)	1-116, 121-137	4.50 ha
STREET TOWNHOUSES	138-148, 152-162	2.74 ha
STORM WATER MANAGEMENT POND	163	1.06 ha
FUTURE USE	164	0.08 ha
PLANNING STATION	165	0.16 ha
PROPOSED ROADS	167	0.09 ha
0.3m RESERVES	168-176	4.01 ha
	1,066m @ 18.0m R.O.W.	6.83 ha
	694m @ 20.0m R.O.W.	4.67 ha
	242m @ 25.0m R.O.W.	0.61 ha
<b>TOTAL</b>	<b>2,120m</b>	<b>13.79 ha</b>

STATISTICS - Phase 1 - Stage 2

LAND USE	LOT/BLOCK	AREA
SINGLE DETACHED (w/a)	117-120, 177-219	1.52 ha
STREET TOWNHOUSES	149-171	0.36 ha
SINGLES & STREET TOWNHOUSES	220-228	2.14 ha
Maximum 36 Units		
COMMERCIAL MIXED USE	166	0.46 ha
TEMPORARY TURNING CIRCLE	229-230	0.04 ha
0.3m RESERVES	231-236	0.01 ha
FUTURE DEVELOPMENT	237	20.62 ha
PROPOSED ROADS	548m @ 18.0m R.O.W.	1.15 ha
	45m @ 20.0m R.O.W.	
<b>TOTAL</b>	<b>900m</b>	<b>26.29 ha</b>

UNIT TYPE BREAKDOWN

WIDE UNITS (min. depth = 26.0m)	STAGE 1	STAGE 2
● STREET TOWNHOUSES @ 6.0m	54	18
○ STREET TOWNHOUSES @ 7.5m	67	7
□ SINGLE DETACHED @ 12.8m	14	23
○ SINGLE DETACHED @ 11.0m	42	35
○ SINGLE DETACHED @ 9.5m	77	22
■ RESIDENTIAL BLOCKS	38	38
<b>TOTAL</b>	<b>250</b>	<b>104</b>

NET RESIDENTIAL AREA (both Stages)  
 TOWNHOUSES 5.08 ha  
 SINGLES 6.02 ha  
 RESIDENTIAL BLOCKS 2.14 ha  
**TOTAL RESIDENTIAL 13.25 ha**

Note: (Net Residential Area = Residential Lots and Blocks only)

ADDITIONAL INFORMATION  
 as required under section 50(2) of the Planning Act:  
 (a) - on key plan  
 (b) - see station  
 (c) - piped water to be installed by developer  
 (d) - slip lane  
 (e) - of municipal services to be made available  
 (f) - nil

OWNER'S CERTIFICATE  
 We authorize Templeton Planning Ltd. to prepare and submit this Plan of Subdivision on behalf of the owner.

*[Signature]*  
 SEP 13, 2006

SURVEYOR'S CERTIFICATE  
 I hereby certify that the boundaries of the lands being subdivided and their relationship to the adjacent lands are accurately and correctly shown on this plan.

PREPARED BY:  
 TEMPLETON SURVEYORS LTD.  
 1137 CONROY STREET  
 THORNHILL, ONTARIO, L4J 3M6

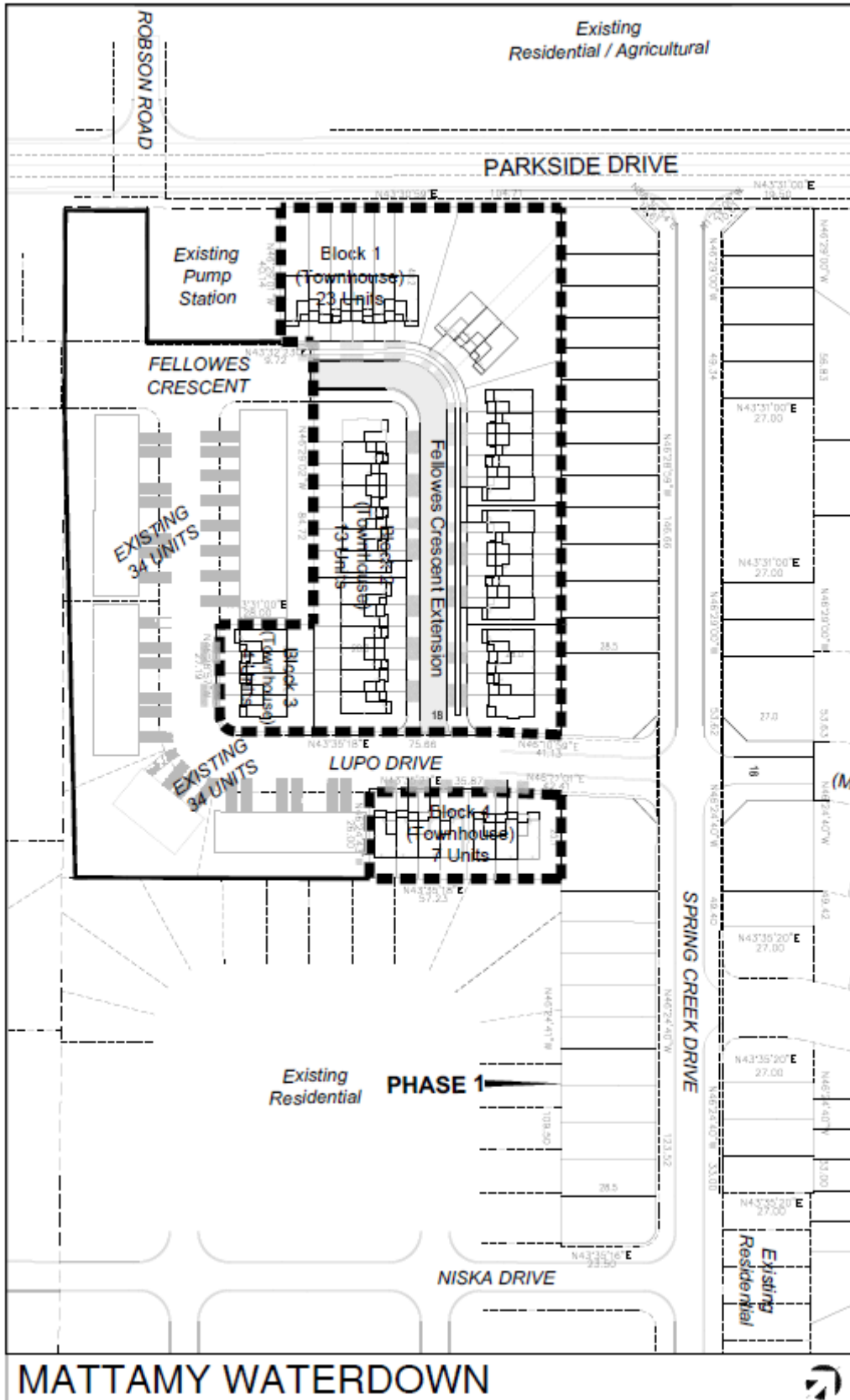
NOTES:  
 1. Distances on this plan are in Metres and can be converted to feet by dividing by 0.3048.  
 2. Contours are based on Canadian Geospatial Datum

25T-93003 (PHASE 1)  
**DRAFT PLAN OF SUBDIVISION**  
 Part of Lot 3, Concession 3  
 formerly in the  
 Town of Flamborough  
 now in the  
 City of Hamilton  
 Scale = 1:1,250  
 Date: June 29, 1997  
 Revised: May 11, 2001  
 July 2, 2002  
 July 19, 2002  
 Jan 7, 2003  
 Mar 4, 2003  
 May 12, 2003  
 Nov 1, 2003  
 Mar 8, 2004  
 Apr 8, 2004  
 Apr 12, 2004  
 Aug 11, 2004  
 Aug 14, 2005  
 Sept 26, 2005  
 Feb 14, 2006  
 June 25, 2006  
 Oct 15, 2006  
 Nov 9, 2006  
 Nov 13, 2006

TEMPLETON PLANNING LIMITED  
 LAND USE PLANNING AND DEVELOPMENT CONSULTANTS  
 1137 CONROY STREET, THORNHILL, ONTARIO L4J 3M6  
 TEL: 905.709.4400  
 FAX: 905.709.4401  
 E-MAIL: gary.templeton@templeton.ca







**Bell, Chris**

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**From:** Carole Foster  
**Sent:** Tuesday, August 25, 2009 9:51 AM  
**To:** Bell, Chris  
**Subject:** concerned Waterdown resident

Dear Chris.

I received the letter from the City of Hamilton regarding applications for an Official Plan Amendment and Zoning By-Law. So many words.

If I am correct, the reason for this letter is to let us know that the request from the Upcountry Estates to amend the Official to change the number of dwellings from 34 units to 85 street townhouse units

Why the change?

Is this change good for the people of Waterdown or is it good for the city of Hamilton ????????

Carole Foster 222 Fellowes Cre., Unit 8,  
Waterdown , Ont.,  
L0R2H3

10/15/2009

**Bell, Chris**

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**From:** Brad Bricker [  
**Sent:** Tuesday, August 25, 2009 10:11 AM  
**To:** Bell, Chris  
**Cc:** McCarthy, Margaret  
**Subject:** Upcountry Estates OPA and Zoning By-law Amendment

Hi Chris,

I reside at 176 Fellowes Crescent in Waterdown. I am very concerned about the Upcountry Estates application to increase the townhouse density on the subject lands by a factor of 2.5. Has a transportation analysis be completed to determine if Fellowes Crescent and Laurendale Avenue can accommodate the increased traffic? There are 24 driveways along Laurendale Avenue between Boulding and Fellowes. This poses some real challenges for residents entering and leaving the local neighborhood as there is only one access to Boulding and Parkside Drive. This issue was further exacerbated when the townhomes were approved at 222 Fellowes Crescent.

If the City feels that 85 units on the subject lands constitutes good planning then I would respectfully suggest you need to provide access to Spring Creek Drive and keep the traffic away from Fellowes Crescent. A second access is likely required to meet your guidelines for emergency vehicle access.

Lastly, previous plans for this property showed lower density housing and at one time a public park. There are no parks within walking distance in our community. Children must play in the street. Increased traffic in our community and the rate of speed at which people travel poses a great risk not only to pedestrians but residents trying to leave and enter their respective driveways. That said I do not support the proposal to increase the density of housing on the subject property from 34 units to 85 units. The previous plans for this property should be re-visited including the provision of a parkette that the local community can make use of. A combination of lower density housing on a single-loaded road with a central park common would be an alternative worth pursuing, provided the transportation concerns noted above can be addressed. I would also be interested in knowing how the site will be serviced and whether the receiving storm pond has been sized accordingly to accommodate storm runoff from this site (i.e. under both scenarios – the current zoning and proposed amendment to increase housing density and impervious cover).

If possible, I would appreciate receiving a copy of the applicant's planning justification report and supporting technical documents. If you have any questions or comments, please do not hesitate to contact me.

Best regards,

Brad Bricker

176 Fellowes Crescent  
Waterdown, ON L0R 2H3  
[REDACTED]

Information from ESET NOD32 Antivirus, version of virus signature database 4366  
(20090825)

The message was checked by ESET NOD32 Antivirus.

<http://www.eset.com>

10/15/2009

**Bell, Chris**

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**From:** Doug Bradshaw  
**Sent:** Tuesday, August 25, 2009 3:55 PM  
**To:** Bell, Chris  
**Cc:** McCarthy, Margaret  
**Subject:** Upcountry Estates Amendments

**RE FILE NO OPA-09-077 & ZAC-09-030**

**As owners of unit #23-222 Fellowes Cres., we do question the change of planning & zoning re the land in question! Our home backs out on this proposed development. The high density of 85 street townhouse dwelling units from the original 34 units, we are sure would be beneficial financially to Upcountry Estates & the city of Hamilton. However, we need to consider the congestion of traffic on Dundas, Evans, & Parkside. Also there already is a lack of schools in Waterdown, and no mention has been put forward re the timeline for building the school & park mentioned in builders plans sent to us March 23,2007. Is the plan to develop Waterdown into a high density community?? Please advise re the date & location of the public meeting re the afore mentioned applications. Also please notify us of the refusal or adoption of the applications.**

**Thank you,  
DOUG & LUCILLE BRADSHAW**

**Bell, Chris**

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**From:** Monika Harte-Maxwell  
**Sent:** Wednesday, August 26, 2009 9:25 PM  
**To:** Stevens, Danielle  
**Cc:** Bell, Chris  
**Subject:** Re: 32 Buttercup Cres Inquiry & lands behind 32 buttercup

As I was driving home I noticed a sign that said an application has been put forth for an ammendment to the zoning by-law to change the land behind Buttercup Cres and west of Spring Creek drive from a density of 34 homes to 85! We moved in just a month ago into our new home. I find it kind of ironic that who ever owns that land waited until all of the remaining unoccupied homes were sold before moving forth on this application. Is this type of application routine and what are the odds of it being passed?

Sincerely,

Monika

**Bell, Chris**

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**From:** Carole Foster  
**Sent:** Wednesday, August 26, 2009 1:05 PM  
**To:** Bell, Chris  
**Subject:** Parkside Drive. Waterdown

To Chris Bell

I live in the condos next to the property of Upcountry Estates. Over the past three years, this condo has had several problems with the area, mainly flooding. Mike Becke, city building inspector, could, if you are interested, tell you of our problem and he may still have pictures of the flooding.

When you have visited the area in question, you saw how crowded it would be with this proposed change. To put 85 townhouse units in a space that was originally to house 34 units, is not good. I wonder if an Environmental Impact study has been done in order to make this change possible.

Would like to know this.

Carole Foster,  
222 Fellowes Cr., Unit 8,  
Waterdown, On  
L0R2H3

**Bell, Chris**

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**From:** D. Philpott  
**Sent:** Friday, August 28, 2009 11:42 AM  
**To:** Bell, Chris  
**Cc:** "Margaret McCarthy"@Hamilton.ca  
**Subject:** 34 versus 85

Chris.....I've been informed by my neighbours of the application from Upcountry Estates, regarding re-zoning to allow for an increase in housing density from 34-85 units. This is an enormous jump in numbers; think of the impact on the neighbourhood, the traffic increases , etc. I want to voice my opposition to this proposal...hopefully it will not get approval.

Geraldine Philpott.

The above address is valid till mid-September..

After that , [gphilpott@cogeco.ca](mailto:gphilpott@cogeco.ca)

**Bell, Chris**

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**From:** Monika Harte-Maxwell |  
**Sent:** Sunday, August 30, 2009 7:00 PM  
**To:** Bell, Chris  
**Subject:** Re: 32 Buttercup Cres Inquiry & lands behind 32 buttercup

Chris,

I have been talking to a couple of my neighbours and they informed me that they got something in the mail about the proposal to amend the zoning. I have not recieved anything to date in the mail. Who do I talk to to ensure I get a package mailed out to me. I live at 32 Buttercup. Also, I took another peek at the posted sign and a small key plan/map and it looks like the entire site behind my house will be townhouses and no single detached? Is that the case?

Again, I am displeased that this sign to increase the density did not go up until **AFTER** all the houses on this street where sold and people moved in. Prior to purchasing this house I contacted the city and was told that the area was zoned for mix of single detached and townhouses, and now according to the map posted on Spring Creek its all townhouses. I'm contacting a real estate expert to see what that will do to the value of my home. There is a huge difference having more single detached homes in our back yard (meaning each house would probably end up having another home backing on to their backyard, with the density depicted on the sign on Spring Creek, most of the homes will end up having 3 to 4 neighbours in the back!) This move by the developer is underhanded and sickening! Knowing what I just found out these past few days, I would not have purchased this home, as I'm sure many of my neighbours too, as after talking to only 4 of our neighbours they were under the same impression as I, that it would be a mix of single detached and townhouses, so that it wouldn't be a continuous wall of townhouses across our back yards! Again, the developer's move seems **sneaky** and **underhanded** and not up-front as your comment states! If it was upfront the city of Hamilton would have relayed that information to me when I contacted them back in **June** prior to submitting an offer on this property!

I would appreciate if you could provide me with a name and contact information to who I may write a formal complaint and displeasure in regards to this matter.

Sincerely,

Monika Harte-Maxwell  
B.A.S., M.Arch..



**Bell, Chris**

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**From:** Sarah Munro  
**Sent:** Tuesday, September 01, 2009 12:26 PM  
**To:** McCarthy, Margaret  
**Cc:** Bell, Chris  
**Subject:** Upcountry Estates - By-law request

August 29, 2009

To: Margaret McCarthy  
CC: Chris Bell

In 2001 the Ontario Provincial Government made a clear commitment to the principles of SMART GROWTH PLANNING by creating a Smart Growth Secretariat. This organisation has three objectives: to promote economic growth and development, to build strong healthy communities and to protect the environment.

The proposed changes to the Upcountry Estates, file # NO OPA-09-077 & ZAC-09-030 is inconsistent with the Province of Ontario's principles of "Smart Growth Planning".

Land use planning means managing our lands and resources. It helps each community set goals for how it will develop and grow. It helps communities work out ways of reaching those goals while keeping important social, economic and environmental concerns in mind.

According to the Provincial Policy Statement 2008, land use planning policies in the Provincial Policy Statements help make sure that: Communities grow efficiently and in a way that respects the environment by wisely using the resources and land. As well as that the province's resources, such as its agricultural lands, wetlands, woodlands and water supply, are protected.

The proposed changes to the bylaw that currently limits of 35 townhouse units to increase to 85 will not be in accordance with the Provincial Policy. An increase in this number of units will increase vehicle as well as pedestrian traffic in this area. It will put undo stress onto the current roadways, sewer systems, water supply, emergency services and educational resources. Also with this proposed increase of townhouse units, the number of vehicles will increase tremendously therefore increasing the amount of car emissions, pollution which in turn will create, and increase the "greenhouse effect" that is the primary cause of global warming (Pim & Ormoy 2002).

There is nothing on the part of the developers that illustrates that they have considered the natural heritage: the land, water, habitats and ecosystems found in this particular area. This also includes neighbouring surveys that this development will be bordering on. The negative impact of the Upcountry Estates development has already been felt by the neighbouring community at 222 Fellowes Cres. as the drainage ditch area over flowed allowing a large amount of excess water and silt from their first stages of development into the backyards, over flowing the storm sewers and flooding the backyards of a number of townhouse units in this complex. See documented photos of this effect included in this letter.

There has been no attempt by the developer to consider the biodiversity of the area. This includes the variability of habitats, biological communities and ecological process existing in this given area. Also this area, is on the edge of land that has been declared greenbelt located on the escarpment and this particular area is officially declared protected countryside by the Ontario Government (greenbelt plan 2005 <http://www.mah.gov.on.ca/Asset1293.aspx>).

The application by Upcountry Estates to almost triple the development of this area should be rejected because it does not include considerations for: the natural heritage area, the permeability of the area, the increase of greenhouse gases resulting in the increase in the number of cars, the sewer system, the water system, the education system or the natural environment within the town of Waterdown, or the consideration and inconveniences to the neighbouring homes.

This application of intensification to increase the higher density of housing should be rejected because the developer does not base his proposal on the Smart Growth Planning principles set by the Ontario Ministry of Municipal Affairs and Housing in their document Land Use Planning 2009.

Finally, I wonder and have to ask: What do the citizens of Waterdown get if this application is approved? What do the immediate neighbours get if this change in the bylaw is approved? Will a precedent be set that will impact all future development in Waterdown? What other by-law will this developer try to alter (height restrictions or lot sizes)?

10/15/2009

RECEIVED SEP 24 2009

Mr. Dave Cook and Mrs. Ashley Cook  
67 Buttercup Crescent  
Waterdown, Ontario  
L0R 2H8

September 12, 2009

File No: OPA-09-007 and ZAC-09-030

Re: Applications for an Official Plan Amendment and Zoning By-law Amendment from Upcountry Estates Ltd., for lands located on Parkside Drive, Flamborough

Chris Bell, Senior Planner, City of Hamilton  
Planning and Economic Development Department  
Planning Division – Development Planning – West Section  
77 James Street North, Suite 400, Hamilton ON L8R 2K3

Dear Mr. Bell:

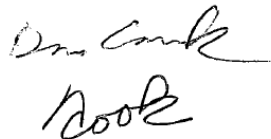
We hereby advise that we object to the proposed Official Plan Amendment and Zoning By-law Amendment from Upcountry Estates Ltd., for lands located on Parkside Drive, Flamborough.

Our objections are that the proposed Amendments:

- a) are contrary to critical information provided at the time of our purchase in the Upcountry Estates subdivision, Springcreek, specifically limiting the total unit yield on the subject property to 34 units.
- b) will lead to permanently depressed property values within Springcreek and other adjacent communities.
- c) An increase of almost triple the amount of permitted units will adversely affect the noise level in the community.
- d) An increase of almost triple the amount of permitted units will adversely affect the traffic level in the community.
- e) The proposed amendments would certainly benefit Upcountry Estates Ltd., a non-local corporate entity, while adversely affecting Hamilton property owners/taxpayers, the local community, and the general Waterdown aesthetic.

We hope that you will seriously consider our objections in this matter, and we look forward to attending any relevant public meeting to be held by the Economic Development and Planning Committee of City Council.

Sincerely,



Dave Cook and Ashley Cook

Mr. Casey Altorf and Ms. Catherine Ruston  
52 Buttercup Crescent  
Waterdown, Ontario  
L0R 2H8

September 27, 2009

RECEIVED SEP 30 2009

File No: ZAC-09-030

Re: Application for a Zoning By-law Amendment from Upcountry Estates Ltd., for lands located on Parkside Drive, Flamborough

Chris Bell, Senior Planner, City of Hamilton  
Planning and Economic Development Department  
Planning Division – Development Planning – West Section  
77 James Street North, Suite 400, Hamilton ON L8R 2K3

Dear Mr. Bell:

We hereby advise that we object to the proposed Zoning By-law Amendment from Upcountry Estates Ltd., for lands located on Parkside Drive, Flamborough.

Our objections are that the proposed Amendment:

- a) is contrary to critical information provided at the time of our purchase in the Upcountry Estates subdivision, Springcreek, specifically limiting the total unit yield on the subject property to 34 units.
- b) will lead to permanently depressed property values within Springcreek and other adjacent communities.
- c) An increase of almost triple the amount of permitted units will adversely affect the noise level in the community.
- d) An increase of almost triple the amount of permitted units will adversely affect the traffic level in the community.
- e) The proposed amendment would certainly benefit Upcountry Estates Ltd., a non-local corporate entity, while adversely affecting Hamilton property owners/taxpayers, the local community, and the general Waterdown aesthetic.

We hope that you will seriously consider our objections in this matter, and we look forward to attending any relevant public meeting to be held by the Economic Development and Planning Committee of City Council.

Sincerely,



Catherine Ruston

Casey Altorf and Catherine Ruston

**Bell, Chris**

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**From:** Steve Oliver |  
**Sent:** Friday, October 09, 2009 10:56 AM  
**To:** Bell, Chris  
**Cc:** Jason Fudge; Sean MacCarthy; Greg Buitter; Rick Breznik; Judi Partridge  
**Subject:** Objection to Zoning By-Law Amendment Applicatoin (File No. ZAC-09-030)

Dear Mr. Bell,

Thank you for the letter you distributed to our neighbourhood dated September 18, 2009 entitled,

**REVISED -Preliminary Circulation for Zoning By-Law Amendment from Upcountry Estates Ltd., for lands located on Parkside Drive, Flamborough.**

I wish to express my objection to the rezoning of the land you noted, from 34 units to 85 street townhouse units.

The primary concern we have is with increased traffic and parking pressure that the homes from addresses 203 to 229 Fellowes (north side of Fellowes), 220 to 208, as well as the homes on Laurendale, from Fellowes Cres., to Boulding Ave., will have to absorb.

What is unique about this neighbourhood, relative to the RJ-30 lands that the City wishes to rezone, is that Fellowes Cres., is the only easterly exit point for this parcel of land. As you are aware, all retail shopping and services exist to the east. Fellowes Cres., will be the shortest distance to travel to the retail areas for the majority of residents who will live in these townhomes that you propose. Fellowes Cres., will become the highest density vehicle traffic street for the RJ-30 townhome residents.

Another issue is that there is already a severe lack of street parking in our neighbourhood and the new townhomes will put more pressure on this parking capacity issue. We already have a parking bylaw that requires alternate side of the street parking during the month, due to the high use of street parking already demanded. We flip from having 11 spaces to only having 8 spaces during each half of the month. The owners and visitors of vehicles from the townhouses at 222 Fellowes often take up several of our parking spaces and we expect that your proposed new townhouse subdivision will also have inadequate parking available, and that they will seek the parking spaces available in front of our homes as an alternative. We don't see this as fair, as we also have guests from time to time, who need parking, and it is also unsightly and unsafe to have so many cars parking along the street on a constant basis. The parked vehicles create blind spots for other vehicles to navigate when driving the area.

All of these issues together; the lack of parking spaces and the increased traffic flows, will also make it less safe for the children who play and the adults who walk and bicycle along our street.

Lastly, I was confused as to what the requested deadline was for my comments. I noted the date of Oct 9, in your letter, but now I see you wanted comments before Oct 9 which confused me as I thought Oct 9 was the deadline. I had always been intending to send my comments on Oct 9th.

Please accept these comments for your published report.

Regards,

Steve Oliver  
215 Fellowes Cres.,  
Waterdown, ON L0R 2H3

10/15/2009

**Bell, Chris**

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**From:** Sean & Julie MacCarthy  
**Sent:** Saturday, October 10, 2009 10:26 AM  
**To:** Steve Oliver; Bell, Chris  
**Cc:** Jason Fudge; Greg Buitter; Rick Breznik; Judi Partridge  
**Subject:** Re: Objection to Zoning By-Law Amendment Applicatoin (File No. ZAC-09-030)

Mr. Bell

Please also accept my response as an objection to the proposed rezoning from 34 units to 85 street townhouse units.

I share the same views as Steve Oliver.

I believe the addition of 85 townhomes will be an unsightly addition, disrupting the flow of the neighbourhood. The street flow at the end north end of Fellowes Cres. needs to be planned properly, continuing with what is already existing. This means continuing with detached, at most semi-detached, homes. It is a limited parcel of land and 85 townhome units will be unacceptable in this space.

Regards,

Sean MacCarthy  
213 Fellowes Cres  
Waterdown On L0R 2H3

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

**From:** Steve Oliver  
**To:** [chris.bell@hamilton.ca](mailto:chris.bell@hamilton.ca)  
**Cc:** Jason Fudge ; Sean MacCarthy ; Greg Buitter ; Rick Breznik ; Judi Partridge  
**Sent:** Friday, October 09, 2009 10:55 AM  
**Subject:** Objection to Zoning By-Law Amendment Applicatoin (File No. ZAC-09-030)

Dear Mr. Bell,

Thank you for the letter you distributed to our neighbourhood dated September 18, 2009 entitled,

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The primary concern we have is with increased traffic and parking pressure that the homes from addresses 203 to 229 Fellowes (north side of Fellowes), 220 to 208, as well as the homes on Laurendale, from Fellowes Cres., to Boulding Ave., will have to absorb.

What is unique about this neighbourhood, relative to the RJ-30 lands that the City wishes to rezone, is that Fellowes Cres., is the only easterly exit point for this parcel of land. As you are aware, all retail shopping and services exist to the east. Fellowes Cres., will be the shortest distance to travel to the retail areas for the majority of residents who will live in these townhomes that you propose. Fellowes Cres., will become the

10/15/2009