

### CITY OF HAMILTON

### PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT Planning Division

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: May 17, 2011	
SUBJECT/REPORT NO: Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 46-for Lands Located at 310 Fall Fair Way (Glanbrook) (PED11064) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Melanie Pham (905) 546-2424, Ext. 6685
SIGNATURE:	

#### **RECOMMENDATION**

- That approval be given to <u>Amended Official Plan Amendment Application</u>
  OPA-10-002, by <u>Losani Homes, Owner</u>, for Official Plan Amendment No.
  to add a Special Policy to the Glanbrook Official Plan to permit townhouses and maisonettes within the "High Density Residential" designation, for the lands located at 310 Fall Fair Way (Glanbrook), as shown on Appendix "A" to Report PED11064, on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix "C" to Report PED11064, be adopted by City Council.
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

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- (b) That approval be given to Official Plan Amendment No. Hamilton Official Plan (Ontario Municipal Board approval pending) to change from the "Low Density Residential 3c" designation to the "Low Density Residential 3c" designation, on the lands located at 310 Fall Fair Way (Glanbrook), as set out in Appendix "D" to Report PED11064.
- (c) That the By-law of adoption for the Urban Hamilton Official Plan Amendment, referenced in Recommendation (b) above, be held in abeyance until such time as the Urban Hamilton Official Plan comes into effect.
- That approval be given to <u>Amended Zoning Amendment Application ZAC-10-008</u>, <u>by Losani Homes</u>, <u>Owner</u>, for a change in zoning from the Residential Multiple "RM3-161" Zone and the Residential Multiple "RM4-161" Zone, to the Residential Multiple "RM3-268" Zone, with a Special Exception (Blocks 3, 4, and 5), the Residential Multiple "RM4-161" Zone, with further modifications (Block 6), and the Residential Multiple "RM2-260" Zone, with a Special Exception (Blocks 1 and 2), to permit the development of street townhouse, block townhouse and maisonette dwelling units, for lands located at 310 Fall Fair Way (Glanbrook), as shown on Appendix "B" to Report PED11064, on the following basis:
  - (i) That the draft By-law, attached as Appendix "E" to Report PED11064, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the amending By-law be added to Schedule "H" of Zoning By-law No. 464.
  - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Glanbrook Official Plan upon finalization of Official Plan Amendment No.

#### **EXECUTIVE SUMMARY**

The purpose of these applications, as amended, is to amend the Glanbrook Official Plan and Zoning By-law to permit the development of the subject lands for 11 street townhouses and 84 townhouse and maisonette dwelling units fronting on a condominium road, including visitor parking areas, amenity areas, and landscaped areas.

One of the requested zoning amendments does not have merit, and cannot be supported, since it does not provide adequate parking standards to meet the needs of the proposed dwelling units. This requested amendment is a provision to allow up to two steps to encroach within a required garage parking space. The Zoning By-law

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Amendment included in Recommendation (d) of the Report does not include this requested standard. It is recommended that this amendment be refused.

The remainder of the proposal, as amended, has merit, and can be supported, since the applications are consistent with the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe, and conform to the Hamilton-Wentworth Official Plan. The proposed development, as amended, is considered to be compatible with and complementary to the existing and planned development in the immediate area. The proposed development also represents good planning by, among other things, providing for a mix of residential unit types, maintaining a density consistent with existing policies, providing enhanced compatibility with adjacent land uses, and implementing a design that is consistent with the design policies of the Binbrook area.

Alternatives for Consideration - See Page 37.

#### FINANCIAL / STAFFING / LEGAL IMPLICATIONS

Financial: N/A.

**Staffing:** N/A.

**Legal:** As required by the Planning Act, Council shall hold at least one (1) Public

Meeting to consider applications for Amendments to the Official Plan and

Zoning By-law.

#### **HISTORICAL BACKGROUND** (Chronology of events)

#### **Proposal**

The applicant proposes to amend the Township of Glanbrook Official Plan to allow townhouses and maisonettes (back-to-back townhouses) as a form of development within the portion of the subject lands designated for "High Density Residential" uses. The applicant proposes to amend the Township of Glanbrook Zoning By-law No. 464 by creating several Residential Multiple Zones for the subject lands, which allow maisonettes and various townhouse unit styles.

The effect of the amended applications, if approved, will be to allow for a residential development which includes 8 bungalow, and 3 two-storey street townhouses fronting on Valiant Circle, 11 two-storey townhouses within the easterly area of the site designated for "Medium Density Residential" uses, and a mix of 2-storey and 3-storey townhouses, and 3-storey maisonettes on the remainder of the site. A total of 95 dwelling units are proposed on the site. A concept plan illustrating the proposed development is included as Appendix "F".

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The original applications which were submitted proposed a total of 95 townhouses, which included 37 two-storey units and 58 three-storey units. A revision to the proposal was submitted at a later date, which provided for a greater variety of dwelling unit types. The revised plan proposed 8 bungalow townhouses, 31 two-storey townhouses, 27 three-storey townhouses, and 32 maisonette dwelling units, for a total of 102 dwelling units. Further revisions were later made to the plan to provide for increased building setbacks from the lot lines of all abutting properties, additional landscaped amenity area, and additional sidewalk connections within the development, resulting in the proposal that is discussed in this Report.

#### **Previous Applications**

The subject lands are part of the "Woodview Estates" subdivision. The draft plan of subdivision was approved by Council in November, 2000. The zoning requirements applicable to the lands were approved concurrently with the approval of the subdivision. The existing road layout around the site (Binbrook Road, Fall Fair Way, and Valiant Circle) was also determined at this time.

### **Chronology:**

April 1, 2009: Pre-consultation by Losani Homes with the City of Hamilton to

determine application requirements.

February 16, 2010: Submission of Applications OPA-10-002 (Official Plan

Amendment), ZAC-10-008 (Zoning Amendment), 25CDM-201001 (Condominium), and DA-10-024 (Site Plan) by Losani Homes. Application DA-10-024 has been held in abeyance until review of the other applications is complete. Application 25CDM-201001 is for the creation of a common element condominium for the proposed condominium road, including visitor parking areas,

amenity areas, and landscaped areas.

March 11, 2010: Applications OPA-10-002, ZAC-10-008, and 25CDM-201001 are

deemed complete.

March 24, 2010: Circulation of Notice of Complete Application and Preliminary

Circulation for Applications OPA-10-002, ZAC-10-008, and 25CDM-201001 to all residents within 120 metres of the subject

lands.

August 20, 2010: Revision to Applications ZAC-10-008 and DA-10-024 received from

Losani Homes. No change to OPA-10-002. Application 25CDM-201001 not to be revised until decision is made on Official Plan Amendment and Zoning By-law Amendment applications.

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<u>Sept.15, 2010</u>: Circulation of Notice of Revised Application and Preliminary

Circulation for Application ZAC-10-008 to all residents within 120

metres of the subject lands.

October 26, 2010: Notification provided by applicant to City of Hamilton of change in

requested Official Plan Amendment. Requested change in designation from "Medium Density Residential" to "High Density

Residential" withdrawn.

March 3, 2011: "Open House" held by Losani Homes for neighbourhood regarding

proposed development.

April 29, 2011: Circulation of Notice of Public Meeting to all residents within 120

metres of the subject lands and all residents who provided written

comments.

### **Details of Submitted Application**

**Location:** 310 Fall Fair Way (see Appendix "A")

Owner/Applicant: Losani Homes

**Agent:** Armstrong Hunter and Associates

**Property Description:** Lot Frontage: Binbrook Road - 107.78 metres

Fall Fair Way - 108.114 metres

Valiant Circle - 117.361 metres

Lot Depth: 178.90 metres

Lot Area: 1.89 hectares

Servicing: Full Municipal Services

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#### **EXISTING LAND USE AND ZONING:**

Existing Land Use Existing Zoning

**Subject Lands:** Vacant Residential Multiple "RM3-161"

Zone and Residential Multiple

"RM4-161" Zone

**Surrounding Land Uses:** 

North Single Detached Residential "R4-161" Zone

Dwellings, Street Townhouse and

Dwellings Residential Multiple "RM2-161" Zone

West Fall Fair Way (arterial road), Public Open Space

Parkland (Fairgrounds "OS2" Zone

Community Park)

**South** Binbrook Road (arterial road), Existing Residential "ER" Zone

Single detached Dwellings, and Open Space - Conservation

Stormwater Management Pond "OS3" Zone

East Single Detached Existing Residential

Dwellings "ER" Zone

#### **POLICY IMPLICATIONS**

#### **Provincial Policy Statement**

The Provincial Policy Statement (PPS) provides policy direction of provincial interest related to land use planning and development. The <u>Planning Act</u> 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 Provincial Policy Statement since Policy 1.1.3.1 states that 'Settlement Areas' shall be the focus of growth, and Policy 1.1.3.2 (a) states that land use patterns within 'Settlement Areas' shall be based on densities and a mix of land uses which efficiently use land and resources.

The property is located within a 'Designated Growth Area', as defined by the Provincial Policy Statement. Policy 1.1.3.7 states that new development taking place in 'Designated Growth Areas' should occur adjacent to the existing built-up area, and shall have a compact form, mix of uses, and densities that allow for the efficient use of land, infrastructure, and public service facilities.

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### Policy 1.4.3 also states that:

- "1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:
  - a) Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households.
  - b) Permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements.
  - c) Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs.
  - d) Promoting densities for new housing which efficiently use land, resources, infrastructure, and public service facilities....."

Policies 1.6.5.1 and 1.6.5.2, relating to Transportation Systems, further state:

- "1.6.5.1 Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.
- 1.6.5.2 Efficient use shall be made of existing and planned infrastructure."

The proposed Official Plan and Zoning By-law Amendments would allow for the development of an existing site which has been planned and designated for high density and medium density residential uses, and will optimize the use of the land and the infrastructure which is already in place, including roads and services. The road system was planned based on these permitted densities and, therefore, there is capacity for high density development at this site. The site will contain a variety of housing forms which are designed to provide varied options to meet the housing needs for all types of residents within the community of Binbrook.

Policy 1.7.1(e) outlines that long-term economic prosperity should be supported by "planning so that major facilities and sensitive land uses are appropriately designed, buffered, and/or separated from each other to prevent adverse effects from odour, noise and other contaminants, and minimize risk to public health and safety". Due to the proximity of the subject lands to an arterial and collector road (Binbrook Road and Fall Fair Way), the proposed residential uses require the completion of a noise assessment. A Noise Study (dBA Environmental Services, December 2009) has been completed by

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the applicant for the initial submission, which shows that the development is feasible. An updated Noise Study has not been completed for the revised development concept. A revised Noise Study will need to be completed at the Site Plan stage once the exact details of development have been determined.

Staff does not support the use of noise walls fronting on Binbrook Road and Fall Fair Way and, as such, the applicant's revised submission has removed the amenity areas abutting these arterial roads by bringing the buildings closer to the street. Staff has recommended the addition of two provisions to the zoning modifications to ensure that no noise walls will be required. These provisions state that all dwellings fronting the arterial roads shall have a principle entrance facing these streets, and that noise walls are not permitted abutting Binbrook Road and Fall Fair Way (see Appendix "E", Subsection 4.3(c)). All recommended noise control measures in the final Noise Study, such as central air conditioning systems, specific building components for the dwelling units or warning clauses, will be implemented at the Site Plan and Building Permit stages.

Based on the foregoing, the proposal is consistent with the Provincial Policy Statement.

### **Growth Plan for the Greater Golden Horseshoe (Places to Grow)**

The subject lands are located within a 'Designated Greenfield Area' in the City of Hamilton. The proposal is consistent with the guiding principles found in Part 1.2.2 of the Plan, which state that the basis for guiding decisions on how land is developed should include building compact, vibrant and complete communities, and optimizing the use of existing and new infrastructure to support growth in a compact, efficient form. Specifically, Policy 2.2.7(1) states that new development taking place in 'Designated Greenfield Areas' will be planned, designated, zoned, and designed in a manner that:

- "a) contributes to creating complete communities;
- b) creates street configurations, densities, and an urban form that supports walking, cycling, and the early integration and sustained viability of transit services; and,
- d) creates high quality public open spaces with site design and urban design standards that support opportunities for transit, walking, and cycling."

As the proposal is providing for a site design that is compact and efficient, promotes a vibrant streetscape, and contributes to the development of complete communities in terms of providing alternate forms of housing, it is consistent with the Growth Plan for the Greater Golden Horseshoe.

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#### **Hamilton-Wentworth Official Plan**

The subject property is designated as "Urban Area" in the Hamilton-Wentworth Official Plan. Policy C-3.1 of the plan outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. These areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020. The proposal conforms to the policies of the Hamilton-Wentworth Official Plan.

### Township of Glanbrook Official Plan

The subject lands are designated as "Urban Area" and as "Binbrook Village" on Schedule A - Land Use Plan, and as "High Density Residential" and "Medium Density Residential" on Schedule B - Binbrook Village, in the Glanbrook Official Plan. One of the key housing goals for the former Township of Glanbrook, as noted in Policy A.3.3 of the Plan, is to provide an adequate supply of housing for the existing and future residents of the Township in terms of number, type, tenure, affordability, and special housing needs. Policies B.2.1.1 and B.2.1.17 of the Plan note that lands designated for residential shall provide for a variety and mix of housing types to address all housing needs, and that Council may consider the development of innovative housing types.

Policy B.2.1.7(d) outlines that Council shall require appropriate measures to attenuate the effects of noise from arterial roads on sensitive uses such as residential. As such, the applicant has completed a noise assessment to show that noise levels for residential units abutting Binbrook Road can be mitigated to an appropriate standard. As previously noted, the noise assessment will need to be revised at the Site Plan stage once the exact details of development are determined. To ensure that the site meets the design policies outlined in the Binbrook Village Secondary Plan (Policy B.2.2.3.3.6), staff has also recommended that two provisions be included in the proposed Zoning Amendment to prohibit noise walls abutting the adjacent arterial roads, and to require a principal entrance fronting the arterial road for all abutting units, instead of an amenity area.

Policy B.2.1.10 outlines that lands designated for residential on Schedule "A" - General Land Use Plan, will be further delineated for "Low", "Medium", and "High" density residential in the applicable secondary plans. Areas designated for "Medium Density Residential" are intended to have densities of 26 to 40 units per hectare and be comprised primarily of multiple dwelling types, including townhouse dwellings, and other forms of horizontal multiple dwellings. Areas designated for "High Density Residential" are intended to have densities of 40 to 60 units per hectare, and be comprised of primarily low-rise apartments (B.2.1.11(b),(c)). The proposed 95 dwelling units would establish a density of 33.3 units per hectare in the "Medium Density Residential" designation, and a density of 53.8 units per hectare in the "High Density Residential" designation, which conforms to this policy.

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Policy B.2.1.23 states that in addition to the general policies of the Official Plan, lands which are located in the Binbrook Village area shall also be guided by the specific policies of the Binbrook Village Secondary Plan. The following policies of the Binbrook Village Secondary Plan would apply to the proposal:

#### "B.2.2.1 DEVELOPMENT PRINCIPLES

- (a) Binbrook Village shall be comprehensively planned and developed as an integrated and sustainable community with an identifiable, separate, distinct and unique identity.
- (i) Binbrook Village shall be developed to provide a broad mix of residential development forms and densities to address all housing needs in the community.
- (j) Innovative and varied housing types and designs shall be encouraged.

#### B.2.2.2 DEVELOPMENT OBJECTIVES

The following Objectives constitute fundamental guidelines to direct the development of Binbrook Village:

#### B.2.2.2.1 Residential

- (b) To create safe, efficient, and attractive residential neighbourhoods consisting of a range and mix of housing types, including low, medium, and high density residential development.
- (c) To provide a flexible variety of housing types and designs at a range of prices, including affordable residential units.
- (e) To ensure new residential development considers, and is sensitive to, existing residential uses and other existing and permitted uses in Binbrook Village.

#### B.2.2.3.3.1 Residential - General

- (b) Housing opportunities must be responsive to a variety of housing needs. Council is committed to encouraging a variety and balance of housing opportunities suitable to a wide range of housing needs.
- (c) Provide a variety and mix of housing types, including, but not restricted to, single detached, semi-detached, duplexes, townhouses, quatroplexes and apartment dwellings, as well as special needs housing.

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- (d) Council encourages innovative housing ideas.
- (e) The location and design of new residential areas shall be sensitive to the density and form of existing residential uses.
- (f) All housing opportunities shall be of a form, density, and scale that is consistent with the approved RESIDENTIAL policies and the land use designations shown on Schedule B Binbrook Village Land Use Plan.

### B.2.2.3.3.2.2 <u>Medium Density Residential</u>

- (a) Medium Density Residential shall be comprised predominantly of a variety of multiple dwelling unit types including street and block townhouse dwellings, and other forms of multiple dwellings such as duplexes, triplexes, and stacked townhouses.
- (b) The density range for medium density residential development shall be 26 to 40 units per net residential hectare (approximately 11 to 16 units per net acre).
- (c) In locating new Medium Density Residential, consideration shall be given to the following criteria:
  - (iii) where Medium Density Residential is proposed to be located adjacent to Low Density Residential, consideration shall be given to the appropriate integration of these densities to enhance compatibility. This may be accomplished through architectural massing, height, scale, buffering, and landscaping.

#### B.2.2.3.3.2.3 High Density Residential

- (a) High Density Residential shall consist of low-rise apartments, stacked townhouse dwellings, and quatroplexes.
- (b) The density range for High Density Residential shall be 41 to 60 units per net residential hectare (approximately 17 to 24 units per net acre).
- (c) High Density Residential uses shall be generally located on the periphery of the Residential Area or in areas abutting commercial development, arterial, or major collector roads.
- (d) In locating new High Density Residential Areas, consideration shall be given to the following criteria:

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- (i) High Density Residential should be located adjacent to or in close proximity to arterial and/or collector roads and parks;
- (iv) High Density Residential shall be sensitively integrated with and adequately buffered from adjacent land uses; and,
- (v) Where High Density Residential areas are proposed to be located adjacent to low and medium density residential areas, consideration shall be given to the appropriate integration of these densities to enhance compatibility. This may be accomplished through architectural massing, height, scale, buffering, and landscaping.

### B.2.2.3.3.6 Design Guidelines - Residential

- (a) Binbrook Village should consist of a mix of building types, sizes, designs and provide a range of living choices.
- (b) Diversity of character shall be encouraged.
- (c) Consideration shall be given to the overall composition of the neighbourhood and the attractiveness of its streets in the design of residential buildings.
- (e) Buildings should have a strong, pedestrian-friendly street presence.
- (f) Mitigation of the intrusion of garages and car parking shall be encouraged to foster streets as interactive outdoor space for pedestrians.
- (h) Mix long and short townhouse blocks on residential streets to provide rhythm in the streetscape. The massing of long townhouse blocks can be broken down so that a single monotonous elevation is not created. Rooflines, colours, chimneys, window bays, changes in material and other elements should be used to achieve this objective.
- (i) Consideration should be given to specific architectural design treatment where the side building façade of a residential building abuts a street, with a view to creating a street presence.
- (j) Flat rooflines shall not be permitted.
- (k) Driveways shall be encouraged to be paired, where appropriate.
- (I) Direct access to individual dwelling units along arterial or collector roads should be limited by utilizing alternative development designs, including common driveways and rear laneways.

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(m) Reverse frontage lotting patterns and the use of acoustical walls adjacent to arterial and collector streets shall be discouraged.

#### B.2.2.3.11.2 Streetscape

(i) The streetscape appearance of arterial and collector roads shall be enhanced by encouraging buildings to present their main building facades to these roads, and to enhance their treatment to avoid the appearance of blank buildings at service entrances."

The proposed Official Plan Amendment would allow for townhouse and maisonette units to be permitted on the high density portion of the site, whereas Policy B.2.2.3.3.2.3(a) permits only low-rise apartments, stacked townhouse dwellings, and quatroplexes. Staff has also recommended several changes to the zoning modifications requested by the applicant to ensure that the proposal is consistent with the secondary plan policies. These include:

- a) Increasing the setbacks between proposed units and existing residential uses to allow for more buffering and landscaping, and to be sensitive to the existing housing form and density abutting the site, as per Policies B.2.2.3.3.2.2(c)(iii) and B.2.2.3.3.2.3(d)(iv) and (v).
- b) Providing principle entrances for all units with facades abutting Binbrook Road and Fall Fair Way (pedestrian access only, no driveways), which will eliminate rear lotting, create an enhanced street presence, and ensure that acoustical barriers are not required abutting the arterial roads, as per the residential design guidelines contained in Policy B.2.2.3.3.6.

The applicant has reviewed, and is in agreement with, the changes recommended by staff, and have provided a preliminary site plan of their current proposal to illustrate the effect of the changes (see Appendix "F"). Upon finalization of the Official Plan Amendment and the zoning modifications recommended by staff, the proposal will conform with the Township of Glanbrook Official Plan and the Binbrook Village Secondary Plan.

### **New Urban Hamilton Official Plan**

The Urban Hamilton Official Plan was adopted by Council on July 9, 2009, with the Ministry of Municipal Affairs and Housing issuing its Ministerial Approval on March 16, 2011. However, the Plan has been appealed to the Ontario Municipal Board in its entirety and is, therefore, not yet in effect. The subject lands are designated as "Neighbourhoods" on Schedule "E" - Urban Structure and on Schedule "E-1" - Land Use Designations. The subject lands are also designated as "Low Density Residential 2h" and "Low Density Residential 3e" in the Binbrook Village Secondary Plan, which forms

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part of the Urban Hamilton Official Plan. These designations permit the same density ranges and the same unit types as the Secondary Plan which forms part of the Township of Glanbrook Official Plan (Policies 5.1.4.5 (c) and (d), Vol. 2). The policies which guide development are similar to the current Secondary Plan, also stressing good design abutting the arterial roads, and compatibility with adjacent land uses. (Policy B.5.1.2.7, Policy B.5.1.4.1 - Residential Designations, B.5.1.4.3 - General Residential Policies, Policy B.5.1.10.1 - Residential Design Guidelines, Vol. 2)

An amendment is required to the Urban Hamilton Official Plan to change the designation to "Low Density Residential 3c" for the portion of the subject lands designated as "Low Density Residential 3e", to allow for the proposed townhouse and maisonette units, as the "Low Density Residential 3e" designation only permits low-rise apartments, stacked townhouse dwellings, and quatroplexes (5.1.4.5(d)(i)) (Recommendations (b) and (c)). Based on the approval of the proposed Official Plan Amendment and the changes to the proposed design recommended by staff, which include requiring that the units abutting the arterial roads have principal entrances facing the street (no rear lotting), avoiding noise barriers along the arterial roads, and establishing greater buffers and setbacks from existing lower density residential uses, the proposal would conform to the policies of the new Urban Hamilton Official Plan.

#### **RELEVANT CONSULTATION**

### Agencies/Departments that did not Respond or have any Concerns or Objections

- Taxation Division, Corporate Services Department.
- Recreation Division, Community Services Department.
- Community Buildings Section, Community Services Department.
- Capital Budget and Project Coordination, Environment and Sustainable Infrastructure Division, Public Works Department.
- Trails, Parks, and Open Space, Environment and Sustainable Infrastructure Division, Public Works Department.
- Rapid Transit Section, Environment and Sustainable Infrastructure Division, Public Works Department.
- Municipal Property Assessment Corporation.
- Hamilton Police Services.

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- Hamilton Emergency Services.
- Hydro One.
- Ministry of Natural Resources.
- Union Gas.
- Cogeco Cable.
- Enbridge Pipelines Inc.
- Niagara Peninsula Conservation Authority.
- French Public School Board.
- French Catholic School Board.
- Hamilton-Wentworth Separate School Board.

<u>Traffic Engineering and Operations Section, Public Works Department</u>, has advised that they have no objection to the proposed Official Plan Amendment. The following recommendations and comments were provided regarding the Zoning, Condominium, and Site Plan Applications:

#### First Submission:

Required visitor parking should be provided on site for the entire 95 unit townhouse development. It is strongly suggested that additional internal parking spaces be provided to account for overflow resident/visitor parking for the proposed 15 units fronting Valiant Circle. Through discussion at the Development Review Committee (DRC) Meeting for FC-09-053, there must have been concern raised that the 9 units fronting Valiant Circle in the FC submission would result in vehicles (home owner and visitor) parking on the street in an established single family setting. The narrow lot size and close driveway spacing would limit the availability of overflow parking directly in front of those 9 units. The plan now presented for staff and public review proposed 15 townhouse units, which further limits on-street parking availability directly in front of the The 9 parking spaces shown on the north side of Valiant Circle are not guaranteed for use by the townhouse residents or visitors. Although it is assumed that townhouse owners who own 2 vehicles will park one vehicle inside their garage and one in the driveway, it is evident in similar small lot developments in Binbrook and other locations in Hamilton that the garage is often not used for vehicle parking. On-street 'overflow' parking becomes on-street 'required' parking for those property owners. This,

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in turn, becomes an issue for other residents, emergency services, and City operations and maintenance staff. We are, therefore, suggesting that should 15 lots be approved on Valiant Circle, that additional parking spaces within the development be provided.

It is our understanding that through the Binbrook Road reconstruction/widening project municipal sidewalks will be constructed on Binbrook Road through the limits of the property. This is a recommended pedestrian connection, and we suggest that the sidewalk construction occur either through the re-construction project or the construction of this residential development, whichever occurs first.

We note that delivery or garbage trucks cannot negotiate the minimal radii provided on the 'T' portion of the plan by Building 'F'. We note that trucks can manoeuvre in the remainder of the site due to the larger curb radius of 9m. The applicant should modify the 'T' portion to allow truck accessibility for Building 'F'. The private sidewalk from Fall Fair Way into the development is adjacent to a switching kiosk easement. It is unclear if the private sidewalk is constructed at a 1.5m width over the easement, or if it is reduced in width to less than 1.5m. Access widths for Fall Fair Way and for Valiant Circle must be a minimum 7m in width at the road allowance limits with minimum 7.5m radii. The 6.0m width proposed can be increased by flaring the approach area.

Based on the above comments, the applicant has revised the submission to reduce the number of units fronting Valiant Circle. Minor changes were also made to turning radii within the site to allow for truck manoeuvring (i.e. for garbage trucks). Staff acknowledge that the reduced size of parking spaces permitted in some other small lot developments in Binbrook has resulted in the garage not being used for parking, creating increased on-street parking. Therefore, staff does not support the reduced parking space sizes in garages that are proposed by the applicant.

#### Revised Submission (August 2010):

It has become an issue for Public Works staff that sufficient resident, and to a lesser extent visitor parking, has not been provided for many of the existing townhouse blocks adjacent to Fall Fair Way. Fall Fair Way was approved and constructed with a roadway design that restricts on-street parking. Staff is now working to modify the road design through pavement markings and signage to allow on-street parking to accommodate townhouse residents. We advise that on-street parking will not be permitted on the section of Fall Fair Way fronting the subject lands between Binbrook Road and Valiant Circle. And in the interest of both the existing single detached dwelling residents on Valiant Circle, EMS, and Public Works winter maintenance/garbage collection staff, we wish to ensure that through this rezoning application that sufficient parking be provided on private property to avoid encroachment into the established neighbourhood. We recommend that additional parking spaces for the proposed residential units above the proposed 52, plus 2 barrier free, be provided.

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We note in reading the Armstrong Hunter and Associates letter that each unit in this development will be permitted to have stairs encroach into the interior garage parking space. In our opinion, the location of the house stairs can reduce the viability of the garage as a required vehicle parking area. With a townhouse unit, there is also potential for blue boxes, green carts, bicycles, lawn furniture, etc., to be stored in the garage. Therefore, it cannot be assumed that townhouse owners who own 2 vehicles will park one vehicle inside their garage and one in the driveway. We, therefore, recommend that the stair encroachment in the garage parking space be removed as an amendment, or wording be added that the encroachment may be permitted if demonstrated that the location will not interfere with resident access when a car is parked in the garage. This recommendation is critical for the units fronting onto Valiant Circle.

It is our understanding that through the Binbrook Road reconstruction/widening project that a municipal sidewalk will be constructed on Binbrook Road through the limits of the property. This is a recommended pedestrian connection, and we suggest that the sidewalk construction occur either through the road reconstruction project or the construction of this residential development, whichever occurs first. At the Development Application (Site Plan) stage, the applicant will require an Access Permit from this office. An approved site plan is required to be submitted by the Applicant as part of the Access Permit application. A contractor bonded with the City of Hamilton must undertake the curb and sidewalk re-construction on the municipal roadways.

The access widths of 7.5m shown on the plan are satisfactory. We advise that 7m radii will be required at the Site Plan stage. We require 5.0m by 5.0m vision triangles measured behind the road allowance limit and adjacent to the accesses. Any pillars or fencing should not encroach into the vision triangle area.

<u>Waste Management Division, Public Works Department</u>, has advised that their Division has no comments concerning the proposed Official Plan Amendment or the Zoning By-law Amendment.

With regards to the draft plan of condominium, Waste Management has advised that this development is eligible for collection of garbage, recycling, organics and leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Operations and Waste Management Division and subject to compliance with the City's garbage container limits. Blue box and green car recycling is mandatory. Roadway, including all egresses to and exits from (internal/private, etc.), must provide for the continuous forward movement of waste collection vehicles exclusive of any parking spaces and stored snow. A road design with a 13 metre radium turning circle, a drive through access route, or a 32 metre hammerhead allowing for a maximum three-point turn of not more than one truck length are acceptable options if continuous forward movement cannot be provided. Road width must be a minimum of 6m wide and have the necessary road surface strength to accommodate City waste collection

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vehicles. The City of Hamilton will offer waste collection service in a development only when consistent service can be offered. Collection will be curbside/roadside in front of each residential unit. The use of common collection pads in new developments will not be supported.

The City of Hamilton is committed to provide safe/effective waste collection services, and will fully comply with the <u>Ontario Occupational Health and Safety Act (OHSA)</u> regulations at all times. Construction material is prohibited for collection and arrangements shall be made with a private contractor for its collection and disposal. During the construction phase of this development, in the event that common waste collection areas are necessary, waste collection vehicles require free and clear access in order to provide weekly service.

Hamilton Municipal Parking System has advised that the applicant should ensure that all existing and future parking requirements are met on-site. The applicant should also ensure that on-site parking spaces are suitably dimensioned without encumbrances, and that driveways are aligned in such a way that will maximize the availability of on-street parking. Past experience with high density types of housing has shown that a significant percentage of residences have multiple vehicles, some of which will park in the garage/driveway, and some that overflow onto the roadway. It is our experience that the existence of reduced-proportioned garages often makes them unsuitable for parking vehicles. As a result, there is a significant increase in demand for on-street parking, which is limited due to the lack of suitable curb space within this type of intensified housing. Where applicable, the developer should disclose any under-dimensioned garages to potential homeowners, and raise awareness of an imminent parking shortage within the neighbourhood.

<u>Transportation Planning, Public Works Department</u>, has advised that the proponent should follow recommendations in the Binbrook Village Transportation Master Plan, the Binbrook Road and Regional Road 56 Class Environmental Assessment, and the City of Hamilton's new Urban Hamilton Official Plan referring to Schedule C-2 "Future Road Widenings". The proposal is consistent with these plans and policies.

Infrastructure Planning and Source Water Protection, Public Works Department, has advised that for the proposed rezoning of the subject lands land use pattern changes are expected. The expected increased impermeable surface will result in higher runoff volumes, and stormwater management infrastructures need to be checked. Recommendations from the City of Hamilton Stormwater Master Plan for source and conveyance control should be incorporated into the servicing plans. Development Engineering should provide detailed stormwater management comments regarding the updated storm drainage policy, criteria and guidelines for stormwater infrastructures design. Engineering and stormwater management information is discussed further in Part 5 of the Analysis.

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The proposed rezoning can be serviced by existing watermains. Fire flow capacity seems to be sufficient based on two hydrant flow tests. The proponent should provide a professional water servicing report for the proposed development. Hydrant coverage is not adequate for the proposed development, and the proponent should ensure that the Fire Department is satisfied with the fire fighting system provided within the development. Water servicing reports are requested at the Site Plan stage, when appropriate. Any measures required by the Fire Department (i.e. fire hydrants, etc.) are also determined at the Site Plan Application and Building Permit stages of the development.

Forestry and Horticulture Section, Public Works Department, has advised that there is no issue with the rezoning application. There are 18 new calliper trees on the municipal portion of the Fall Fair Way and Binbrook Road sides of this proposed site. One of these trees on the Fall Fair Way side is shown to be removed to accommodate the access, and it is anticipated that the other trees will not be impacted. One of the conditions of Site Plan approval will be the submission of a Landscape Planting Plan for the internal portion of the site.

<u>Canada Post</u> has advised that this development will receive mail service to centralized mail facilities provided through their Community Mailbox Program. Canada Post requires that, for the condominium application, the owner shall:

- a) include on all offers of purchase and sale, a statement that advises the prospective purchaser:
  - (i) that the home mail delivery will be from a designated Centralized Mail Box.
  - (ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) the owner further agrees to:
  - (i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision.
  - (ii) install a concrete pad in accordance with the requirements of, and in locations to be approved by, Canada Post, to facilitate the placement of Community Mail Boxes.

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- (iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation.
- (iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post, and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

Hamilton-Wentworth District School Board has advised that they have no objections to the applications; however, schools within the surrounding area are at or exceed current enrolment capacity. As a result, should the City of Hamilton approve the application and proceed with such a development, the Hamilton-Wentworth District School Board requires that the developer agree to having the following included as conditions of draft plan approval (i.e. Condominium approval):

- "a) The developer, at their expense, place adequate signage on the site, based on Board specifications, advising that students from this development are likely to be re-directed to schools outside of the area with available capacity, and that students may be transported, as governed by the Board Transportation Policy.
- b) The sub-agreement requires the developer to include in all agreements of purchase and sale notice to purchasers advising that "Students from this development are likely to be re-directed to schools outside of the area with available capacity, and that students may be transported, as governed by the Board Transportation Policy.
- c) Any rental or lease agreement required for occupancy shall include, in all agreements to renters or leasers, a clause advising that "Students from this development are likely to be re-directed to schools outside of the area with available capacity, and that students may be transported, as governed by the Board Transportation Policy."

Staff notes that there are currently no public elementary schools in Binbrook, therefore, all students are currently directed to areas outside of Binbrook. The Hamilton-Wentworth District School Board received site plan approval in July, 2010, for the construction of a new public elementary school at 35 Pumpkin Pass (DA-10-025). The new school, once completed, is intended to serve the surrounding Binbrook community.

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#### **Public Consultation**

In accordance with the <u>Planning Act</u> and Council's Public Participation Policy, Notice of Complete Application and Preliminary Circulation of the applications was circulated to 74 property owners within 120 metres of the subject property on March 24, 2010. A Public Notice Sign was also posted on the subject lands on May 7, 2010. As a result of preliminary circulation and notice, staff received 22 letters submitted by area residents and one petition signed by 101 residents, which are included in Appendices "G" and "H". A notice of a revised application was circulated to 116 property owners within 120 metres of the subject property on September 15, 2010, and an update to the sign posting was made on October 26, 2010. As a result of the revised application circulation and notice, staff received an additional 22 written submissions from area residents, which are included in Appendix "I". Comments and concerns are discussed in the Analysis/Rationale For Recommendation section of this Report. Notice of the Public Meeting was given in accordance with the requirements of the Planning Act.

#### **ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

- 1. The proposed Official Plan Amendment and changes in zoning, as amended, have merit and can be supported for the following reasons:
  - (i) They are consistent with the Provincial Policy Statement and the Places to Grow Growth Plan for the Greater Golden Horseshoe, as they represent an opportunity for growth in Settlement Areas.
  - (ii) They conform to the Hamilton-Wentworth Official Plan.
  - (iii) The proposed development, with changes recommended by staff, is considered to be compatible with the existing and planned development in the immediate area.
  - (iv) The proposed development, if amended as recommended by staff, represents good planning by, among other things, providing a compact urban form consistent with the design principles of the Binbrook Village area, providing adequate buffering from existing residential uses, providing adequate parking standards, and providing an appropriate mix of dwelling unit types to accommodate the full range of housing needs in the Binbrook community.

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- 2. An application for approval of a Draft Plan of Condominium (common elements) was submitted concurrently with the subject applications for the purpose of creating a common elements condominium for internal roads, visitor parking areas, amenity areas, common fencing and landscaped areas within the proposed development. However, this application has been put "on hold" until such time as a decision is made on the requested Official Plan Amendment and the requested Zoning By-law Amendment. A Public Meeting will be required at a later date for the condominium application in accordance with the Planning Act. Warning clauses notifying purchasers that each unit has a single parking space provided in the garage and a second parking space in the driveway will be required as a condition of the condominium application, as per other similar condominium applications in Binbrook. A future Site Plan application will also be required to finalize the exact site layout, building elevations, landscaping, fencing, curbing, etc. A revised Noise Study would also be required for the lands at the Site Plan stage to ensure that noise levels for the proposed development are appropriately mitigated.
- 3. The applicant has requested amendments to the Township of Glanbrook Zoning By-law No. 464 in order to provide development regulations to implement the development concept. Five modified zones were requested for the lands. After reviewing the requested changes, it is recommended that only 3 modified zones are necessary on the site. One zone is recommended for the proposed street townhouses (Blocks 1 and 2 on Appendix "B"), one zone for the block abutting the rear of the existing single detached dwelling units on Valiant Circle and the blocks containing 2-storey townhouses (Blocks 3, 4, and 5 on Appendix "B"), and one zone for the remainder of the site (Block 6 on Appendix "B"). The proposed street townhouse zone will have the regulations of the Residential Multiple "RM2" Zone, with site-specific modifications. A Residential Multiple "RM3" Zone, with site-specific modifications, is recommended for the area containing 2-storey townhouses, including the area abutting the rear of the existing single detached dwellings on Valiant Circle. A Residential Multiple "RM4" Zone, with site-specific modifications, is recommended for the remainder of the subject lands. Staff was not in agreement with all of the initial requested changes and, therefore, some amendments were recommended. The amendments which the applicant is in agreement with, and has incorporated into the current proposal, are discussed in Part 5 below. The applicant is not in agreement with all of the proposed parking standards, as amended. The parking standards are discussed in further detail in Part 4 below. The recommended changes are as follows:

### Modified "RM2-260" Zone

Regulation	<u>"RM2" Zone</u>	Recommended
Lot Frontage	7 metres, 9 metres for end unit, 12 metres for flankage unit	6 metres, 7.5 metres for end unit
Minimum Lot Area	210m <sup>2</sup> per unit, except 270m <sup>2</sup> for an end unit and 360m <sup>2</sup> for a corner lot on a flanking street	160m <sup>2</sup> per unit, except 205 m <sup>2</sup> for end unit
Maximum Lot Coverage	35%	Delete Requirement
Minimum Front Yard	7.5 metres	5.75 to garage, 4.2m to dwelling
Minimum Side Yard	2m for end unit, except 6m abutting a flanking street	1.5m for end unit, 3m abutting a flanking street and lands zoned "R4"
Minimum Rear Yard	7.5m	5.5m
Minimum Floor Area Per Dwelling Unit	1 or 2 bedroom - 90m <sup>2</sup> , 3 bedroom - 100m <sup>2</sup> , 3+ bedrooms - 10m <sup>2</sup> extra per bedroom	Maintain Requirement
Maximum Height	10.7 metres	Maintain Requirement
Minimum Landscaped Area	30% of Lot Area	Maintain Requirement
Planting Strips/Fencing	1.5m planting strip and/or 1.8m solid fence abutting an "ER", "R1", "R2", "R3", or "R4" Zone	Maintain Requirement

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Dwelling Unit Placement	No more than 8 units attached in a continuous row, no more than 4 dwelling units without front façade variation	Maintain Requirement
Minimum Parking	As per Subsections 7.35, 11.5, and 11.6 (2 spaces per unit), minimum 3m by 6m dimensions	2 spaces per unit, minimum, 2.6m by 5.5m dimensions for exterior driveway spaces only, 3m by 6m for garage spaces, stairs may not encroach into interior garage parking space

### Modified "RM3-268" Zone

Regulation	Currently Required	Recommended
Lot Frontage	45 metres (overall lot)	6m per individual freehold unit
Minimum Lot Area	0.4 hectares (1 acre)	130m <sup>2</sup> per individual unit
Maximum Lot Coverage	30%	Delete requirement
Maximum Density	35 dwelling units per hectare	Maximum 26 units total within zone
Minimum Front Yard	9m (for overall site, not for each unit)	5.75m to garage, 4.5m to dwelling unit per individual freehold unit
Minimum Side and Rear Yards	7.5m, except 10.7m where the abutting lands are zoned "ER", "R1", "R2", "R3", "R4", or "RM1"	Side yard for end unit 1.5m, except 4.5m abutting an "ER", "R1", "R2", "R3", "R4", or "RM1" Zone, 5m yard abutting a flanking street, Rear yard of 5.5m, except 7m yard abutting an "ER", "R1", "R2", "R3", "R4", or "RM1" Zone

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Minimum Separation Distance	3m between 2 exterior walls containing no windows, 9m between 2 exterior walls where 1 wall contains windows, 15m between exterior walls both containing windows	Delete Requirement (regulated by proposed setbacks, and Building Code requirements for separation distances between walls containing windows)
Minimum Floor Area Per Dwelling Unit	95m²	Maintain Requirement
Maximum Height	10.7 metres	Maintain Requirement
Minimum Landscaped Area	40% of Lot Area, which may include required privacy area	Delete Requirement (Landscaping regulated by setbacks, amenity and privacy areas)
Planting Strips/Fencing	1.5m planting strip and/or 1.8m solid fence abutting an "ER", "R1", "R2", "R3", "R4", or "RM1" Zone	Maintain Requirement
Minimum Privacy Area	35m <sup>2</sup> per dwelling unit	33m <sup>2</sup> per dwelling unit
Minimum Amenity Area	5m <sup>2</sup> per dwelling unit	Maintain requirement
Minimum Parking	As per Subsections 7.35, 11.5, and 11.6, 2 spaces per unit, minimum 3m by 6m dimensions, 1 of the 2 spaces shall be located within an attached private garage, no space closer to street line than 6m, and not closer than 3m to a Residential Zone	2 spaces per unit, minimum 2.6m by 5.5m dimensions for exterior driveway spaces only, 3m by 6m for garage spaces, stairs may not encroach into interior garage parking space

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Visitor Parking	1 Space per every 2 units or	Maintain Requirement,
	per thereof	Visitor parking shall be
		provided within the common
		element condominium

### Modified "RM4-161" Zone

Regulation	Currently Required	Recommended
Lot Frontage	30 metres (overall lot)	4.6m per freehold townhouse units, and 6.4m per freehold maisonette
Minimum Lot Area	0.4 hectares (1 acre)	75m <sup>2</sup> per individual unit
Maximum Lot Area	1.6 hectares	Delete Requirement
Maximum Lot Coverage	30%	Delete Requirement
Maximum Density	60 dwelling units per hectare	Maximum of 58 units in the zone, minimum of 32 units shall be maisonettes
Minimum Front Yard	9m (for overall site, not for each unit)	5.75m to garage, 3.4m to dwelling unit
Minimum Side and Rear Yards	9m, except 15m where the abutting lands are zoned "ER", "R1", "R2", "R3", "R4", or "RM1"	1.2m for the side of a townhouse unit, 1.8m for the side of a maisonette, rear yard of 2m abutting Binbrook Road and Fall Fair Way. All buildings to have minimum 6.75m setback from the adjacent Existing Residential "ER" Zone

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Minimum Floor Area Per Dwelling Unit	Bachelor unit - 45m <sup>2</sup> , 1 bedroom unit - 60m <sup>2</sup> , 2 bedroom unit - 75m2, 3 or more bedrooms - 85m <sup>2</sup>	Maintain Requirement
Maximum Height	10.7 metres	12.6 metres and limited to 3-storeys
Minimum Amenity Area	5m <sup>2</sup> per unit	Maintain Requirement, amenity area can be provided in the "RM3-161" Zone
Minimum Landscaped Area	40% of Lot Area, excluding amenity area	Delete Requirement (Regulated by setbacks and amenity area)
Planting Strips/Fencing	3m planting strip and/or 1.8m solid fence abutting an "ER", "R1", "R2", "R3", "R4", or "RM1"Zone	Maintain Requirement
Minimum Parking	As per Subsections 7.35, 11.5 and 11.6 (2 spaces per unit), minimum 3m by 6m dimensions, no space closer to street line than 6m, and not closer than 3m to a Residential Zone	2 spaces per unit, minimum 2.6m by 5.5m dimensions for exterior driveway spaces only, 3m by 6m for garage spaces, stairs may not encroach into interior garage parking spaces, no space closer to street line than 6m, and not closer than 3m to an Existing Residential "ER" Zone
Visitor parking	0.5 visitor spaces per unit	Maintain Requirement, visitor parking shall be provided within the common element condominium
Front Entrances	N/A	All dwelling units with a façade abutting Binbrook Road or Fall Fair Way shall have a principal entrance facing the street

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Noise Wall Barriers	N/A	Noise walls shall not be permitted abutting Binbrook Road or Fall Fair Way
Balconies	N/A	All units shall have a balcony with a minimum area of 3m <sup>2</sup>

The attached By-law (Appendix "E") incorporates the zoning requirements which are recommended by staff, as noted above. The proposed changes will allow for a development that makes efficient use of land, and creates a pedestrian-friendly street design, while maintaining appropriate buffers, outdoor amenity and parking requirements. Staff supports the proposed changes to the Zoning By-law, on this basis. The detailed design of the site will also be subject to Site Plan Control, where further minor adjustments may be required to ensure proper design of interior sidewalks, landscaped areas, amenity areas, and building elevations.

### 4. Parking:

As previously outlined in comments received from Traffic Engineering and Hamilton Municipal Parking staff, some areas in the vicinity of this property have experienced challenges regarding on-street parking availability. The required number of visitor parking spaces (0.5 per unit) is being met for the condominium units, and staff has no concerns with the amount of visitor parking. However, staff has concerns with the applicant's request to allow up to 2 stairs to encroach within garage spaces. There are several developments that have been approved in Binbrook with a reduced width, or length and width for required parking spaces within garages, or which have allowed steps to encroach in the required spaces. Based on a review of these developments, this has resulted in difficulties for some owners in using the garage parking space. For dwellings which are provided with double garages and wider driveways, this has not resulted in a lack of space to park. However, for units with reduced size garages or steps encroaching into garage spaces, and only one parking space in a driveway, this has resulted in a heavier use of on-street parking facilities. As the proposed units are provided with only one space in the driveway to park, it is essential that adequate garage space be available. As a result, allowing encroachments of steps in garage spaces is not appropriate, and it is recommended that steps should not be permitted to encroach within this area. The applicant is not in agreement with this recommendation.

5. Several changes have been made to the proposal by the applicant to address issues raised as a result of staff review of the application, and to comply with the zoning standards recommended by staff.

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#### **Building Setbacks**:

The detailed zoning requirements recommended by staff include several increases in the requested setbacks. As the applicant is proposing to build a mix of maisonettes and townhouses, this is a more ground-oriented type of building than apartments, which is the permitted form of development under the current designation. The design of ground-oriented units, which have individual street level entrances, utilizes a greater land area when properly designing the site for various considerations, including pedestrian circulation, buffers, amenity areas, and landscaping. Therefore, the site may not be able to accommodate the same number of units as an apartment type of development. The applicant is in agreement with the increased setbacks proposed by staff, and made some adjustments to the proposed site layout, resulting in a reduction in the number of units on the site from 102 units to 95.

#### **Amenity Area:**

Staff had concerns with a requested elimination of amenity area and privacy area requirements for the development. Regardless of the permitted density on the site, it is important to maintain both individual privacy areas (i.e. backyards or balconies), as well as amenity area on the site that may be used jointly by the residents of the condominium. The standards proposed by staff require minimum privacy areas of 33m<sup>2</sup> for those units with backyards, and minimum balcony areas of 3m<sup>2</sup> for those units with no backyards. These standards generally reflect the privacy areas and balcony areas that are currently proposed. The provision of balconies instead of ground floor privacy areas for some of the units is consistent with what would have been provided if apartments were proposed. To ensure that there is sufficient common outdoor space available for units on the site, the amenity area requirement of 5m<sup>2</sup> per unit is proposed to be maintained. Although there is a large park located on the west side of Fall Fair Way adjacent to this site, it is beneficial to have an accessible area for the condominium units that is located on their site. Amenity area requirements are standard for any type of unit where residents do not all have ground level rear yards, and for unit types where yards are reduced, in higher density developments. The intent of the By-law is that this be in addition to City parks, which helps to offset the use of the parks. Providing a common amenity area on site will provide a direct benefit by encouraging a sense of community within the development and providing additional usable outdoor space for those with no backyards or limited space in backyards, and will improve the design of the site by having a clearly defined open area instead of a few separate landscaped areas that are not large enough to be usable. The applicant is in agreement with this recommendation and, therefore, the current proposal attached as Appendix "F" includes two landscaped amenity areas.

#### **Building Design:**

Staff also had concerns that the proposed units abutting Fall Fair Way and Binbrook Road did not have a front façade facing these streets in the initial application submission. As outlined in the Residential Design policies of the Glanbrook Official Plan, rear-lotting is to be discouraged in residential housing developments. In the amended concept, the applicant has brought the proposed units closer to the street to allow for an increased street presence, and has proposed entrance doors and architectural features which make the façades function as front façades. Landscaping and individual pathways to the municipal sidewalk, as well as decorative fencing, can be established at the Site Plan stage to further enhance the streetscape. Therefore, the intent of the urban design Further, staff recommends that the zoning include policies will be met. provisions to require all dwelling units with a façade abutting Binbrook Road or Fall Fair Way to have a principal entrance facing the street, and to prohibit any type of acoustical barrier abutting these roads. This has been included in the Draft Zoning By-law, attached as Appendix "E". The applicant is in agreement with these requirements.

#### Sidewalks:

Concerns were raised by staff regarding the provision of adequate sidewalks within the original proposals. Although sidewalks are typically not provided on all streets within condominium developments, it is important to provide sidewalks in strategic locations for pedestrian safety, and to create a pedestrian-friendly environment that encourages walking. The current proposal, illustrated in Appendix "F", provides a significant increase in sidewalks within the development, and connects to the sidewalks surrounding the site in four locations. Staff is satisfied, based on the current concept plan, that sidewalks can be adequately provided for the proposal. Approval of the exact details regarding sidewalks will be determined through the Site Plan application.

6. In the Official Plan Amendment application, two changes were requested to the current policies. The applicant initially requested that the "Medium Density Residential" area at the easterly end of the site be redesignated to "High Density Residential" to allow for additional townhouse units. This proposed increase in density has been withdrawn, and the existing "Medium Density Residential" designation is not being changed. This area is still proposed to be developed for 2-storey townhouses, as originally anticipated by the "Medium Density Residential" policies. In accordance with the current Official Plan policies, a maximum density of 40 units per hectare will be permitted on these lands, which equates to a maximum of 13 units. The existing zoning further reduces the allowable density to 35 units per hectare, which equates to a maximum of 11 units on these lands. The proposal meets this requirement.

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The second change to the Official Plan policies proposed by the applicant is to modify the list of permitted uses within the "High Density Residential" designation to include townhouses and maisonettes, while maintaining the existing density targets (41-60 units per ha.) in the Glanbrook Official Plan. The Glanbrook Official Plan states that it is important to maintain density targets in order to accommodate population growth forecasts and housing targets, and utilize existing and planned infrastructure. However, it also states that it is important to provide for a full range of housing types to accommodate all demographics because the lack of accommodation of certain demographics can result in an unbalanced community without a "life cycle" progression. The goal of a complete community is to allow people to be born, grow up, and retire in one community (or any combination of the 3), especially in "small town/rural" communities such as Binbrook.

Staff is in agreement that townhouses can be a permitted use within the "High Density Residential" designation on this site in order to provide for an increased compatibility with abutting, lower density forms of housing. However, to meet the intent of the Official Plan for sites designated for high density uses, the site should also contain alternate forms of multiple dwellings to ensure that there are housing opportunities that will meet the needs and housing preferences of other types of demographics. The applicant has proposed to construct maisonettes on the site as an alternate form of housing, which is considered to be an innovative form of housing consistent with this general intent. Maisonettes are similar in function to apartment units, which are permitted under the existing designation on the lands, except that each unit is provided with individual entrances, garages, and driveways. To ensure that both types of housing are developed on the site, the proposed Zoning By-law Amendment requires a minimum number of maisonettes in the area designated as "High Density Residential".

In addition, Official Plan Amendment and Zoning By-law Amendment applications have been submitted concurrently with this application for a property located west of the Fairgrounds Community Park at 45 Royal Winter Drive. This property was previously designated "High Density Residential" in the original Binbrook Village Secondary Plan, but an application to change the designation to "Medium Density Residential" was approved in July, 2007. To offset the effect of allowing townhouse unit types within the "High Density Residential" designation on the subject lands, where the intent was to have other forms of residential dwellings (i.e. apartments, stacked townhouses, and similar alternate forms of housing), the applicant is proposing to develop a portion of the property located at 45 Royal Winter Drive for maisonettes as well. This will require a change in designation to "High Density Residential" for the lands located at 45 Royal Winter Drive, as well as an Official Plan Amendment to permit the mix of unit types on that site to also include standard townhouses.

## SUBJECT: Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located at 310 Fall Fair Way (Glanbrook) (PED11064) (Ward 11) - Page 32 of 39

- 7. There is an existing 1650mm storm sewer, a 450mm sanitary sewer, and 400mm watermain located on Fall Fair Way abutting the subject lands. Servicing stubs were installed to the property line on Fall Fair Way during the construction of the "Woodview Estates" subdivision development. At the Site Plan stage, the applicant will be required to submit servicing details and a grading plan as a standard condition to ensure that the site is properly graded and drained in accordance with normal engineering standards and the City's policies. Detailed grading, stormwater, and servicing plans are not required for the evaluation of the proposed zoning changes since the allowable density on the subject lands is not being altered from what was reviewed through the "Woodview Estates" subdivision. All road widenings required adjacent to the subject lands were dealt with through the "Woodview Estates" subdivision and, therefore, no further road widenings are required.
- 8. Staff received a significant number of letters and e-mails in response to the pre-circulation of the initial application, and the pre-circulation of the revised application, with several comments and concerns noted (see Appendices "G" and "I"). A petition in opposition to the proposed development was also submitted and is included in Appendix "H". Additional adjustments to the revised application that have been made by the applicant (see Appendix "F") are intended to address some of the concerns noted by area residents. A description of the concerns and staff's responses is summarized below.

### (a) <u>Traffic Concerns</u>:

- Increases in traffic flow.
- Design will not be able to accommodate level of cars travelling to Binbrook Road (i.e. too many cars exiting through Valiant Circle).
- Increase in cars will create queuing on Valiant Circle.
- Parking on Valiant Circle potentially obstructing traffic movements, snow removal, and emergency vehicles.
- Increased traffic may create problems/accidents at roundabout, decrease pedestrian safety, and increase noise levels at roundabout.

#### Response:

Traffic staff has advised that the road infrastructure is sufficient for the proposed number of units. The roundabouts on Binbrook Road and Fall Fair Way were designed to accommodate volumes anticipated for full build out of the Binbrook community. The Binbrook Village Transportation Master Plan considered a full build out of Binbrook at approximately 5,630 residential units. Traffic staff also advised that the Binbrook Road and Regional Road 56 roadways will be re-constructed by the City in the future to provide sidewalks, bike lanes, and an urban cross-section.

The development is proposed to have two accesses, one on Fall Fair Way and one on Valiant Circle. The access on Fall Fair Way will permit right turns in, and right turns out only, as there is an existing median island on The access to Valiant Circle will permit all turning Fall Fair Way. movements. Traffic forecasts contained in the Binbrook Village Transportation Master Plan show that approximately 70% of trips leaving the Binbrook area will travel north on Fall Fair Way to reach Regional Road 56, and continue north on that roadway. For this development, the shortest route for the majority of the proposed units will be to exit the site via the direct access to Fall Fair Way. For the 30% of trips destined to head south to Binbrook Road, the intersection of Valiant Circle at Fall Fair Way must be used. Traffic staff completed an analysis of the intersection operations using traffic volumes projected for Fall Fair Way upon full build out of the 5.630 residential units. The AM and PM peak hour analysis indicates that the level of service for projected traffic turning from Valiant Circle to Fall Fair Way will be at a level of service 'D', which is acknowledged City wide as an acceptable level of service. The delay encountered by those turning vehicles during the peak hours of the day would equate to approximately 33 seconds. (Note: The intersection of Fall Fair Way and Regional Road 56 recently opened in December, 2010)

Street parking on Valiant Circle (see additional details under Parking below) is not permitted within 25 feet of the intersection of Valiant Circle and Fall Fair Way or the easterly intersection of Valiant Circle at Valiant Circle and, therefore, corner clearances will keep the intersections unobstructed. The posting of "No Parking" signs on the south side of Valiant Circle will ensure that two lanes of traffic are kept open for residents, emergency equipment, and snow plows.

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The roundabouts at Fall Fair Way and Binbrook Road, and Fall Fair Way at Pumpkin Pass, were designed based on the traffic forecasts of the Binbrook Village Transportation Master Plan, using the proposed future population densities for Binbrook. They were designed for high levels of traffic with a capacity of up to approximately 2,500 cars per hour (although volumes will not reach that level). Pedestrian crossings at the roundabout are not impacted by the proposed development generated traffic as pedestrians have a shorter crossing distance (splitter islands enable the crossing in two stages), look in one direction at a time for the two-stage crossing, and vehicle speeds are lower. The proposed development will not increase traffic levels above anticipated levels since the applicant is in compliance with designated densities.

#### (b) Parking Concerns:

- Too many new units and not enough parking provided.
- Overflow parking on established local street (Valiant Circle) will impede traffic, block communal mailbox, and/or block entry of snow removal or emergency vehicles.
- Dwelling units will not use their garages for parking, causing more cars to park on local streets.
- Reduced visibility due to parked cars, causing a safety issue for residents crossing Fall Fair Way to the park.

#### Response:

As condominium roads cannot accommodate on-street parking, it is very important to ensure that extra parking spaces are provided within condominium developments to accommodate additional parking needs. Therefore, in addition to the 2 parking spaces required for each unit, 0.5 spaces of visitor parking for each unit are also required on the site, which is the standard requirement in the Glanbrook Zoning By-law. The applicant will meet this requirement. The visitor parking on the site will prevent overflow of visitor parking onto local municipal roads.

Street parking will only be permitted on the north side of Valiant Circle abutting this development, and not within 25 feet of the intersection with Fall Fair Way or the intersection of Valiant Circle at Valiant Circle. Hamilton Parking Services will install signage to ensure compliance. It is anticipated that the street townhouses proposed on Valiant Circle will occasionally use street parking facilities for visitor parking. Based on the

### SUBJECT: Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located at 310 Fall Fair Way (Glanbrook) (PED11064) (Ward 11) - Page 35 of 39

street parking restrictions, staff has no concerns with access for emergency vehicles and adequate snow removal, as this is a standard width local road designed to include a parking lane and two lanes for travel. Also, since street parking on Valiant Circle will be set back from the intersection, there will be sufficient visibility to maintain the safety of residents crossing Fall Fair Way to the park.

As noted previously, staff do not support reduced parking space sizes within garages. Maintaining the full parking space size within garages will ensure that these spaces are viable for parking cars. A warning clause will also be required as a condition of the site plan and condominium applications requiring all purchasers to be notified in purchase and sale agreements that only a single parking space will be available in the garage, and a second tandem space in the driveway.

### (c) <u>Potential Capacity Issues With Hard Infrastructure (i.e. Stormwater Management, Water, Sewer, etc.)</u>

#### Response:

The current Official Plan designations permit a density of 106 units, maximum, in total on the subject lands. The capacity of the site servicing has been sized to accommodate the permitted density, since the subdivision design was based on this designation. Density estimates for servicing are based on 3.0 to 3.5 persons per unit (ppu), which is greater than existing statistics (2.294 ppu across the Hamilton area), to provide a "safety factor" given that the life expectancy of sewer infrastructure is approximately 100 years, during which time land use changes may be possible. The current proposal, as amended, would include 95 dwelling units. Therefore, the capacity of all servicing will be sufficient to accommodate the development. The applicant will be required to submit detailed engineering plans (i.e. for servicing, grading, and drainage) as standard conditions of site plan approval once the detailed design of the site is established.

### (d) Potential Capacity Issues With Soft Infrastructure (i.e. Schools, Parks)

#### Response:

The original Binbrook Secondary Plan was developed based on the existing "High Density Residential" and "Medium Density Residential" designations for the block. The proposed development will not include more units overall than was originally planned for the lands. Therefore, there is no significant impact expected on soft services as a result of the

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proposal. Although there is a park located to the west of the site, an amenity area will also be provided on the site for the exclusive use of the residents of the development.

(e) Number of Units and Three Storey Units at This Location Does Not Reflect Intended Character of Neighbourhood and is Not Compatible

#### Response:

The proposal meets the intended overall density of the site and the intent of the Official Plan policies to provide a variety of housing styles for different lifestyle needs. The Glanbrook Official Plan states that the appropriate location for "High Density Residential" developments is on the exterior of neighbourhoods, abutting arterial roads, and abutting or in close proximity to parks. The site meets all of these criteria since it is located at a major intersection of 2 arterial roads, and is across from a park. Various design elements have been incorporated into the proposal to ensure compatibility with the surrounding area and existing residential uses abutting the site. The applicant is also required to meet the Binbrook design policies. Three-storey heights are permitted under current policies and zoning. The applicant is proposing to increase the permitted height to 12.6 metres within the high density portion of the site, for the units that are not abutting Valiant Circle, although the units will still be limited to a maximum of 3-storeys. Staff supports the requested height increase, since the units still contain only 3-storeys, and it will allow a high quality of design for the units. However, significant setbacks from existing residential are recommended by staff to ensure that units do not negatively impact adjacent dwellings.

(f) <u>Condominium Streets Are Narrow and Create Concerns Regarding</u>
Access to Emergency Services

#### Response:

All internal condominium streets within the proposed development will be required to meet traffic and emergency services requirements for fire routes and emergency services vehicle access. No parking on the condominium road will be permitted. All internal streets will have a minimum width of 6 metres, which is the standard width for 2-way condominium roads. Turning radii of 9m around corners have been provided to allow for appropriate manoeuvring of larger vehicles such as garbage trucks and emergency vehicles.

# SUBJECT: Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located at 310 Fall Fair Way (Glanbrook) (PED11064) (Ward 11) - Page 37 of 39

The originally submitted plan and the subsequent amended plan have been further revised with the proposed plan that is the subject of this Report in an attempt to address neighbours' concerns and changes resulting from staff review of the proposal.

9. The Urban Hamilton Official Plan received Ministerial Approval from the Ministry of Municipal Affairs and Housing on March 16, 2011, and, therefore, can no longer be modified.

The final decision on the Urban Hamilton Official Plan has been appealed. As such, Council-approved Official Plan Amendments made prior to the final decision will be held in abeyance until their incorporation into the Plan can be requested of the Ontario Municipal Board, or made through a future housekeeping amendment.

It is prudent and part of natural justice to identify any changes to the Urban Hamilton Official Plan as part of the public notice in the staff report and notice of adoption.

#### ALTERNATIVES FOR CONSIDERATION

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

If the applications are denied, the lands could be developed under the existing "High Density Residential" and "Medium Density Residential" Official Plan designations, and under the existing Residential Multiple "RM3-161" and Residential Multiple "RM4-161" zoning requirements.

The area designated for "High Density Residential" and zoned Residential Multiple "RM4-161" would allow for densities of 41-60 units per hectare (maximum 93 units), and would permit stacked townhouse dwellings and apartment buildings only, to a maximum height of 3-storeys and 10.7m.

The area designated for "Medium Density Residential" and zoned Residential Multiple "RM3-161" would allow for densities of 26-35 units per hectare (maximum 11 units), and would permit block townhouse dwellings only to a maximum height of 10.7m.

SUBJECT: Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located at 310 Fall Fair Way (Glanbrook) (PED11064) (Ward 11) - Page 38 of 39

#### **CORPORATE STRATEGIC PLAN** (Linkage to Desired End Results)

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

#### Financial Sustainability

- Effective and sustainable Growth Management.
- Delivery of municipal services and management capital assets/liabilities in a sustainable, innovative, and cost-effective manner.

The proposal is cost-effective by using existing municipal services, and by providing densities that reflect appropriate growth management.

#### Social Development

• Everyone has a home they can afford that is well maintained and safe.

The proposal will provide the Binbrook community with various types of multiple residential housing styles that meet a variety of housing needs.

## **Environmental Stewardship**

Natural resources are protected and enhanced.

The proposal is located on a site designated and planned for future development within an approved plan of subdivision. No natural resources will be removed as part of the development.

#### **Healthy Community**

- Plan and manage the built environment.
- An engaged Citizenry.
- Adequate access to food, water, shelter and income, safety, work, recreation, and support for all (Human Services)

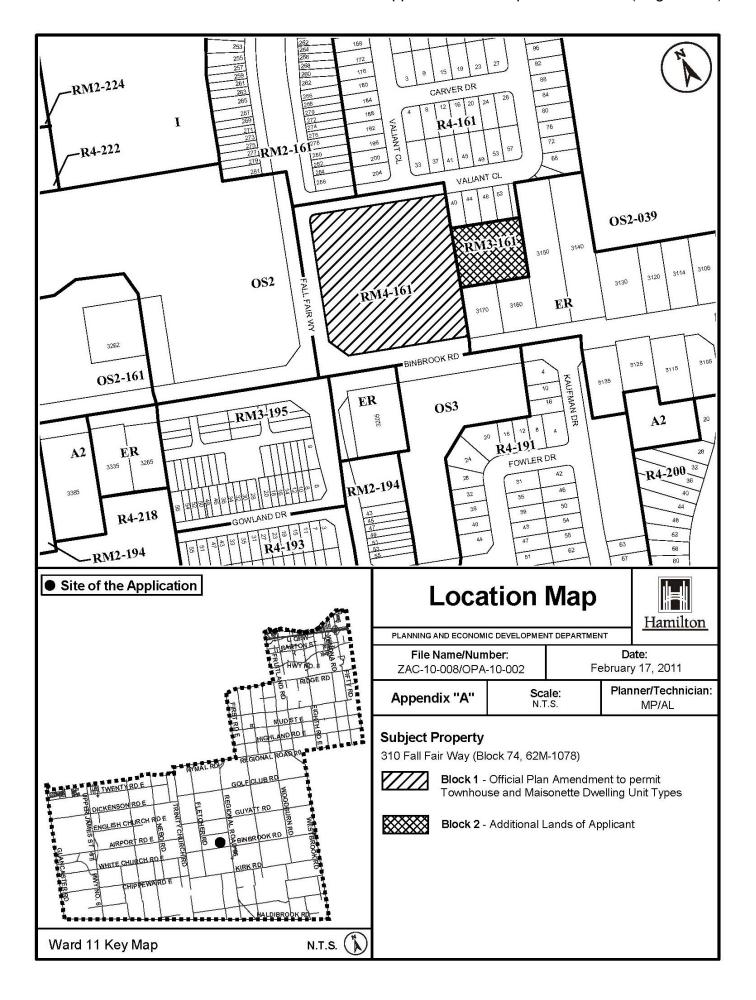
The proposal is consistent with existing planned densities and enhances the built environment at a significant, main intersection in Binbrook. The development will make additional forms of safe, high quality accommodations available in the community.

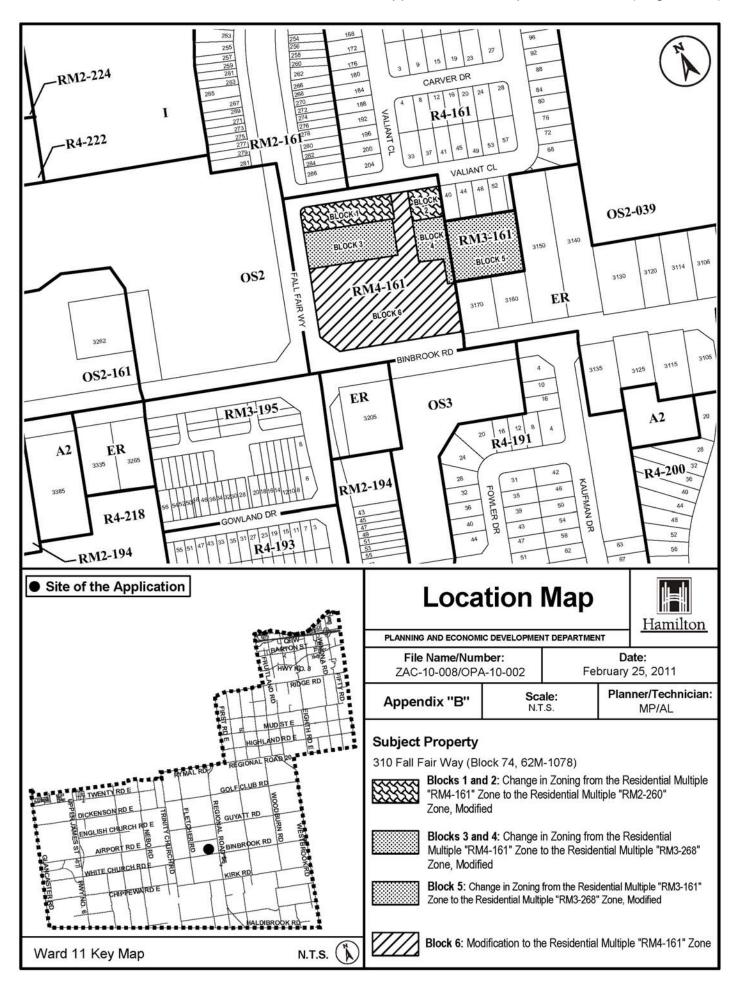
SUBJECT: Applications for Amendments to the Glanbrook Official Plan and Zoning By-law No. 464, for Lands Located at 310 Fall Fair Way (Glanbrook) (PED11064) (Ward 11) - Page 39 of 39

#### **APPENDICES / SCHEDULES**

- Appendix "A": Location Map Official Plan Changes
- Appendix "B": Location Map Zoning Changes
- Appendix "C": Implementing Official Plan Amendment Township of Glanbrook Official Plan
- Appendix "D": Implementing Official Plan Amendment Urban Hamilton Official Plan
- Appendix "E": Implementing Zoning By-law Amendment
- Appendix "F": Preliminary Site Plan, as Amended
- Appendix "G": Public Comment Submissions, Original Application
- Appendix "H": Public Petition
- Appendix "I": Public Comment Submissions, Amended Application

:MP Attachs. (9)





Schedule "1"

## Amendment No.

# to the

## Official Plan for the former Township of Glanbrook

The following text constitutes Official Plan Amendment No.

## Purpose:

The purpose of the amendment is to expand the types of residential uses permitted for lands designated as "High Density Residential" at the northeast corner of Binbrook Road and Fall Fair Way.

#### Location:

The lands affected by this Amendment are known as part of Block 74, Plan 62M-1078, in the former Township of Glanbrook, located at the northeast corner of Binbrook Road and Fall Fair Way.

## <u>Basis</u>:

The intent of the Amendment is to permit townhouse and maisonette dwelling units within the "High Density Residential" designation on this site, in addition to the uses already permitted in the "High Density Residential" designation. The basis for the re-designation is as follows:

- This proposed amendment is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe as it makes efficient use of available resources and planned capacity, it provides for a site design that is compact and promotes a vibrant streetscape, and it contributes to the development of complete communities in terms of providing a variety of housing forms which are designed to meet the housing needs for all types of residents within the community of Binbrook.
- This proposed amendment is consistent with the development principles and the general residential policies of the Binbrook Village Secondary Plan, as the policies encourage the use of innovative and varied housing types and designs, and as the proposed form of development considers and is sensitive to existing residential uses and is responsive to a variety of housing needs.
- The proposed mix of unit types will provide increased compatibility with existing uses in the surrounding area, while maintaining appropriate densities.

## **Text Changes**

- 1) That a new policy be added to the Binbrook Village Secondary Plan as Policy B.2.2.7:
  - B.2.2.7 Notwithstanding Section B.2.2.3.3.2.3(a) of the Binbrook Village Secondary Plan, for the lands designated as "High Density Residential", known municipally as 310 Fall Fair Way, part of Block 74, Plan 62M-1078, with an area of approximately 1.56 hectares, street townhouses and block townhouses, in conjunction with maisonettes, shall also be permitted.

## **Implementation**:

An implementing Zoning By-law Amendment will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. 11-200, passed on the 2011.

#### The

#### **City of Hamilton**

R. Bratina	R. Caterini
Mayor	Clerk

Schedule "1"

# Urban Hamilton Official Plan Amendment No.

The following text, together with:

 Schedule "A" (Volume 2: Map B.5.1-1 – Binbrook Village Secondary Plan – Land Use Plan);

attached hereto, constitutes Official Plan Amendment No. to the Urban Hamilton Official Plan.

#### 1.0 Purpose and Effect:

The purpose and effect of this Amendment is to redesignate part of the subject lands from "Low Density Residential 3e" to "Low Density Residential 3c" to allow for a range in housing types at an increased density.

## 2.0 Location:

The lands affected by this Amendment are known municipally as 310 Fall Fair Way, within the Binbrook Village Area of the former Township of Glanbrook.

#### 3.0 <u>Basis</u>:

The basis for permitting this Amendment is as follows:

• The proposed amendment is consistent with the Provincial Policy Statement and Growth Plan for the Greater Golden Horseshoe as it makes efficient use of available resources and planned capacity, it provides for a site design that is compact and promotes a vibrant streetscape, and it contributes to the development of complete communities in terms of providing a variety of housing forms which are designed to meet the housing needs for all types of residents within the community of Binbrook.



- This proposed amendment is consistent with the development principles and the general residential policies of the Binbrook Village Secondary Plan, as the policies encourage the use of innovative and varied housing types and designs, and as the proposed form of development considers and is sensitive to existing residential uses and is responsive to a variety of housing needs.
- The proposed mix of unit types will provide increased compatibility with existing uses in the surrounding area, while maintaining appropriate densities.

## 4.0 Changes:

## 4.1 Volume 2 - Secondary Plans

Text

## 4.1.1 Chapter B.5.1 Binbrook Village Secondary Plan

- a. That Section B.5.1.4 Residential Designations Binbrook Village Secondary Plan is amended to add the residential designation "Low Density Residential 3c" to Policies B.5.1.4.2 and B.5.1.4.4, and reads as follows:
  - 5.1.4.2 "The residential areas are designated Low Density Residential 2d, 2e, 2h, 3c, and 3e, as indicated on Map B.5.1-1 Binbrook Village Land use Plan. The policies which follow are applicable to each of these land use designations."
  - 5.1.4.4 "The residential areas are designated Low Density Residential 2d, Low Density Residential 2e, Low Density Residential 2h, Low Density Residential 3c, and Low Density Residential 3e, as identified on Map B.5.1-1 0 Binbrook Village Land Use Plan. The following policies shall apply to each respective residential land use designation."
- b. That Subsection B.5.1.4.5 Low Density Residential Binbrook Village Secondary Plan is amended by adding a new residential designation "Low Density Residential 3c" as B.5.1.4.5 d), and by renumbering subsequent policies as required, and reads as follows:



- 5.1.4.5d) Notwithstanding Policies E.3.4.3 and E.3.4.4 of Volume 1, the following policies shall apply to the lands designated Low Density Residential 3c on Map B.5.1-1 Binbrook Village Land Use Plan:
  - The permitted uses shall be low rise apartments, row houses, stacked and block townhouses, and innovative forms of attached housing;
  - ii) The density range shall be from 41 to 60 units per net hectare.
  - iii) In locating new Low Density Residential 3c development, consideration shall be given to the following criteria:
    - Low Density Residential 3c uses shall generally be located on the periphery of the neighbourhood, in areas abutting commercial development, or fronting major or minor arterial or major collector Roads.
    - 2. Some Low Density Residential 3c development in proximity to the Mixed-Use Medium Density area is desirable.
    - 3. Low Density Residential 3c dwelling forms shall be sensitively integrated with and adequately buffered from adjacent land uses.
    - 4. Where Low Density Residential 3c areas are proposed adjacent to Low Density Residential 2e and 2h uses, consideration shall be given to appropriate integration and compatibility of the dwelling forms. Compatibility may be accomplished through attention to architectural massing, height, scale, buffering, and landscaping.



Schedules and Appendices

#### 4.1.2 Schedules

- a. That Map B.5.1-1- Binbrook Village Secondary Plan Land Use Plan be amended by:
  - redesignating the subject lands from "Low Density Residential 2h" and "Low Density Residential 3e" to "Low Density Residential 3c".

as shown on Schedule "A", attached to this amendment.

## 5.0 Implementation:

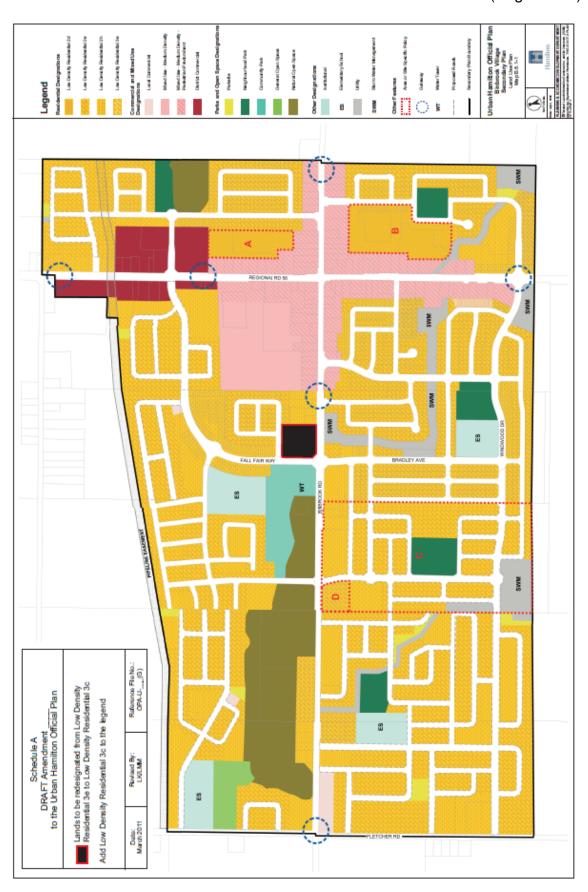
An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This is Schedule "1" to By-law No. passed on the day of 2011.

# The City of Hamilton

R. Bratina	R. Caterini
Mayor	Clerk





Urban Hamilton Official Plan Amendment No. X Page 5 of 5



#### Appendix "E" to Report PED11064 (Page 1 of 8)

Authority: Item Planning Committee Report 11- (PED11064) CM:

#### **CITY OF HAMILTON**

BY-LAW NO.

To Amend Zoning By-law No. 464 (Glanbrook), Respecting the Property Located at 310 Fall Fair Way

**WHEREAS** the <u>City of Hamilton Act, 1999</u>, 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 Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

**AND WHEREAS** the <u>City Of Hamilton Act, 1999</u> 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. 464 (Glanbrook) was enacted on the 16<sup>th</sup> day of March, 1992, and approved by the Ontario Municipal Board on the 31<sup>st</sup> day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item of Report 11- of the Planning Committee, at its meeting held on the day of 2011, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

**AND WHEREAS** this by-law will be in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook) upon finalization of Official Plan Amendment No.

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

- 1. That Schedule "H", appended to and forming part of By-law No. 464 (Glanbrook), is amended;
  - (a) by changing from the Residential Multiple "RM4-161" Zone to the Residential Multiple "RM2-260" Zone, Modified, the lands identified as "Blocks 1 and 2";
  - (b) by changing from the Residential Multiple "RM4-161" Zone to the Residential Multiple "RM3-268" Zone, Modified, the lands identified as "Blocks 3 and 4":
  - (c) by changing from the Residential Multiple "RM3-161" Zone to the Residential Multiple "RM3-268" Zone, Modified, the lands identified as "Block 5": and,
  - (d) by modifying the Residential Multiple "RM4-161" Zone, for the lands identified as "Block 6";

the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

- 2. That Section 44, "Exceptions to the Provisions of the By-law" of Zoning By-law No. 464, be amended by adding a new Special Exemption "RM2-260", as follows:
  - 1. Notwithstanding the regulations of <u>SECTION 18: RESIDENTIAL MULTIPLE "RM2" ZONE</u>, Subsection 18.2, <u>REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 18.1 (STREET TOWNHOUSE DWELLING)</u>, Clauses (a), (b), (c), (d), (e), and (f), the following regulations shall apply to the lands zoned "RM2-260":
    - (a) Minimum Lot Frontage: 6 metres, except 7.5 metres for an end

dwelling unit.

(b) Minimum Lot Area: 160 square metres, except 205 square

metres for an end dwelling unit.

(c) Maximum Lot Coverage: Not applicable.

(d) Minimum Front Yard: 5.75m to a garage and 4.2 metres to a

dwelling unit.

(e) Minimum Side Yard: 1.5 metres, except 3 metres for an

exterior side yard and 3 metres where the abutting lands are zoned

Residential "R4".

(f) Minimum Rear Yard: 5.5 metres.

- 2. Notwithstanding the regulations of <u>SECTION 7: GENERAL PROVISIONS FOR ALL ZONES</u>, Sub-section 7.35, <u>MINIMUM PARKING REQUIREMENTS</u>, Clause (a)(vii), exterior ninety (90) degree perpendicular surface parking spaces shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres. Parking spaces within a garage shall have a minimum width of 3 metres and a minimum length of 6 metres.
- 3. That Section 44, "Exceptions to the Provisions of the By-law" of Zoning By-law No. 464, be amended by adding a new Special Exemption "RM3-268", as follows:
  - 1. Notwithstanding the regulations of <u>SECTION 19: RESIDENTIAL MULTIPLE "RM3" ZONE</u>, Sub-section 19.2, <u>REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS)</u>, Clauses (a), (b), (c), (d), (e), (f), (g), (j), (l), and (n)(ii), the following regulations shall apply to the lands zoned "RM3-268":
    - (a) Minimum lot frontage shall be 6 metres.
    - (b) Minimum lot area shall be 130 square metres.
    - (c) Maximum lot coverage shall not apply.
    - (d) Maximum density shall be 26 dwelling units.
    - (e) Minimum front yard shall be 5.75 metres to a garage and 4.5 metres to a dwelling unit.
    - (f) Minimum yard abutting the side of an end unit shall be 1.5 metres, except 5 metres for a yard abutting Fall Fair Way, and 4.5 metres where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3", "R4", or Residential Multiple "RM1".

Minimum yard abutting the rear of a unit shall be 5.5 metres, except 7 metres where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3", "R4", or Residential Multiple "RM1".

- (g) Minimum separation distance shall not apply.
- (j) Minimum landscaped area shall not apply.
- (I) Minimum Privacy Area: A minimum area of  $33m^2$  per dwelling unit shall be provided adjacent to the unit and screened on two (2) sides by means of a privacy screen.
- (n)(ii) No parking space or area shall be located closer to a street line than 6 metres, and not closer than 3 metres to any Existing Residential "ER" or Residential "R4" Zone.
- 2. In addition to the regulations of <u>SECTION 19: RESIDENTIAL MULTIPLE</u> <u>"RM3" ZONE</u>, Sub-section 19.2, <u>REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS)</u>, the following regulation shall apply:
  - a) For the purposes of the lot frontage, lot area, front yard, and side yard requirements only, a condominium road shall be deemed to be a public street.
  - b) Visitor parking may be provided in a common element condominium.
- 3. Notwithstanding the regulations of <u>SECTION 7: GENERAL PROVISIONS FOR ALL ZONES</u>, Sub-section 7.35, <u>MINIMUM PARKING REQUIREMENTS</u>, Clauses (a)(vii) and (a)(xii):
  - (a)(vii) Exterior ninety (90) degree perpendicular surface parking spaces shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres. Parking spaces within a garage shall maintain a minimum width of 3 metres and a minimum length of 6 metres.
  - (a)(xii) Shall not apply for parking areas abutting a Residential Multiple "RM2-260" Zone or a Residential Multiple "RM4-161" Zone.
- 4. That the Residential Multiple "RM4-161" Zone regulations, as contained in Section 20 and Section 44 of Zoning By-law No. 464, applicable to the lands comprised of "Block 6", be modified to include the following additional special provisions:
  - 1. Notwithstanding the regulations of <u>SECTION 20: RESIDENTIAL MULTIPLE "RM4" ZONE</u>, Sub-section 20.1, <u>PERMITTED USES</u>, Block Townhouses and Maisonettes, and uses, buildings and structures accessory thereto, shall also be permitted.

For the purposes of this By-law, a Maisonette is defined as a dwelling divided vertically into a minimum of six (6) and a maximum of sixteen (16) dwelling units, with each unit separated by common or party walls both at the rear and at the side or sides of the unit, and having one (1) or more private entrances at grade.

- 2. Notwithstanding the regulations of SECTION 20: RESIDENTIAL MULTIPLE "RM4" ZONE, Sub-section 20.2, REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 20.1 (APARTMENT BUILDING), Clauses (a), (b), (c), (d), (e), (f), (g), (i), (j), (k), and (m)(i), and the regulations of SECTION 44: EXCEPTIONS TO THE PROVISIONS OF THIS BY-LAW, Exception "RM4-161", the following additional regulations shall apply to the lands zoned "RM4-161":
  - (a) For townhouse and maisonette uses, the minimum lot frontage for each townhouse unit shall be 4.6 metres, and the minimum lot frontage for each maisonette unit shall be 6.4 metres.
  - (b) For townhouse and maisonette uses, the minimum lot area per unit shall be 75 square metres.
  - (c) Maximum Lot Area shall not apply.
  - (d) Maximum Lot Coverage shall not apply.
  - (e) Maximum Density shall not apply.
  - (f) Minimum front yard shall be 5.75 metres to a garage and 3.4 metres to a dwelling unit.
  - (g) Minimum side yard shall be 1.2 metres for the side of an end townhouse unit and 1.8 metres for the side of a maisonette unit. Notwithstanding Section 7.20, "General Provisions for all Zones, Through Lots", the minimum yard abutting Binbrook Road or Fall Fair Way shall be 2 metres. Notwithstanding the minimum side and rear yard requirements, a minimum yard of 6.75 metres shall be provided for all buildings where the abutting lands are zoned Existing Residential "ER" or Residential "R1", "R2", "R3", "R4", or Residential Multiple "RM1".
  - (i) Maximum height shall be 12.6 metres, and a maximum of 3 storeys.
  - (j) Minimum amenity area shall be provided on the same lot and may be located in an "RM3-268" Zone.

- (k) Minimum landscaped area shall not apply.
- (m)(i) No parking space or area shall be located closer to a street line than 6 metres and not closer than 3 metres to any Existing Residential "ER" Zone.
- 3. In addition to the regulations of <u>SECTION 20: RESIDENTIAL MULTIPLE</u> <u>"RM4" ZONE</u>, Sub-section 20.2, <u>REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUB-SECTION 20.1 (APARTMENT BUILDING)</u>, the following regulations shall apply:
  - (a) For the purposes of the lot frontage, lot area, front, side, and rear yard setback requirements only, a condominium road shall be deemed to be a public street. Yards containing driveway accesses shall be deemed to be front yards.
  - (b) A maximum of 58 dwelling units shall be permitted within the "RM4-161" Zone, of which a minimum of 32 units shall be maisonettes.
  - (c) All dwelling units with a façade facing or abutting Binbrook Road or Fall Fair Way shall have a principal entrance facing the street.
  - (d) Acoustical barrier walls shall not be permitted abutting Binbrook Road or Fall Fair Way.
  - (e) Visitor parking may be provided in a common element condominium.
  - (f) In addition to the amenity area requirements, each dwelling unit shall be provided with an outdoor balcony with a minimum gross floor area of 3 square metres.
- 4. Notwithstanding the regulations of <u>SECTION 7: GENERAL PROVISIONS FOR ALL ZONES</u>, Sub-section 7.35, <u>MINIMUM PARKING REQUIREMENTS</u>, Clauses (a)(iv), (a)(vii), and (a)(xii):
  - (a)(iv) Tandem parking shall also be permitted for maisonette dwellings.
  - (a)(vii) Exterior ninety (90) degree perpendicular surface parking spaces shall have a minimum width of 2.6 metres and a minimum length of 5.5 metres. Parking spaces within a garage shall have a minimum width of 3 metres and a minimum length of 6 metres.

- (a)(xii) Shall not apply for parking areas abutting a Residential Multiple "RM2-260" Zone or a Residential Multiple "RM3-268" Zone. For the purposes of this provision, a planting strip required abutting an Existing Residential "ER" Zone may contain a pedestrian walkway.
- 5. That no building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple "RM2", the Residential Multiple "RM3", and the Residential Multiple "RM4" Zone provisions, subject to the special requirements referred to in Sections 2, 3, and 4.
- 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 <u>Planning Act</u>.

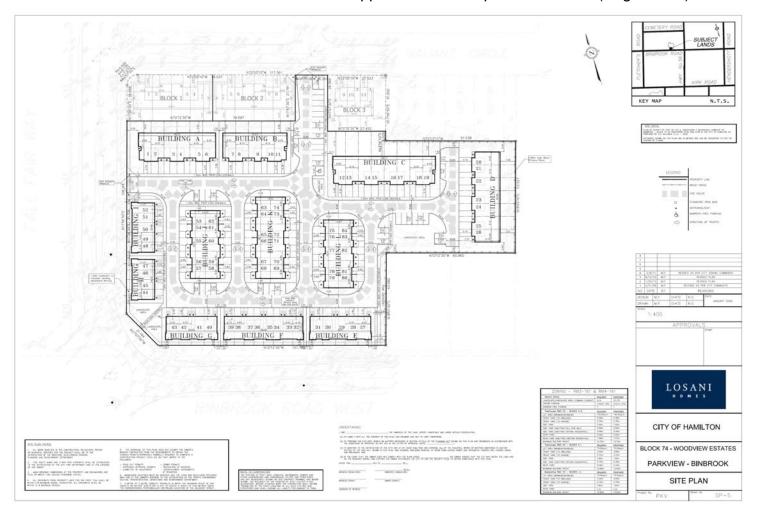
PASSED and ENACTED this day of , 2011.		
R. Bratina	R. Caterini	
Mayor	Clerk	

ZAC-10-008



Appendix "E" to Report PED11064 (Page 8 of 8)

# Appendix "F" to Report PED11064 (Page 1 of 1)



## Appendix "G" to Report PED11064 (Page 1 of 19)

#### Pham, Melanie

From: Howard and Dee Browning

Sent: Tuesday, April 13, 2010 6:08 PM

To: Pham, Melanie

Subject: Re: Draft plan for Condominium -Fall Fair Way Glanbrook

Hi Melanie: Never got to speak to you by phone, so I'm hoping this is the next best thing in reaching you. When we first concidered purchasing in this development, we were told condominium plans in the location of block 74, plan #62M1078 would be Bungalow -type condominiums. This is very disappointing and very misleading by the developer. This area of the Fairgrounds was described as spacious living. Not packed in a neighborhood of row houses. As homeowners in this area, and speaking to our surrounding neighborhood, we feel this plan will take away from the character of this neighborhood. We loved this area for the choices of singles home styles and location. This choice was a huge investment for us and expect this area to improve the value of our home. We truly feel if this amount of units in this block, goes through, it will not only degrade our properties, risk of high traffic and both sides of our street on Valiant Circle will constantly will be lined with vehicles for shortage of parking. This will leave no parking for our own family & guests to park. If there is a way to stop this from happening, please let us know, what the next step is.

Sincerely, Howard & Dee Browning howdee 37 Valiant Circle, Binbrook, Ont.

## Appendix "G" to Report PED11064 (Page 2 of 19)

----Original Message-----From: Seminerio, Benny

Sent: Friday, April 09, 2010 1:08 PM

To: Pham, Melanie Cc: Mitchell, Dave

Subject: Official Plan amendment for Block 74 Registered plan No. 62-1078, Fall Fair Way, Glenbrook

Melanie I have attached a letter that I will be placing in the mail today to your attention. The letter is in opposition to the official plan amendment the e-mail is to voice my opinion on the amendment process. We as residence are being subjected to respond or the amendment is passed and yet the developer needs no justification to ask for an amendment to the official Plan, other then hi own greed to increase profit margins for his company. This is also why I have copied the elected official for this area David Mitchell so that he may be aware that the community is not happy with this amendment and the reasons for it. Any change to the official plan should be only to better the community, not to stress it out.

Any official plan gives the community an opportunity to comment during the development of the plan and once passed it should not be subject to change for personal gain.

<<melanie phham - B Seminerio.doc>>

April 10th, 2010

RECEIVED APR 1 5 2010

Melanie Pham
Development Department Planning Division
East Section
77 James Street North, Suite #400
Hamilton, Ontario L8R 2K3

Dear Ms. Pham:

Re: File #'s: OPA-10-002, ZAC-10-008 and 25CDM-201001

As per your letter dated March 24, 2010 in reference to the Official Plan Amendment, being pursued by Losani Homes, I wish to tender my objection to the amendments:

It has not been demonstrated that the infrastructure is in place to accommodate the extra homes. Going from Medium to High density will approximately double the amount of homes in the designated lands. Is there sufficient water and sewer infrastructure to accommodate the doubling the homes? I would assume that the pipes and water reservoir were built, based on the original plan, and the extra homes would not have been part of the equation.

The roads in the area are already congested, and with the average home having a double income and living away from public transit, it would require two vehicles per household. At 92 homes this will add the vehicle traffic to approximately 184 vehicles. These vehicles will be parked on the existing streets which are not designed for that volume. We also have a park, immediately across from these lands, which will make it extremely unsafe for our children to be exposed to this level of vehicle traffic.

After reviewing the proposal, it seems that the roads are and will be so congested that emergency vehicles will not have the appropriate radius to turn and navigate the roads, in case of an emergency. Therefore, placing this community and any future residences in a higher risk of not being able to be serviced by critical emergency response services.

As well, any school system and public libraries would have been developed based on the original Official Plan, and would not be able to accommodate the higher population (presently, one school is finished and just about to open).

I would appreciate a response to this important matter.

Benny Sommerce

Benny Seminerio

Planning and Economic Development Department Planning Division, Development Planning, East Section 77 James Street North, Suite 400, Hamilton ON L8R 2K3

Re: Applications to amend the Township of Glanbrook Official Plan and Zoning By-law No. 464, and for a Draft Plan of Condominium, for land located on Block 74, Registered Plan No. 62M-1078, Fall Fair Way, Glanbrook

File Nos. OPA-10-002, ZAC-10-008 and 25CDM-201001

We wish to be notified of the adoption of the proposed Official Plan Amendment, or of the refusal of a request to amend the Official Plan.

Thank you.

Planning and Economic Development Department Planning Division, Development Planning, East Section 77 James Street North, Suite 400, Hamilton ON L8R 2K3

Re: Applications to amend the Township of Glanbrook Official Plan and Zoning By-law No. 464, and for a Draft Plan of Condominium, for land located on Block 74, Registered Plan No. 62M-1078, Fall Fair Way, Glanbrook

File Nos. OPA-10-002, ZAC-10-008 and 25CDM-201001

We wish to be notified of the adoption of the proposed Zoning By-law Amendmend, or of the refusal of a request to amend the Zoning By-law.

Thank you.

Planning and Economic Development Department Planning Division, Development Planning, East Section 77 James Street North, Suite 400, Hamilton ON L8R 2K3

Re: Applications to amend the Township of Glanbrook Official Plan and Zoning By-law No. 464, and for a Draft Plan of Condominium, for land located on Block 74, Registered Plan No. 62M-1078, Fall Fair Way, Glanbrook

File Nos. OPA-10-002, ZAC-10-008 and 25CDM-201001

We wish to be notified of the decision of the City Of Hamilton in respect to the proposed Draft Plan of Condominium.

Thank you.

## Appendix "G" to Report PED11064 (Page 5 of 19)

----- Forwarded message -----

From: barrie dickinson

To: melaniepham@hamilton.ca

Date: Tue, 13 Apr 2010 22:33:33 -0400 Subject: Proprosed Building siti in Binbrook

Dear Melanie

We are against "The New Proprosed Hi Density Townhouse Condo's" for the The Fairgrounds in Binbrook to be built by Losani Home Builders. When we bought in this area from them we were told this area was to be Adult Bungalow/w loft We would be pleased to be kept updated with all information pretaing to this project and any meetings planned

Thanks in Advance Barrie & Hilda Dickinson

# Appendix "G" to Report PED11064 (Page 6 of 19)

#### Pham, Melanie

From:

donna starr

Sent:

Tuesday, April 13, 2010 11:35 AM

To:

Pham, Melanie

Cc:

D. Starr

Subject: Binbrook Survey Amendment applications

To Melanie Pham, Planning And Economic Development Dept. - East Section Hamilton City Hall

Please find attached our letter of Objections to the proposed Amendments by Losani Homes. We would appreciate any information about meetings & decisions regarding this matter. Thank you

Joe and Donna Starr P.O. Box 385 3150 Binbrook Road Binbrook, Ontario OR 1C0

April 13/10

This email is being sent to voice our objections to the Official Plan Amendments proposed by Losani Homes for lands located on Block 74 Registered Plan No 62M-1078, Fall Fair Way, Glanbrook. According to the letter sent to our home, Losani has made application for an Official Plan Amendment (File No. OPA-10-002) Zoning Amendment (File No. ZAC-10-008) and a draft plan for Condominium (25CDM-201001).

Our property abuts this development and we are opposed to any increase in the number of units that Losani has applied for Amendment. This will make for serious crowding of units and streets in this small area. We feel that the original number of units that were originally approved should be adhered to. This was spelled out in the PLANNING REPORT 2000-39 when additional unit increases were applied for by the developer but were not approved by the council.

We would like the "Medium Density" designation portion of Block 249 & Block 250 to remain as it was approved originally. (TOWNSHIP OF GLANBROOK – PLANNING REPORT NO.2000-39) with no increase in numbers of units.

We are opposed to any Amendments to the heights of the proposed units that the developer has applied for which will not be in accordance with the original planning.

We would like Losani Developers be encouraged to put in some Single level Townhouse units in Block 249 (the same as John Robinson built in the original survey in Binbrook) for the purpose of Seniors that wish to retire to the area. Two storey townhouses are not Senior friendly units.

We would appreciate this letter of objection to be considered before any Amendments are made in favour of Losani Homes Development.

Thank you
Joe and Donna Starr
P.O. Box 385
3150 Binbrook Road
Binbrook, Ontario
L0R 1C0

Planning and Economic Development Department Planning Division, Development Planning, East Section 77 James Street North, Suite 400, Hamilton ON L8R 2K3 RECEIVED APR 1 3 2010

Re: Applications to amend the Township of Glanbrook Official Plan and Zoning By-law No. 464, and for a Draft Plan of Condominium, for land located on Block 74, Registered Plan No. 62M-1078, Fall Fair Way, Glanbrook

File Nos. OPA-10-002, ZAC-10-008 and 25CDM-201001

We would like to oppose the Official Plan, Zoning By-Law and Draft Plan of Condominium changing the official plan from "Medium Density Residential" to "High Density Residential."

We would like more detailed information with respect to the changes being considered such as lot sizes, condominium sizes, height of the dwellings, difference in the number of condominiums from the original plan to the draft plan, access changes, etc. It is important that this plan does not affect the value of our property.

We already have a high volume of condominiums in our area and are very concerned with what is being proposed.

Thank you.

Janine and Frank Amatangelo 123 Valiant Circle Binbrook, ON LOR 1C0

RECEIVED APK 1 3 2010

Planning and Economic Development Department Planning Division, Development Planning, East Section 77 James Street North, Suite 400, Hamilton ON L8R 2K3

Re: Applications to amend the Township of Glanbrook Official Plan and Zoning By-law No. 464, and for a Draft Plan of Condominium, for land located on Block 74, Registered Plan No. 62M-1078, Fall Fair Way, Glanbrook

File Nos. OPA-10-002, ZAC-10-008 and 25CDM-201001

We wish to be notified of the decision of the City Of Hamilton in respect to the proposed Draft Plan of Condominium.

Thank you.

Janine and Frank Amatangelo 123 Valiant Circle Binbrook, ON LOR 1C0

Planning and Economic Development Department Planning Division, Development Planning, East Section 77 James Street North, Suite 400, Hamilton ON L8R 2K3 RECEIVED APR 1 3 2010

Re: Applications to amend the Township of Glanbrook Official Plan and Zoning By-law No. 464, and for a Draft Plan of Condominium, for land located on Block 74, Registered Plan No. 62M-1078, Fall Fair Way, Glanbrook

File Nos. OPA-10-002, ZAC-10-008 and 25CDM-201001

We wish to be notified of the adoption of the proposed Zoning By-law Amendmend, or of the refusal of a request to amend the Zoning By-law.

Thank you.

Janine and Frank Amatangelo 123 Valiant Circle Binbrook, ON LOR 1C0 Planning and Economic Development Department Planning Division, Development Planning, East Section 77 James Street North, Suite 400, Hamilton ON L8R 2K3

RECEIVED APR 1 3 2010

Re: Applications to amend the Township of Glanbrook Official Plan and Zoning By-law No. 464, and for a Draft Plan of Condominium, for land located on Block 74, Registered Plan No. 62M-1078, Fall Fair Way, Glanbrook

File Nos. OPA-10-002, ZAC-10-008 and 25CDM-201001

We wish to be notified of the adoption of the proposed Official Plan Amendment, or of the refusal of a request to amend the Official Plan.

Thank you.

Janine and Frank Amatangelo 123 Valiant Circle Binbrook, ON LOR 1C0

#### Pham, Melanie

From:

Michael Kapitan [

Sent:

Wednesday, April 14, 2010 8:49 PM

To:

Pham, Melanie

Cc:

: 1

Subject: Re: File nos OPA-10-002 & 25-201001

April 14, 2010

Dear Ms. Pham:

My wife, Nadia and myself would like to apologize for this email coming so late.

We would like to express our concerns with the planned change of zoning in the Block 74 Registered Plan no. 62M-1078 Fall Fair Way in Glanbrook. When we purchased our home on Valiant Circle we were advised by our Sales Representative that the above mentioned area was in the works to be a townhome complex for an "Adult Living" community.

My wife and I are a newly married couple who plan on starting a family in the very near future. We purchased our home on Valiant Circle and couldn't be more pleased; with the city, community and home. I moved from Etobicoke, and Nadia moved from Brampton. As you may or may not know, these are two very highly populated cities which we wanted to get away from; a lot of hussle and bussle and homes and apartments on every corner. We found Binbrook to be very quiet and airy with a vast amount of community appeal which we were very much drawn to.

We strongly feel that this newly planned complex will be a safety hazzard to the community park located directly across the street; as well as increase the traffic flow into the subdivision, and also take away the quiet community in which we have lived and loved for just a short time.

We sincerely hope that you will take our words into consideration. We love the city that we have found here and hope to stay for many years to come.

Regards,

Michael & Nadia Kapitan 104 Valiant Cir. Binbrook, LOR 1C0

## Appendix "G" to Report PED11064 (Page 13 of 19)

----Original Message----

From: Alex and Kim [mailto: Sent: Wednesday, March 31, 2010 6:50 PM

To: Pham, Melanie; Mitchell, Dave;
Subject: proposed challenge to File Nos: OPA-10-002, ZAC-10-008 and 25CDM-201001

Importance: High

Evening Dean, David and Melanie

I am a local resident in the new Fairgrounds Subdivision in Binbrook. Myself and my neighbours are in objection to the rezoning of the development within the Fairgrounds from medium to high density. We all originally purchased our homes with the knowledge that the units to be built would be adult oriented single and two storey dwellings. This change in zoning would result in higher 3 storey units and greater density within the building site as the zoning will change from 50 units to 91 units. With a children's park located across the street from this site the increased traffic driving along this road puts our kids safety in jeopardy as well affecting our property value, increased parking on side streets and would be an eyesore to the current community.

We have organized a petition within our neighbourhood. Can you please tell me would this suffice in terms of showing the multiple objections or should we submit individual letters?

Dean and David: what support can we expect to receive from our local councilor and MP as I plan on being extremely vocal on this matter and the assistance I am or am not given???

Your assistance would be greatly appreciated.

Thank you Kim Schulz 45 Valiant Circle Binbrook, Ontario ----Original Message----

From: Craig & Sarah Cook [mailto:

**Sent:** Wednesday, March 31, 2010 9:36 PM **To:** Pham, Melanie; Mitchell, Dave;

Subject: quoting file nos: OPA-10-002, ZAC-10-008 and 25CDM-201001

To Dean, David and Melanie,

I am writing in regards to a letter we received about Losani homes filing for a high density zoning in my area. I am in the Fairgrounds developement in Binbrook and brought our home under the impression that this area would be one and two storey townhomes for an adult community. The change in zoning would result in 91 total three-storey townhomes which were definately not part of the original plan of approximently 50. This land is located right across from a park which would greatly increase traffic for our children on Fall Fair Way, also, the additional units would cause the overflow of cars to be parked along our side streets. I have seen these units built by Losani in the Country Estates Developement and know how tall they are and we personally feel that they also would not blend in to our neighbourhood causing property values to go down in the future.

We will be signing a petition and asking everyone else to do the same in order to keep this land in the zoning that it has already been approved for. We bought into the idea of a community that had already been approved to have things done a certain way and we expect to have it remain the same. We challenge everyone else to do this as well and back up our area and the people who have already made this our home town. This community is not about putting as much as you can on a little piece of land just for a few extra dollars that will only benefit one builder whose greed seems to be getting the better of him! We hope that you all stand behind us and show us your support as well will not let this happen without a fight!

Please keep us informed in the future and thank-you in advance for your help.

Craig & Sarah Cook 24 Carver Drive Binbrook, ON

Ray and Dene Mawson 112 Valiant Circle Binbrook, ON LOR 1C0 April 6, 2010

Melanie Pham
City of Hamilton
Planning & Economic Development Department
Planning Division – Development Planning – East Section
77 James Street North, Suite 400
Hamilton ON L8R 2K3

RE: File Nos. OPA-10-002, ZAC-10-008 & 25CDM-201001

Builder: Losani Homes

Location: Block 74, Registered Plan No. 62M-1078, Fall Fair Way, Glanbrook

We are opposed to these changes for the following reasons:

- One road entrance (Valiant Circle) for 91 proposed townhouses and 65 existing single family
  dwellings is excessive. All other townhouse complexes in the Binbrook area have multiple
  main road entrances. A blocked Fall Fair Way and Valiant Circle intersection will
  impede/restrict emergency vehicle access and normal homeowner traffic flow.
- Regardless of the extra parking spaces within the complex (approx. 45 spots), townhouse owners facing Valiant Circle will park on the north side of the road from their dwelling instead of within the complex itself where extra parking spaces are available. This will impede access for existing single family homeowners and will block the communal mail box located on the north side of the road. Furthermore, most families have two vehicles, and even though the units have garages, most do not park in their garages which will further increase parking on Valiant Circle/Fall Fair Way.
- 3. Complex should be designed to have all townhouses facing within the complex itself with none fronting onto Valiant Circle. Existing single family dwellings are larger in size – both in building and lot size. These oversized lots required the purchaser to pay a premium lot cost. Cramming fifteen smaller townhouses with little to no frontage deters from the existing landscape.
- Counting fifteen single family dwellings to the north on Valiant Circle takes you pass the 1<sup>st</sup> curve... a sharp difference to lot size for the proposed 15 townhouses facing Valiant Circle.
- 5. The proposed 91 townhouses are on the corner of Binbrook and Fall Fair Way. The remaining three corners consist of a single family home, parkland and 4-unit townhouse complexes (3 in total). As mentioned above, cramming 91 townhouses into the 4<sup>th</sup> corner is excessive and does not flow with existing landscape on Binbrook Road and Valiant Circle. It does not even flow with the existing townhouses that are on Fall Fair Way.
- 6. When we purchased our home 2 ½ years ago, we were advised the property in question would consist of a mix of townhouses (similar to what exists on Fall Fair Way) and one storey joined single homes (seniors type housing)...not 91 crammed townhouses.

Respectfully submitted.

Ray and Dene Mawson

#### Pham, Melanie

From: Rebecca Fletcher [

Sent: Friday, April 02, 2010 7:17 PM

To: Pham, Melanie

Subject: re: file nos OPA-10-002 and 25-201001

April 2, 2010

Dear Ms. Pham;

We are writing you this letter to express our concerns with the planned change of zoning in the Block 74 Registered Plan no. 62M-1078 Fall Fair Way; Glanbrook. It was our understanding when we purchased our home on Valiant Circle that the above mentioned area was meant to be "Adult living townhomes" as per Losani Homes representatives. We are the parents of two small children and we purchased our home in Binbrook because of its small community appeal. The above mentioned area is located directly across from the community park and by changing the plan from a handful of townhomes to the possibility of 90 condos and even the possibility of higher density homes (ie apartments) will cause there to be an exponential increase in traffic flow; which as parents is of great concern for safety purposes as well as traffic flow in and out of the survey.

By changing the zoning to allow for high density residential you open our community up to the possibility of apartment buildings going in, which would greatly take away from the quiet community Binbrook continues to be; which is a large portion of its appeal as a resident. We feel that by allowing apartments to be built in our community it would cause a form of atmospheric pollution by means of destroying the skyline. High density residential was not in any means mentioned as a possibility when we were purchasing. Part of Losani homes marketing of "The Fairgrounds" was the quiet community it was providing. We weren't just purchasing a home but an exclusive membership of sorts to a quiet small town community. The point being that by changing the zoning you open us up to an increase of traffic flow and and over whelming increase in population within a small geographical area.

It is our sincere hope that you will take our concerns into consideration when making your choice. Please remember that Binbrook is first and for most still a small town within the greater city of Hamilton; and that we chose to live out in rural Hamilton for the small town atmosphere and small town values that come along with living here.

Respectfully Yours;

Matthew and Rebecca Fletcher 108 Valiant Circle Binbrook, Ontario LOR 1CO

From: Philip Rayment

Sent: Sunday, April 11, 2010 6:43 PM

To: Pham, Melanie; Mitchell, Dave; i

Cc:

Subject: zoning ammendment, file nos: OPA-10-002, ZAC-10-008 and 25CDM-201001?

Dear Melanie, Dave and Dean,

My family lives at 49 Valiant Circle in Binbrook, Ontario. This month I received a notice in the mail regarding the above captioned proposal to re-zone an area in my neighbourhood for high density housing. I recently bought my home in this neighbourhood with the understanding that there would be "adult lifestyle" bungalow townhomes on the land in question. I am writing you to voice my strong opposition to this proposal for the following reasons:

- this change in zoning would bring 91 new residences into a very small area. There are currently only 65
  dwellings on Valiant Circle and Carver Drive. The character of this neighbourhood would change
  dramatically by adding so many units.
- increased traffic and parking issues will lower the value of current properties on Valiant Circle and pose hazards to the numerous young children in the area, mine included.
- 3 story "brownstone" condominiums will not blend in with the current streetscape, will not provide an
  attractive entrance to our community and will dominate the area. These have already been built in a
  neighbourhood nearby and are an eyesore. I would not have chosen to build on the lot we currently occupy
  had I known that I would be looking out my front window at 3 story stuctures.
- these dwellings will attract a different demographic than an "adult" community. "Adult" communities are
  often quiet and well-kept. This is not always the case when young singles, couples and families move into
  very close quarters like brownstones. Provision would need to be made for approximately twice as many
  vehicles as the originally proposed development
- MOST IMPORTANTLY, I am concerned with the message it will send to developers if Losani Homes is allowed to change the plans for this development at this late stage. They used "adult lifestyle" condominiums as a selling point to prospective buyers in our neighbourhood to convince them to build here. If they are allowed to change plans mid-stream, what is there to stop them from changing parks, playgrounds, woodlots, school lots and any other features used as selling points to suit their needs (and increased revenue). Will we next lose the acres of beautiful forest which were also used as a selling point for our neighbourhood? Developers need to be accountable for delivering on the neighbourhood that they propose and sell to the public. If this is not dealt with at the municipal level, it may be left to my neighbours and I to seek legal recourse.

Please keep me apprised of upcoming meetings related to this zoning application as I would like further opportunities for input. Sincerely,

Philip Rayment 49 Valiant Circle Binbrook, Ontario LOR 1C0

From: mauro

Sent: Sunday, April 11, 2010 8:25 PM

To: Pham, Melanie

Subject: File Nos: OPA-10-002, ZAC-10-008 and 25CDM-201001

#### Dear Melanie:

With regards to Notice of Complete Applications and preliminary circulation for official plan amendment, zoning amendment and draft plan of condominiums by Losani homes for land located at block #74, Registered Plan No. 62M-1078, Fall Fair Way, Glanbrook.

We have received this notice and have many concerns, most especially of which we were, informed that adult bungalow townhomes were the proposed plan for this area. Our concerns of high density is of area character differential or compatibility to present housing as well as over congestion, traffic, street parking issues to mention just a few.

I myself specifically requested confirmation of housing in the area as Losani could not accommodate my original purchase in Phase 2. My house was sold and without anyshere to go and live, they informed me of Lot #39 still being available in Phase 1. I was continuously confirming that adult bungalow town homes were being built next to us (as all the people in this area were told). I called over and over until I was assured and finally decided to purchase Lot #39.

We would like more information and discussion on this matter. I believed other than this proposal which was the turning point of my decision to purchase this lot.

Sincerely

Mauro Iacoboni & Marion Huibers

# Appendix "G" to Report PED11064 (Page 19 of 19)

## Pham, Melanie

From: terry fletcher [

Sent: Monday, April 05, 2010 3:09 PM

To: Pham, Melanie

Subject: Glanbrook Zoning By-law 74

#### Hi Melanie,

I am writing in regards to confusion on Block 74 Reg Plan 62-M-1078. On the mailout of the Official Plan Amendment sketch, Building G sits directly north(behind) existing property 3170 Binbrook Rd. There also exists a Building C. On the Draft Plan Of Common Element Condominium of the same plan #, Building C does not exist and directly behind 3170 Binbrook Rd sits Building H. There also is another Building H in the plan.

The reason I ask because Building H through Q is intended to be 3 storey, where in the Official Plan Amendment Building G is directly behind my property which would be a 2 storey. It looks to be an oversight because of the missed Building C and 2 Building H's.

Can you please clarify this expeditiously so that if needed, I can submit my comments by the April 14/10 deadline.

Thank you

Terry Fletcher

e-zoning by-law No. 464 of Block 74 Registered Plan No. 62Nr. 1078, Fall Fairway, Glanbrook File Nos: OPA-10-002, ZAC-10-008 and 25CDM-201001	Telephone E-mail Address Signature		A Service	Charle	BR. also	Oww	Mayore Southinglas		AND TO THE PROPERTY OF THE PRO	The state of the s	ARR.	2	2 Jack	My Kenney
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Petition against the re-zoning by-law No. 464 of Block 74 Registered Pian No. 62M-1078, Fall Fairway, Glanbrook Signature all we E-mail Address File Nos: OPA-10-002, ZAC-10-008 and 25CDM-20100 Telephone 8:13 Bradley Ave Birbrook, on ST FCII. Fair Lay B. J.BROOK ON LOK-1CO damilton Ont 14023 DI 50 BINBROOK KD Savallant Circle Birbrook, ON corrico 48 VACIANT CLASIN 46 Juanita brise Hamilton Ont. 190213 B305 By Back 21-8 BEADLEY AND 8-17 Bradley Birniue. Bin brook, on 3150 BINDROOK ONT. 16 Juanta Die ALX BURDOU HAMILLYON, UNI 8-18 Bradles Address BINGROOF, CM WATETHONG Calcipar 2 Heather Carnethers JON 00920 Jeff Carrather JONUA STAPER ASSON A GENT STARR DIEGO GOMEZ Oun P of Calabore IKE & TERESA STEPHENSOY Name Cill Wilson Flison Sor Š

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Melanie Pham
City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning East Section
71 Main Street West, 5th Floor
Hamilton, ON
L8P 4Y5

RECEIVED OCT - 8 2010

Melanie.Pham@hamilton.ca

September 24, 2010

Re: File NOs. ZAC-10-008, OPA-10-002 and 25CDM-201001

As a resident of the Fairgrounds Subdivision in Binbrook, we are opposed to the re-zoning of the lands located at 310 Fall Fair Way (Block 74, Registered Plan No. 62M-1078).

When we originally purchased our homes, we were told by representatives of Losani that there would be approximately 60 single and 2 storey "adult community" townhomes built on the above mentioned land. The proposed zoning changes would allow the construction of 12 street townhouses and 90 other units consisting of 2 and 3 storey townhomes as well as some 3 storey walk up apartments. We do not feel there is adequate space to build 102 units, and still have adequate parking for the residents. Which would result in parking issues on our side streets with an increase in traffic flow which would not make it safe on the streets for our children as it is located directly across the street from a park.

Also, we are opposed to the three story maisonettes because we moved out to the country for the open spaces and skyline which you would expect to have in a small town, but that would be blocked with the 3 storeys and we are not a city. Therefore, the look of apartments and three storey dwellings would not look proper in this area.

Yours truly,

Shannon and James Cassidy

156 Valiant Circle

Binbrook, ON LOR 1CO

OCT 6 - 2010

Melanie Pham
City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning East Section
71 Main Street West, 5<sup>th</sup> Floor
Hamilton, ON
L8P 4Y5
Melanie.Pham@hamilton.ca

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OCT 6 - 2010

Melanie Pham
City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning East Section
71 Main Street West, 5<sup>th</sup> Floor
Hamilton, ON
L8P 4Y5
Melanie.Pham@hamilton.ca

September 24, 2010

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Yours Truly,

Donna Harolo 5	Baia M. Howell.
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OCT 6 - 2010

Melanie Pham
City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning East Section
71 Main Street West, 5<sup>th</sup> Floor
Hamilton, ON
L8P 4Y5
Melanie.Pham@hamilton.ca

September 24, 2010

Vours Truly

Re: File Nos. ZAC-10-008, OPA-10-002 and 25CDM-201001

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Todis figliy,	
Shannon and Darry Van Room	
160 Valiant Parcle	
Binkrook	
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----Original Message----

From: Aaron Hornsby [mailto:

Sent: Monday, October 04, 2010 5:36 PM

To: Pham, Melanie

Subject:

Hello,

Please see my attached letter in regards to an outrageous idea by a builder that shouldn't even be considered in a rural area.

Sincerely, Aaron

Melanie Pham
City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning East Section
71 Main Street West, 5<sup>th</sup> Floor
Hamilton, ON
L8P 4Y5
Melanie Pham@hamilton.ca

September 24, 2010

Re: File Nos. ZAC-10-008, OPA-10-002 and 25CDM-201001

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REVISED: Oct. 5, 2010

Ray and Dene Mawson 112 Valiant Circle Binbrook, ON LOR 1C0 Sept. 28, 2010

Melanie Pham
City of Hamilton
Planning & Economic Development Department
Planning Division – Development Planning – East Section
77 James Street North, Suite 400
Hamilton ON L8R 2K3

RE: File Nos. OPA-10-002, ZAC-10-008 & 25CDM-201001

Builder: Losani Homes

Location: Block 74, Registered Plan No. 62M-1078, Fall Fair Way, Glanbrook

We are opposed to this revision for the following reasons:

Revision contains an additional road egress however it does not handle traffic requiring access to Binbrook Road
therefore our initial concern has not been resolved. One road entrance (Valiant Circle) to service traffic to Binbrook
Road for 102 proposed townhouses and 65 existing single family dwellings is excessive. All other townhouse
complexes in the Binbrook area have multiple main road entrances allowing traffic flow in all directions. A blocked
Fall Fair Way and Valiant Circle intersection will impede/restrict emergency response vehicle access and normal
homeowner traffic flow.

The island on Fall Fair Way in the area of this proposed new road egress needs to be leveled or reduced in size to allow traffic flow directly to Binbrook Road or an additional egress is required directly onto Binbrook Road.

- 2. Regardless of the extra parking spaces within the complex (approx. 52 spots), owners of units facing Valiant Circle (plus overflow from condominium complex) will park on both sides of Valiant Circle instead of within the complex itself where extra parking spaces are available. This will impede access for existing single family homeowners, emergency response vehicles, snow removal vehicles and will block the communal mail box located on the north side of the road. Furthermore, most families have two to three vehicles, and even though the units have garages, most do not park in their garages which will further increase parking on Valiant Circle/Fall Fair Way.
- Existing single family dwellings are larger in size both in building and lot size. These oversized lots required the
  purchaser to pay a premium lot cost. Development fronting Valiant Circle should be single family dwelling in
  keeping with existing landscape...not 12 smaller townhouses with little to no frontage.
- Development fronting onto Valiant Circle should extend the full width of the property fronting Valiant Circle eliminating the road egress to Valiant Circle from the internal condominium road network.
- 5. The proposed 102 townhouses are on the corner of Binbrook and Fall Fair Way. The remaining three corners consist of a single family home, parkland and 4-unit, 2-storey townhouse complexes (3 in total). As mentioned above, cramming 102 townhouses into the 4<sup>th</sup> corner is excessive and does not flow with existing landscape on Binbrook Road and Valiant Circle. It does not even flow with the existing townhouses that are on Fall Fair Way.
- 6. When we purchased our home 3 years ago, we were advised the property in question would consist of a mix of townhouses (similar to what exists on Fall Fair Way) and one storey joined single homes (seniors type housing)... approx. 75 in total, not 102 crammed units as per this revision....an additional increase from last year's proposed 91 units. Though the City has since advised this plan is not on record, it was shared with proposed buyers as the proposed development plan when we purchased our home.

Respectfully submitted.
Ray and Dene Mawson

----Original Message----

From:

Sent: Tuesday, October 05, 2010 11:04 AM

To: Pham, Melanie

Subject: ZAC-10-008, OPA-10-002, and 25CDM-201001

To whom this may concern.

I wish to voice my concern over this zoning change.

Sincerely, Ryan Thompson 191 Fall Fair Way

You might remember that just a few years ago the plan for the northeast corner of Fall Fair Way & Binbrook Road was to build an adult lifestyle community, similar to those near Southbrook Road. As many of you know, Losani earlier this year filed a proposal to re-zone that property to high density residential, allowing construction of three-storey townhomes.

I learned today from Sarah Cook, who lives on Carver Drive and spearheaded the original petition against the zoning change, that the plan has been further revised to **102** units - 12 street townhomes and the remainder consisting of 2 and 3-storey townhomes and 3-storey walk-up apartments. The proposal is attached for your reference.

Any residents who are not in favour of this change must respond by October 6th - this Wednesday (Ms. Cook had very short notice too!). Not enough time to mount another petition, however, if you wish to voice your disapproval, copy and paste the attached letter into the body of an email to Melanie.Pham@hamilton.ca and reference files ZAC-10-008, OPA-10-002, and 25CDM-201001.

-----Original Message---From: Cory Powell [
Sent: Wednesday, October 06, 2010 10:31 AM

To: Pham, Melanie

Subject: Re-Zoning Fall Fair Way & Valiant Circle

Hi Melanie,

I writing you this letter in response to the information I received regarding the change in density to the property located at the corner of Fall Fair Way and Valiant Circle in Binbrook. It's disappointing to say the least that my family and the residence of the Fairgrounds community find ourselves in a situation that requires or opposition of a change proposed in the overall development plan set out by Losani Homes. The property we are discussing was identified to buyers of the Fairgrounds Phase 1 as "Future Adult Living" and purchases were made based on this premise. The thought of being part of a community that included this demographic was very appealing for a number of reason. Having a specific community of this nature would offer lower vehicle traffic, smaller homes (two storey) and a positive impact on service development to the immediate area. I have no doubt that the builder and sales associates also understood that advertising this property as "future adult living" was also appealing to new home buyers. I understand the need for high dentsity residential areas and belive they are vital to the development of any community. This same builder has released plans for future development of the Fairgrounds (ie - Phase 2 & 3) and therefore a possible alternative could exist. What is the reason for the re-zoing application? Is this issue about the developing community, home buyers(investors) or the opportunity for a builder to offer more units? Although the task of successfully stopping this re-zoning would appear difficult at best, we appreciate the opportunity to be heard.

Stick to the plan!

Cory Powell 57 Valiant Circle To Whom it may concern,

I am writing this letter in response to the notice my household received regarding the request for Losani Homes Inc to rezone the property located on the North West Corner of Binbrook Road and Fall Fairway. Upon reviewing the new proposed changes to the site plan, my family does not believe that this is the best plan for our community. We purchased our home with the understanding that the property was for future adult living. This new plan proposes 3 story apartment walk-ups, which I believe does not fit into the style of the community. This is a corner where the other three corners have open space and one or two storey structures. We feel that this will look awkward with one corner displaying 3 storey units crammed in together and the other three corners are open. This will not be aesthetically pleasing. Also if you drive around and what we noticed when we were looking at purchasing our home were all of the signs Losani had and still has posted along Fall Fairway indicating Open Spaces, Better Living.....and this is why we purchased our home in this community.

We understand that there is a focus on community development and creating high density residences however, we purchased on the premise that this was adult living. We have concerns with safety in regards to traffic flow to the area for our children; the streets will become congested and I believe the interior of this plan certainly cannot accommodate parking for 102 families.

It is our hope that our concerns are regarded with an open mind and our city staff is able to look at this from a resident's perspective. Thank you for your time and consideration.

Sincerely,

Erin Buckle 57 Valiant Circle Binbrook, On LOR 1CO ----Original Message----

From: nikki baker

Sent: Wednesday, October 06, 2010 12:35 PM

To: Pham, Melanie Cc: Ryan Boyd

Subject: Fw: Fairgrounds Subdivision file Nos. ZAC-10-008, OPA-10-002 & 25CDM-201001

## Good Morning,

This email is in regards to the following file numbers ZAC-10-008, OPA-10-002 and 25CDM-201001.

As a resident of the Fairgrounds Subdivision in Binbrook, we are opposed to the rezoning of the lands located at 310 Fall Fair Way, block 74, Registered plan No. 62M-1078 for the following reasons:

When we originally purchased our new home we were told by the Losani representatives that there would be 60 one floor and 2 storey "adult community" town homes built on the above mentioned property. With the proposed zoning changes to the above mentioned property, this would allow for the construction of 12 street town homes and 90 other units that consist of 2 and 3 storey town homes as well as some 3 storey walk up apartments. We feel that there is not sufficient space to build 102 units. If these units are built, will there be enough parking space for the residents? this will in turn cause overflow parking on the side streets. There will be an increase in the amount of traffic in and out of our area making it unsafe for our children to play and there is a park located across the street from the site.

When we made the choice to move into the country and this small community we based decision on the fact that there would be a limited amount of houses and residents on our block. Valiant Circle is a closed street where the only traffic in and out is of the people who live on the street, with the re-zoning of the above mentioned land it will make this area feel like a city, with an increase in the amount of people, car traffic and noise. Country living is about open spaces, fewer people, quiet streets and most of all a small community feeling with unobstructed skylines. This is why we are opposed to the building of the 3 storey maisonette, the increase in the number of housing units and the change from a "adult community" population to a high density population.

Yours Truly,

Nicole and Ryan Boyd 204 Valiant Circle Binbrook, Ontario L0R1C0

From:

Helen Korry

Sent:

Sunday, October 03, 2010 10:37 PM

To:

Pham, Melanie

Subject:

Reference files ZAC-10-008, OPA-10-002, and 25CDM-201001.

Follow Up Flag: Follow up

Due By:

Monday, October 04, 2010 12:00 AM

Flag Status:

Flagged

I am totally against this development going forward as it is not what the original proposed plan was. With this short notice it is difficult for persons to attend the meeting to voice our disapproval and it looks like it is being pushed through without a proper hearing with due notice.

Helen Korry Owner 189 Fall Fair Way Binbrook, ON LOR1CO

Melanie Pham
City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning East Section
71 Main Street West, 5<sup>th</sup> Floor
Hamilton, ON
L8P 4Y5
Melanie Pham@hamilton.ca

September 24, 2010

Re: File Nos. ZAC-10-008, OPA-10-002 and 25CDM-201001

As a resident of the Fairgrounds Subdivision in Binbrook, we are opposed to the re-zoning of the lands located at 310 Fair Way (Block 74, Registered Plan No. 62M-1078).

When we originally purchased our homes, we were told by representatives of Losani that there would be approximately 60 single and 2 storey, "adult community" townhomes built on the above mention land. The proposed zoning changes would allow the construction of 12 street townhouses and 90 other units consisting of 2 and 3 storey townhomes as well as some 3 storey walk up apartments. We do not feel there is adequate space to build 102 units, and still have adequate parking for the residents. Which would result in parking issues on our side streets with an increase in traffic flow which would not make it safe on the streets for our children as it is located directly across the street from a park.

Also, we are opposed to the three story maisonettes because we moved out to the country for the open spaces and skyline which you would expect to have in a small town, but that would be blocked with the 3 storeys and we are not a city. Therefore the look of apartments and three storey dwellings would not look proper in this area.

From: donna starr [

Sent: Friday, October 01, 2010 2:50 PM

To: Pham, Melanie

Subject: City of Hamilton - revised application for Losani Homes Binbrook

City Of Hamlton 71 Main Street W. 5<sup>th</sup> floor Hamilton, Ontario L8P4Y

September 29, 2010

To Whom It May Concern: The City of Hamilton

Re: File No: ZAC-10-008 – application to rezone lands

I am writing this letter to officially voice our objections to the proposed changes that Losani Homes have applied for lands located at 310 Fall Fair Way. They have applied to redesignate the easterly portion of the subject lands from "Medium Density Residential" to "High Density Residential" giving them allowance to build three story townhouses that will abut our property. Putting these high townhouses next to the single story homes on Binbrook Road is very unfair to Taxpayers that have lived in this area for long periods of time. Three story buildings will be an unsightly view from our windows and backyards. They will destroy our enjoyment of our property along with our neighbors beside us and behind us. Our view of the trees in the bush area that we have been able to view for years will be obscured by tall unsightly houses.

The original approval for the survey by the township of Glanbrook made it clear that they would not allow anything over a two storey building. I feel that the City of Hamilton should abide by the original boundries set up at the beginning of this huge development many years ago. Keep the buildings low along the mutual property lines. Don't allow the high peaked roofs as shown in the proposed sight plan. Give the long time citizens of the area a fair deal. Stay with the "Two Storey" townhouses but keep the roof lines low. Better yet, single storey units meant to accommodate seniors would be a wonderful idea. There is no indication that accommodations for seniors in this development are planned. That is not fair to the senior population that are still able to maintain their own homes and wish to live in the area where they have lived for years.

Please consider our objections to the proposed application changes.

Joe and Donna Starr 3150 Binbrook Road Binbrook, Ontario LOR 1C0

From:

Kara Williams

Sent:

Sunday, October 03, 2010 10:05 PM

To:

Pham, Melanie

Follow Up Flag: Follow up

Due By:

Monday, October 04, 2010 12:00 AM

Flag Status:

Flagged

I, Kara Williams, who lives at 195 Fall Fair Way support this petition to stop the rezoning application made by Losani homes.

#### Kara Williams

Melanie Pham City of Hamilton Planning and Economic Development Department Planning Division, Development Planning East Section 71 Main Street West, 5th Floor Hamilton, ON L8P 4Y5 Melanie.Pham@hamilton.ca

September 24, 2010

Re: File Nos. ZAC-10-008, OPA-10-002 and 25CDM-201001

As a resident of the Fairgrounds Subdivision in Binbrook, we are opposed to the re-zoning of the lands located at 310 Fall Fair Way (Block 74, Registered Plan No. 62M-1078).

When we originally purchased our homes, we were told by representatives of Losani that there would be approximately 60 single and 2 storey, "adult community" townhomes built on the above mention land. The proposed zoning changes would allow the construction of 12 street townhouses and 90 other units consisting of 2 and 3 storey townhomes as well as some 3 storey walk up apartments. We do not feel there is adequate space to build 102 units, and still have adequate parking for the residents. Which would result in parking issues on our side streets with an increase in traffic flow which would not make it safe on the streets for our children as it is located directly across the street from a park.

Also, we are opposed to the three story maisonettes because we moved out to the country for the open spaces and skyline which you would expect to have in a small town, but that would be blocked with the 3 storeys and we are not a city. Therefore the look of apartments and three storey dwellings would not look proper in this area.

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Melanie Pham
City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning East Section
71 Main Street West, 5<sup>th</sup> Floor
Hamilton, ON
L8P 4Y5
Melanie.Pham@hamilton.ca

September 24, 2010

Re: File Nos. ZAC-10-008, OPA-10-002 and 25CDM-201001

As a resident of the Fairgrounds Subdivision in Binbrook, we are opposed to the re-zoning of the lands located at 310 Fall Fair Way (Block 74, Registered Plan No. 62M-1078).

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Yours Truly,

Richard Barone -	23 CARVED DR	BINBROOK DUTINBICO
Larraine Baine	23 Parrel of	BINBROOK ONTLORICO Benbrook On. LORICO
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Melanie Pham
City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning East Section
71 Main Street West, 5<sup>th</sup> Floor
Hamilton, ON
L8P 4Y5
Melanie.Pham@hamilton.ca

September 24, 2010

Re: File Nos. ZAC-10-008, OPA-10-002 and 25CDM-201001

As a resident of the Fairgrounds Subdivision in Binbrook, we are opposed to the re-zoning of the lands located at 310 Fall Fair Way (Block 74, Registered Plan No. 62M-1078).

When we originally purchased our homes, we were told by representatives of Losani that there would be approximately 60 single and 2 storey, "adult community" townhomes built on the above mention land. The proposed zoning changes would allow the construction of 12 street townhouses and 90 other units consisting of 2 and 3 storey townhomes as well as some 3 storey walk up apartments. We do not feel there is adequate space to build 102 units, and still have adequate parking for the residents. Which would result in parking issues on our side streets with an increase in traffic flow which would not make it safe on the streets for our children as it is located directly across the street from a park.

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Yours Truly,	
Mauro Santoni	marion Huiles Chauon
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From:

Dragana Surla [

Sent:

Sunday, October 03, 2010 4:56 PM

To:

Pham, Melanie

Subject:

File #: ZAC-10-008

Follow Up Flag: Follow up

Due By:

Monday, October 04, 2010 12:00 AM

Flag Status:

Flagged

### Hi Melanie,

We are writing to you concerning the Revised Application and Preliminary Circulation to amend the Zoning By-law for the development here in Binbrook on Valiant Circle off Binbrook Road. We live here right on the round-a-bout in the Empire homes townhouse that finds itself kiddie corner from where the proposed development will be going and we would just like to share that we had never anticipated the volume of traffic that we currently have driving by right in front of our house every day. Also, the noise levels due to the high volume of traffic is far from pleasant. If we knew the development plans were to include 90 dwelling units consisting of 3 storey walk-up apartments directly across from us we would not have purchased this home!!! The amount of people the city and the builder are attempting to cram in such a compact area is completely illogical to us homeowners who already find ourselves struggling with near-accidents around the round-a-bout, high noise levels, and also heavy traffic as our kids attempt to cross the street to the park. Please take our concerns into consideration as you move forward and do not forget about tax-payer concerns.

Rocco and Dragana Maiuri 25-8 Bradley Avenue Binbrook, ON

From:

Pat & Pete Elliott

Sent:

Sunday, October 03, 2010 10:01 PM

To:

Pham, Melanie

Subject:

File Nos. ZAC-10-008, OPA-10-002, and 25CDM-201001

Follow Up Flag: Follow up

Due By:

Monday, October 04, 2010 12:00 AM

Flag Status:

Flagged

Dear Ms. Pham,

As residents of the Fairgrounds subdivision of Binbrook, we are adamantly opposed to the re-zoning of lands located at 310 Fall Fair Way (Block 74, Registered Plan No. 62M-1078).

We purchased our home with the understanding that this location would be an "adult lifestyle community" concept - single & two-storey homes...not more than 70 in total. This plan is suitable to our neighbourhood because of its small-town ambiance, traffic flow, and parking load.

Between the existing townhouses and semi-detached homes, parking is already a contentious issue. It doesn't need to be made worse by constructing over 100 units, most 3-storeys high! This plan would work well in a brownfield site in a more urbanized setting, not in one of the few remaining rural corners of the City of Hamilton! Furthermore, this revised plan will substantially increase traffic in an area immediately next to a playground/park; the increased safety hazard is obvious.

We understand the intent of higher density building to preserve greenspace, but in this neighbourhood, it's just a poorly designed fit.

Yours truly,

Patricia & Peter Elliott 201 Fall Fair Way, Binbrook, ON L0R 1C0 ----Original Message---From: Craig & Sarah Cook

Sent: Wednesday, September 29, 2010 10:57 AM

To: Pham, Melanie

Cc:

Subject: ZAC-10-008, OPA-10-002 and 25CDM-201001

September 29, 2010

Good morning Melanie,

Re: File Nos. ZAC-10-008, OPA-10-002 and 25CDM-201001

As a resident of the Fairgrounds Subdivision in Binbrook, we are opposed to the re-zoning of the lands located at 310 Fall Fair Way (Block 74, Registered Plan No. 62M-1078).

When we orignally purchased our homes, we were told by representatives of Losani that there would be approximately 60 single and 2 storey "adult community" townhomes built on the above mentioned land. The proposed zoning changes would allow the construction of 12 street townhouses and 90 other units consisting of 2 and 3 storey townhomes as well as some 3 storey walk up apartments. We do not feel there is adequate space to build 102 units and still have adequate parking for the residents. Which would result in parking issues on our side streets with an increase in traffic flow which would not make it safe on the streets for our children as it is located directly across the street from a park.

Also, we are opposed to the three story maisonettes because we moved out to the country for the open spaces and skyline which you would expect to have in a small town, but that would be blocked with the 3 storeys and we are not a city. Therefore the look of aprtments and three storey dwellings would not look proper in this area.

Losani sold us our home stating that the community was going to built a certain way and we are counting on the city to help us keep it that way.

Yours Truly,

Craig and Sarah Cook 24 Carver Drive Binbrook, ON ----Original Message----

From: Bibby, Catherine

Sent: Monday, September 27, 2010 8:56 AM

To: Pham, Melanie

Subject: File Nos. ZAC-10-008, OPA-10-002 AND 25CDM-201001

Good morning Ms. Pham,

As a resident of the Fairgrounds Subdivision in Binbrook, we are opposed to the re-zoning of the lands located at 310 Fall Fair Way (Block 74, Registered Plan No. 62M-1078).

We recently moved from Ottawa and purchased our home in the Fairgrounds in Binbrook because we did not want to live in the city and wanted a country feeling. After researching towns near Hamilton, we chose Binbrook because the town's vision was to maintain the look and feel of a small town but with modern amenities coming in the near future. We liked that the subdivisions were not crowded and that traffic was minimal, making it safe for my children to ride their bikes to the nearby park. The proposed zoning changes would allow the construction of 12 street townhouses and 90 other units consisting of 2 and 3 storey town homes as well as some 3 storey walk up apartments. We do not feel that there is adequate space to build 102 units, and still have adequate parking for the residents. This would result in parking issues on our side streets with an increase in traffic flow which would not make it safe on the streets for our children as this site is located directly across the street from a park.

Also, we are apposed to the three story maisonettes because we moved out to the country for the open spaces and skyline which you would expect to have in a small town, but that would be blocked with the 3 storey buildings and we are not a city. Therefore the look of apartments and three storey dwellings would not work with the look and feel that Binbrook is trying to maintain.

We, along with many other residents feel that Losani should not be allowed to change their zoning and keep their original plan of approximately 60 single and 2 storey, "adult community" town homes built on the above mentioned land.

Sincerely.

Catherine and Darren Bibby 28 Carver Drive Binbrook, Ontario LOR 1C0

# Appendix "I" to Report PED11064 (Page 20 of 23)

----Original Message----

From: Mike Lester

Sent: Sunday, September 26, 2010 6:54 PM

To: Pham, Melanie

Subject: Re: File Nos. ZAC-10-008, OPA-10-002 and 25CDM-201001

As a resident of the Fairgrounds Subdivision I am opposed to the re-zoning of the lands located at 310 Fall Fair Way in Binbrook, Ontario (Block 74 registered Plan No. 62M-1078).

It is understood that originally there would be 60 single and 2-storey "adult community" town homes built on this land. The proposed zoning changes allow the construction of 12 street town houses and 90 other units consisting of 2 and 3 storey town homes as well as 3-storey walk up apartments. I see an immediate issue with parking for the occupants of these units, which would spill over to our side streets. Furthermore, as this land is located directly across the street from a park, the increased traffic flow jeopardizes the safety of our children.

My intention when choosing Binbrook for our new home was to reside in the country and to enjoy the open spaces and skylines one would expect in a small town. 3-storey maisonettes no matter the style are visually invasive and as I paid a premium to live in a "Losani" neighborhood, I feel cheated at the thought of having this volume and style of home invade my community.

Sincerely,

Mike Lester 152 Valiant Circle Binbrook, ON ----Original Message----

From: mauro

Sent: Friday, September 24, 2010 1:08 PM

To: Pham, Melanie

Subject: File Nos OPA-10-002,ZAC-10-008and25CDM-201001

Dear Melanie.

With regards to Notice of complete applications and preliminary circulation for official plan amendment, zoning a

mendment and draft plan of condominium by Losani homes for lands located at block 74, reg. plan No. 62M-1078, Fall Fair Way Glanbrook.

We have received this notice and of course have many concerns, most espescialy of which we were informed that adult bungalow towns were were the proposed plan for this area Our concerns of high density is of area character differential or compatability to present housing. Over congestion, traffic, street parking, etc.

I myself specifically requested confirmation of housing in the area as Losani could not accommadate my original purchase in phase 2. After selling my home, without any where to go and live, they informed me of this lot #39 in phase 1 ,continuously confirming adult bungalow towns over and over ,till I was assured and finally purchased with this information.

We would like more info and discussion on this matter as I believed other than this

proposal was turning point of my decision to purchase here.

This new proposal is even more populated and out of character with existing housing. Please don't treat us as ignorant people, as we are nothing but faithfull tax paying people who simply respected what we were told and expect the same. Please also note that my fencing and grading are on hold, and 5 ft along side of my property line is weed infested. it is unpleasant living this way since I have been here almost a year and nothing can be done. Don't make this a Binbrook unrecognizeable, dangerous and over populated, as we again were told it would retain old town charm.

These proposals are completely unacceptable. If Fred Losani and the city don't do the right thing I as a 3rd time Losani home buyer would be dissapointed and never consider a Losani home again, or even living in Binbrook at all

yours truly,

Mauro Iacoboni

40 Valiant circle Binbrook ont

Ms. Melanie Pham
City of Hamilton
Planning and Economic Development Department
Planning Division, Development Planning East Section
71 Main Street West, 5<sup>th</sup> Floor
Hamilton, ON
L8P 4Y5

Melanie.Pham@hamilton.ca

September 28, 2010

Dear Ms. Pham:

## Re: File Nos. ZAC-10-008, OPA-10-002 and 25CDM-201001

Please accept this letter as formal notification of my opposition to the re-zoning of the lands situated at 310 Fall Fair Way (Block 74, Registered Plan No. 62M-1078).

When my family originally made our new home purchase in the Fairgrounds Subdivision almost three years ago the area planning presented by the Developer, Losani Homes, and its numerous agents indicated the subject property was designated for the construction of single family homes and two-storey town homes with a focus on the "seniors' market". The Developer's representatives indicated that they and the municipality wished to maintain the "small town character of the Binbrook community".

To consider revising the planning originally presented for this area at this time is a disservice and a "slap in the face" to those homebuyers and tax payers who originally committed to purchase family homes in the area.

Not only is the proposed change in zoning and development contrary to all that was presented, it is also fraught with associated problems and consequences which will plaque this neighbourhood area for years to come if the change in development is permitted.

The increased demand for parking associated to increasing the potential population of this parcel of land by approximately thirty percent will result in excessive parking on the area streets and in the "area neighbourhoods" by "non-residents". This will create complications for the delivery of municipal services such as: waste and recycling collection; snow clearing; school bus services; and, emergency vehicle access. To say that sufficient parking will be provided within the confines of the property itself is ludicrous since most families now possess a minimum of two vehicles as a necessity for dual income earners. A tour of the Fairgrounds area at this time would show the demand for "street parking" is already saturated due to multiple vehicle families and the lack of available parking in the area's townhouse developments.

The area park is already "abused" by neglectful dog owners who do not clean up their pets' excrement and incidents of damage to the park property as a result of vandalism and careless maintenance by municipal personnel is already taking its toll on what once was a clean and well maintained amenity. Increasing the population disproportionately

-2-

to what the area can realistically support will only hasten the decline of this established green space.

In addition, there are already safety and liability issues presented by the parking of vehicles within "the intersection" of Fall Fair Way and Valiant Circle in proximity to the north pedestrian entrance to the park area. This situation presents dangerous view obstructions for pedestrians trying to cross the roadway and for motorists who cannot see children when they suddenly appear from behind or between vehicles parked in this area.

The proposed increase in housing and population density will also significantly increase the traffic volume in the area and this will again impact the safety on the area roadways. The recently revised and reduced speed limit on Binbrook Road is regularly ignored at present and adding to the volume of traffic in the area will have significant and detrimental consequences.

The residents who live in close proximity to the development property will also be confronted with a significant "loss of privacy" if a three-storey project if permitted to overlook their private and fenced residential yard spaces. Many of these homeowners presently enjoy the privacy of their yards for family gatherings and activities which include the use of swimming pool and spa facilities. These families have invested a great deal in their new homes to enjoy them with their families and for the municipality to now even consider imposing such an invasion upon their personal privacy is frankly abhorrent.

I wish to be notified of any future meeting dates wherein this proposed amendment to the original development plans and/or the zoning for the subject area is to be considered, debated or discussed by municipal committee or council so that I may arrange to attend with as many representatives from my neighbourhood as possible to voice and present our collective opposition to this ill-conceived development proposal.

Thank you for your assistance in this matter.

Yours truly,

Mr. Chris Paisey 141 Valiant Circle SS1 Binbrook, ON L0R 1C0