August 26, 2010

Chair and Members
Economic Development and Planning Committee
c/o Ms. Alexandra Rawlings
Clarks Department
City of Hamilton
71 Main St. W.
Hamilton, ON L8P 4Y5

Dear Chair and Members of Committee:

Re: Waterdown South Secondary Plan

Please be advised that I have been retained by the owner of property in South Waterdown, known as Kemelflate Heights, Non-Profit Development Corporation. The intent of the owner is to develop their site as a lifestyle retirement community for seniors. Both myself and Mr. Ray Veenstra of Maple Reinders Group have been representing the interests of this owner, and participating in the Secondary Plan process for a number of years. We appreciate the opportunity of being involved in this process, and thank staff for their hard work and continued co-operation.

My client generally supports the Secondary Plan and would encourage Committee and Council to approve the plan as quickly as possible so that all parties can move forward with their individual development plans to begin the next phase of implementation. Throughout this exercise, my client has on a number of occasions identified specific issues that affect their site, and has suggested certain minor modifications to the site plan that would facilitate the redevelopment of their site and not adversely affect any other parties. We continue to support the changes recommended earlier and would ask Committee to incorporate these minor amendments into the approved plan. Our specific recommendations are as follows:

1. The name "Salem Boulevard" should be changed to "Shalem Boulevard" to more closely reflect the name of the organization.

2. Modify Policy A9.3.1.0(d) such that the limit of 8 storey buildings be set at the former alignment of Shalem Boulevard, which we believe is approximately 270 metres south of Dundas Street, which is a more accurate reflection of the previous versions of the Secondary Plan. We do not believe that the limit for the height of buildings should be modified by the relocation of Shalem Boulevard as we understand that the criteria for setting this limit is distance from the Niagara Escarpment Area and not the alignment of the roadway.

3. Modify Policy A9.7.1(d) to read as follows:

"(d) To minimize traffic infiltration through the residential neighbourhoods in Burlington to the south, Shalem Boulevard may be developed as a private road which may or may not connect to Kears Road. If a connection to Kears Road is made, it shall form a continuous connection to Dundas Street with traffic calming measures where appropriate."
4. Modify Policy A.9.7.4(c) to read as follows:

    *(c) Shalem Boulevard may be changed to a local road, or a private road, and the road alignment may be altered without amendment to this Plan provided that:

    1. It is demonstrated through a detailed transportation study submitted in support of a zoning by-law amendment or draft plan of subdivision application to the satisfaction of the City.*

5. Modify Policy A.9.9.11 to confirm that the City may authorize increases in both height and density through the bonusing provisions and further, that the bonusing provisions would also apply to Policy A.9.3.1.6 - Medium Density Residential - Site Specific Policy Area.

6. Modify Policy A.9.2.5(a) by adding the following sentence:

    "This may include interim, temporary servicing measures to allow for the proper development within the Waterdown South Planning Area."

7. Modify Schedule A-4 Land Use, as shown on the attached sketch.

8. Addition of Special Policy Area, as identified on modified Schedule A-4, that notes further development may be considered, subject to further study.

I have attached copies of correspondence from my office to Ms. Kirsten McCauley, dated February 18, 2010 and July 12, 2010, to be part of the public record.

Thank you for your consideration of these matters.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.

E. J. Fothergill, MCIP, RPP
President

c. c. Ms. Kirsten McCauley
     Ms. Tanya McKenna
     Ms. Cathy Plosz
     Mr. David Cuming
     Mr. Ray Veenstra

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February 18, 2010

Ms. Kirsten McCaulay, Planner
Community Planning and Design Section
Planning and Economic Development Department
City of Hamilton
77 James St. N., Suite 250
Hamilton, ON L8R 2K3

Dear Kirsten:

Re: Waterdown South Secondary Plan - Salem Property - Dundas Street East

I have reviewed the plan on behalf of the owner of the property that is designated as Medium Density Residential - Special Policy Area. My client concurs with the designation in the plan and supports the changes to the plan that were made in response to a previous submission dated March 31, 2008 from Mr. Ray Veenstra of Maple Renders, including the removal of the "Potential Heritage/Cultural Significance" notation on their property, and the delineation of Wetland 3 in a stormwater management facility at the northwest corner of the proposed development.

Other comments in the March 31, 2008 submission relate to the need for the Urban Design Guidelines to recognize the special and unique character of the proposed development which is in some way much different than other forms of residential development, particularly how it relates to presence on public streets. For example, Policy A.9.4.26, Policy A.9.3.1.1(k) and Policy A.9.8.4(f) discourage reverse frontage lotting patterns. The proposed development form does not generate the kind of reverse lot frontage anticipated in this proposal. However, by its very nature, the design of the project will be more unfocused than one will find on other residential streets in the neighbourhood. Similarly, in the Urban Design Guidelines, Policy 5.3.1(e) and (e) may not be as appropriate for the lifestyle community as it is for other buildings within the plan. Therefore, we believe it is important to have some flexibility in the guidelines to accommodate the kind of development that is being proposed.

The owner supports the Neighbourhood Node designation proposed for the intersection of Collector Road B and Collector Road D. However, it is hoped that there is some flexibility with respect to the arrangement of uses in this location. For example, Figure 5.4 of the Urban Design Guidelines shows live-work units at the intersection of a node. Given the unique form of development being proposed on my client's property, that may not be an appropriate option. We trust that Figure 5.4 is for illustrative purposes only, and that uses in the Neighbourhood Nodes are not restricted to live/work forms of housing in this location. In that regard, we are pleased to see in Policy A.9.3.2.3(c) that uses within the Neighbourhood Node include both medium density residential and live/work buildings, thus allowing the proponent a choice of uses in this location and not necessarily requiring live/work buildings in a Neighbourhood Node.
With respect to staging policies in Section A.9.10.4, previous correspondence on behalf of the owner requested flexibility in terms of staging options. For example, if part or all of development on my client’s property was ready to proceed in advance of the completion of the residential neighbourhood to the west, we believe the plan should contain flexibility to allow some or all of that development to occur, given that it is a separate form of development and should not have to wait until the entire area to the west is developed.

As part of that consideration, we have discussed informally with the City the possibility of providing temporary private servicing connections by way of a force main along Highway 5 to service the proposed development in advance of the availability of long-term servicing connections through lands to the west. My client would like to at least be assured that this possibility is not precluded by the policies of the official plan amendment. Preferably, they would like to see policies in Section A.9.10.4 to recognize and facilitate that possibility.

Overall, my client supports the plan and looks forward to having it brought forward to a Public Meeting for review and adoption by Committee.

If it would be helpful, we would be pleased to meet with you to review these matters further.

Sincerely,

POTHERGILL PLANNING & DEVELOPMENT INC.

E. J. Pothergill, MCPP, RPP
President

c. c. Mr. Ray Veenstra

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July 12, 2010

Ms. Kirsten McCauley, Planner
Planning and Economic Development Department
City of Hamilton
71 Main St. W.
Hamilton, ON L8P 4Y5

Dear Kirsten:

Re: Waterdown South Secondary Plan - Salem Property

We understand that staff are supporting a change to the Secondary Plan that would move Collector Road "D" (now identified as Shalem Boulevard) further north into the Shalem property to avoid passing through a Wetland area. We note that the location of the wetland has not changed and in fact was clearly documented early in the study process. The alignment of Road "D" with respect to the location of the Wetland was clearly marked and understood by all who have been involved in this process for the past number of years. It is unclear to us why the significant change in the roadway alignment has been made at this stage.

Notwithstanding the rationale for the change, as you can imagine, the different road location creates a new and significant challenge for my client. In addition, by shifting the roadway to the north, co-operation is required from the owner of the church property to create the road connection to Kerns Road, whereas before, the roadway was entirely on lands owned by my client.

In addressing how to appropriately respond to this change, it has become apparent that despite the intent of the Secondary Plan for Street "D" to extend easterly to Kerns Road, given that the City will not expropriate for the roadway through the church property to the east, there can be no guarantee if and when the collector road connection to Kerns Road will ever occur. We are therefore assuming that the traffic studies undertaken for the Secondary Plan have been able to confirm that the Secondary Plan operates at an appropriate level of service without this connection.

Given this understanding, my client has made adjustments to plans for the Shalem property that would retain the original alignment of Street "D" and allow for the road to swing north and avoid the wetland, as shown on the attached sketch. This could eliminate the need for a road connection to Kerns Road. In addition, Shalem Boulevard from Skinner Road can be designed as a private driveway. This would allow the roadway to be constructed in a manner which would avoid the wetland and not have the implementation of the Secondary Plan dependent upon direct access to Kerns Road. If required, a small portion of the Shalem holdings which front onto Kerns Road can be connected by way of a private driveway that would swing to the south. Alternatively, a future road access through the church property to the west can be made as shown on the attached sketch. If the church site at Dundas Street and Kerns Road is redeveloped, it can still utilize the frontage on Dundas Street and Kerns Road for access.

Throughout the Secondary Plan process, there have been differences of opinion expressed with respect to the development potential of the Shalem lands which front onto Kerns Road as shown on the attached plan. We believe there are still opportunities for the consideration of some development on these lands. As a result, we would request the designation on these lands be deferred or a Special Policy Area designation put in the plan to recognize that further development may be considered, subject to further technical studies.
Due to this change, we would suggest the following modifications be considered in the Secondary Plan:

1. My client is suggesting that the name "Salem Boulevard" should be changed to "Shalem Boulevard" to more closely reflect the name of the organization.

2. Modify Policy A.9.3.1.6(d) such that the limit of 8 storey buildings be set at the former alignment of Shalem Boulevard, which we believe is approximately 270 metres south of Dundas Street, which is a more accurate reflection of the previous versions of the Secondary Plan. We do not believe that the limit for the height of buildings should be modified by the relocation of Shalem Boulevard as we understand that the criteria for setting this limit is distance from the Niagara Escarpment Area and not the alignment of the roadway.

3. Modify Policy A.9.7.10 to read as follows:

   "To minimize traffic infiltration through the residential neighbourhoods in Burlington to the south, Shalem Boulevard may be developed as a private road which may or may not connect to Kerns Road. If a connection to Kerns Road is made, it shall form a continuous connection to Dundas Street with traffic calming measures where appropriate."

4. Modify Policy A.9.7.4(e) to read as follows:

   "Shalem Boulevard may be changed to a local road, or a private road, and the road alignment may be altered without amendment to this Plan provided that:

   1. it is demonstrated through a detailed transportation study submitted in support of a zoning by-law amendment or draft plan of subdivision application to the satisfaction of the City."

5. Modify Policy A.9.9.11 to confirm that the City may authorize increases in both height and density through the bonusing provisions and further, that the bonusing provisions would also apply to Policy A.9.3.1.6 - Medium Density Residential - Site Specific Policy Area.

6. Modify Schedule A-4 Land Use, as shown on the attached sketch.

We would be happy to review these matters further with you at your convenience prior to the Public Meeting.

If you have any questions, please do not hesitate to contact my office.

Sincerely,

FOTHERGILL PLANNING & DEVELOPMENT INC.

E. J. Fothergill, MCLP, RPP
President

Encl.

Cc: Mr. Ray Veenstra, Ms. Tanya McKenna, Mr. James Webb

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CONCEPT - FOR DISCUSSION
July 2010
Waterdown South Secondary Plan

Schedule A-4
Land Use

DRAFT

Sorensen Gravely Lowes Planning Associates Inc.

File Name: Schedule A-4 Land Use (June 2010).md