SUBJECT: Application for a Change in Zoning for Property Located at 69 Autumn Leaf Road (Dundas) (PED08172) (Ward 13)

RECOMMENDATION:

That approval be given to Zoning Application ZAC-08-020, (2163397 Ontario Inc.) owner, for a change in zoning from the “C-1” Neighbourhood Commercial Zone, under Dundas Zoning By-law No. 1964, to the Single Detached Residential (R2) Zone in Dundas Zoning By-law 3581-86 to allow for the development of 3 single detached dwellings on separate lots, on lands located at 69 Autumn Leaf Road, as shown on Appendix “A” to Report PED08172, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED08172, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Town of Dundas Official Plan.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The proposed Zoning By-law Amendment is requested to facilitate the redevelopment of the subject lands for 3 dwellings on separate lots which are being created through the approval of a recent severance application. There is an existing convenience store on the subject lands. The proposal is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the Dundas Official Plan. In particular, the proposal represents an opportunity for new infill housing, which is compatible with the existing development and consistent with the scale and density of this suburban residential area.

BACKGROUND:

The applicant is proposing a Zoning By-law Amendment to change the zoning of the property at 69 Autumn Leaf Road from the “C-1” Neighbourhood Commercial Zone in Dundas Zoning By-law No. 1964 to the Single Detached Residential (R2) Zone, to permit the creation of 3 lots for single detached dwellings through the approval of severance application DN/B:08-37. The “C-1” Neighbourhood Commercial Zone permits retail stores, restaurants (without any dancing or entertainment, except music), banks, personal service shops, offices and medical centres, and accessory residential uses.

The property has operated as a convenience store (“Dundas Convenience”) for approximately 15 years, and was previously part of a larger neighbourhood plaza which also included the 3 abutting residential properties to the south that were rezoned and severed for residential purposes in 1984. There is an existing vegetated buffer consisting of mature 6 metre high cedar trees that was required between the commercial use and the abutting residential lots. The convenience store was previously occupied as the local branch of a major bank approximately 25 years ago.

The existing convenience store has an accessory outdoor garden centre component, which is permitted as a type of retail use under the current “C-1” Zoning.

Rezoning Application ZAC-08-020

The applicant is requesting that the zoning be changed from the “C-1” Neighbourhood Commercial Zone to the Single Detached Residential (R2) Zone to enable the property to be developed with 3 separate lots for single detached dwellings. The proposal would require the demolition of the existing convenience store. The proposed residential lots would conform to the standard (R2) Zone requirement for minimum lot frontage of 15 metres and minimum lot area of 450 square metres. The proposed lot frontages are 16.15 metres (westerly lot), 15 metres (middle lot), and 16.85m (corner lot) (see
SUBJECT: Application for a Change in Zoning for Property Located at 69 Autumn Leaf Road (Dundas) (PED08172) (Ward 13) - Page 3 of 17

Proposed Lotting Concept Appendix “C”). The proposed dwellings are intended to comply with the required setbacks of the (R2) Zone.

Committee of Adjustment Application DN/B-08:037

Consent Application DN/B-08:037 was approved by the Committee of Adjustment, with conditions, on May 29, 2008 (see Appendix “E”). The proposed lotting plan is provided in Appendices “C” and “F”.

Details of Submitted Application

Owner: 2163397 Ontario Inc. (Formusa Zuccaro Ltd.)
Agent: Robert Cutler (Bousfields Inc.)
Location: 69 Autumn Leaf Road (see Appendix “A”)

Property Size: Frontage: 22.65 metres
Depth: 47.67 metres
Area: 0.20 Ha.

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th>Subject Lands:</th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td>Convenience Store (Dundas Convenience)</td>
<td>“C-1” Neighbourhood Commercial Zone (Dundas Zoning By-law No. 1964)</td>
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<th>Surrounding Lands:</th>
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<td>South</td>
<td>Single Detached Dwellings</td>
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<th>Single Detached Residential (R2) Zone</th>
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<tr>
<td>South</td>
<td>Single Detached Residential (R2) Zone</td>
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ANALYSIS / RATIONALE:

1. The proposal has merit and can be supported for the following reasons:
   
   (i) It is consistent with the Places to Grow Plan and the Provincial Policy Statement in terms of residential intensification, and conforms to the Hamilton-Wentworth Official Plan;

   (ii) It conforms to the policies of the Dundas Official Plan; and,

   (iii) The proposal to sever the property through Application DN/B-08:137 was approved by the Committee of Adjustment, subject to the approval of the proposed Zoning By-law Amendment application.

2. Residential infill is supported in the Provincial documents (the Provincial Policy Statement and the Places to Grow Growth Plan) and the Dundas Official Plan. The intensification policies provided in the Dundas Official Plan are of particular importance due to the understanding that there is a limited supply of both vacant sites for development and sites which offer redevelopment and intensification potential. Based on projected residential activity levels in the 1990’s, the former Town is expected to achieve a maximum build-out by around 2016.

   The proposal to rezone the subject property to permit dwellings for 3 residential lots provides an opportunity for appropriate and small-scale infill development on a convenience store site, which has become less viable for commercial purposes, which has been demonstrated by frequent changes in ownership.

   The proposal would satisfy the infill residential policy requirements provided in Policy 3.1.3.3 and Policy 2.5.5.1 of the Dundas Official Plan by allowing for the creation of new lots and dwellings which are consistent with the surrounding residential development and densities in this area.

   The Official Plan also encourages intensification in Policy 2.3.3.1(b) as a means to utilize the available lands supply in an efficient manner and to reduce the costs of services. This direction would apply to the proposed rezoning because it would utilize existing municipal services and reduce servicing costs.

   Therefore, there is a strong policy basis for residential infill and the proposed rezoning to permit additional dwellings on proposed lots is reasonable and would conform to the required policies.
3. The proposal has generated 8 letters from property owners, of which 4 letters support the proposed rezoning, 2 letters do not support the proposed rezoning, and 2 letters identify concerns with respect to new construction (see Appendix “D”). Several of the comments provided in the correspondence indicate support for the proposed rezoning due to concerns with the existing convenience store in terms of the maintenance of the property, activities such as loitering and using the property for parking, and some recent criminal activities which have occurred on the property (see Appendix “D”).

The following concerns with the proposed rezoning have also been identified in letters from the public:

(i) Concern with the loss of a public space

Although the subject property functions to some degree as a type of neighbourhood meeting place within the neighbourhood, it is actually private property and not a public space in the manner of a school or park. The “public space” component noted in the neighbourhood comments is considered to be incidental to its primary function as a convenience store. Activities associated with the use of the property as a meeting place for young people, such as loitering, would also be generally discouraged by the owners.

(ii) Concern with loss of local convenience store

It is recognized that the subject property is the only convenience store within the Pleasant Valley East and Pleasant Valley West Neighbourhoods, and that the store offers a relatively central location along Pleasant Avenue (a collector), which meets the locational criteria in the Official Plan for a Neighbourhood Commercial Centre. These neighbourhoods are also physically separated from the neighbourhoods to the north (Highland Hills East and West) and Governors Road by a portion of the Dundas Valley.

The Official Plan policies recognize that Neighbourhood Commercial uses are characterized as having a more random and unpredictable nature than other types of commercial uses because of their smaller size (i.e. 0.2 ha. in area maximum), and because they offer a more limited range of goods and services. They are also largely dependent upon local market conditions for their sustained use over the long term. For this reason, criteria have been established to enable them to develop within Residential Neighbourhoods, subject to local demand through Policy
3.1.5.2. In addition, Neighbourhood Commercial uses would also be encouraged as part of a strategy that supports environmentally sustainable land uses which promote walking and bicycle travel, as set out in Policy 2.1.3.1. However, they are not designated within the Official Plan and are, therefore, not regarded as required uses within Residential Neighbourhoods.

The applicant’s consultant has advised that the existing convenience store has had six different owners over a nine year period, and has been in tax arrears on two occasions. The information concerning the multiple changes in ownership of the property was also mentioned in one of the letters from the residents (see Appendix “D” - Page 9). In addition, there has also been one power of sale on the property. Prior to the current owner, the property was on the market for a period of six months. Of the correspondence received for the proposed rezoning, only two letters were provided which indicate that the existing convenience store (and associated “C-1” Zoning) should remain on this property. Correspondence was also provided, which indicates that the property has not been adequately maintained and that upgrades are necessary to the property (see Appendix “D” - Page 9).

Additionally, in spite of other uses permitted under the C-1 Zone (retail stores, restaurants, banks, personal service shops, offices and medical centres), the site has been used only as a convenience store since the mid-1990’s, and was also previously downsized from a larger commercial site consisting of other uses. There has been no indication to the City of any intention to expand the existing building or to redevelop the site to provide for expanded neighbourhood commercial opportunities. These factors, therefore, illustrate that the property has experienced difficulty operating as a convenience store because it only serves a very localized market, and that it would be difficult to sustain the commercial uses on the property over the long term.

(iii) Concern with adequate spacing between dwellings

The proposed future dwellings are intended to be developed in accordance with the Single Detached Residential “R2” Zone provisions. Under the proposed “R2” Zone, the minimum side yard requirements are 1.2 metres, except,

- 3.5 metres abutting the flankage street of a corner lot;
• 3.0 metres where the side yard provides access to a parking area or rear yard garage;

• 6.0 metres for the portion of the dwelling comprising an attached garage or carport fronting onto the flankage street of a corner lot; and,

• 5.0 metres on one side of an interior lot upon which there is no garage or carport.

The “R2” Zone also requires a minimum rear yard of 7.5 metres.

It is noted that the surrounding residential dwellings were developed in the early 1960’s under the Residential “R3” Zone of Dundas Zoning By-law No. 1964 (passed May 7, 1962). The adjacent dwellings to the south, known as 43, 45 and 47 Autumn Leaf Drive, were also developed under Dundas Zoning By-law No. 1964 in 1984. Most of the lots which surround the subject property have frontages of 15 metres, and the respective dwellings have been developed with attached garages and carports, which have 1.2 metre side yards.

The existing dwellings would be consistent with the standards for the proposed lots that would be developed under the standard “R2” Zone provisions.

(iv) Concern with regrading along a steep slope and with flooding in backyards

The grading concerns noted were expressed by the abutting neighbour to the south regarding the potential disruption of an existing steep slope adjacent to the rear yard of 47 Autumn Leaf Drive. The subject site is approximately 1.5 to 2 metres higher than Autumn Leaf Road. In response to this concern, the City requires a Consent Agreement as a condition of the approved severance application to address grading, drainage and storm water management on the subject lands (see Appendix “E” - Condition 4). In order to obtain a building permit, the owner will be required to demonstrate that the proposed lots have adequate grading that will direct storm water away from abutting properties and towards a suitable outlet, such as the street or a catchbasin.
(v) Concern with sewage system backups

Sewage system backups are caused by inadequate sewer capacity or improper grading. At the Committee of Adjustment Meeting of May 1, 2008, it was further noted in a petition by neighbours that there has been sewage back-ups occurring in this area, which neighbours believe is associated with the former Pleasant Valley School site.

It is a requirement of the Dundas Official Plan in Policy 3.1.3.3 that infill or intensification proposals within Residential Neighbourhoods do not overload existing storm and sanitary sewers. As part of the review for Committee of Adjustment Application DN/B-08:37, consideration was given to the issue of servicing and capacity, and it was determined that there were no concerns with existing services.

(vi) Concern with loss of mature cedar trees

There is a row of mature cedar trees located along the southerly property line of the subject property. The cedars are approximately 6 - 6.5 metres in height, and were originally required as a landscaping buffer for the severance of the commercial property in 1984, which created the residential lots at 43, 45 and 47 Autumn Leaf Drive. As the buffer is an existing landscaping feature which appears to be healthy, sustain wildlife and offers privacy, this feature will be examined by the Forestry and Horticulture Section, Public Works Department, as one of the conditions of approval for Severance Application DN/B-08:37 (see Appendix “E” - Condition 6).

(vii) Concerns with changes to building height changes and effect on neighbourhood character

As noted, the proposed lots are consistent with the surrounding development in this area and would be developed in accordance with the standard provisions of the Single Detached Residential “R2” Zone. The “R2” Zone also applies to the surrounding residential properties. Although the existing dwellings in this area are a mix of 1-storey, 1.5-storey and 2-storey buildings, the maximum height that is permitted is 10.5 metres under the “R2” Zone, which would apply to all dwellings in this area.
SUBJECT: Application for a Change in Zoning for Property Located at 69 Autumn Leaf Road (Dundas) (PED08172) (Ward 13) - Page 9 of 17

The applicant has not provided elevations for the proposed dwellings, but has indicated that they are considering the development of 2-storey dwellings. The character of the area would not be negatively affected by the proposal to establish 3 residential dwellings on separate lots.

(viii) Concerns with Privacy related to use the use of an easement adjacent to 9 Crystal Court

Staff is unaware of any requirement for additional servicing related to an existing easement which runs parallel to the westerly property line along the subject property. Any activity related to utility servicing would be required at the construction stage, and it is unlikely that this would occur on more than one occasion. It is noted on Appendix “C” that the existing easement also runs along the future lot frontages of Pleasant Avenue. On the Proposed Lotting and Dwelling Concept (Appendix “F”), it is noted that the rear yard of 9 Crystal Court is heavily landscaped and is unlikely to be affected by servicing activities on the subject property.

ALTERNATIVES FOR CONSIDERATION:

Should the proposed application for amendment to the Zoning By-law be denied, the subject lands may continue to be used as in accordance with the Neighbourhood Commercial “C-1” Zone a convenience store.

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 an application for a Zoning By-law Amendment.

POLICIES AFFECTING PROPOSAL:

Places to Grow Growth Plan

The site conforms to the general intent of the Growth Plan, which encourages intensification within the Built-up Areas of the community.
SUBJECT: Application for a Change in Zoning for Property Located at 69 Autumn Leaf Road (Dundas) (PED08172) (Ward 13) - Page 10 of 17

Provincial Policy Statement

Policy 1.1.1 (c) outlines that healthy, liveable and safe communities are sustained by avoiding development land use patterns which may cause environmental or public health and safety concerns.

Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity of the site associated with the proposed use such that there will be no adverse effects. Therefore, due to the former commercial use of the site and the proposed residential uses, Ontario Regulation 153/04 requires a mandatory filing of a Record of Site Condition (RSC). Staff notes that the RSC is required as a condition of approval of Committee of Adjustment Application DN/B-08:37 for the consent (refer to Appendix "D" - Condition 3). As part of this requirement, a Phase 1 and 2 Environmental Site Assessment was submitted with the subject application, which indicates that the site is suitable for residential use. As the Environmental Site Assessment demonstrates the site is suitable for residential use and the consent is conditional upon submission of an RSC, this matter has been addressed.

Hamilton-Wentworth Official Plan

The subject lands are designated “Urban Area-Regional Centre” in the Hamilton-Wentworth Official Plan. Policy C.3.1 outlines that a wide range of urban uses defined through urban Official Plans and based on full municipal services, will be concentrated in the Urban Areas. Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.

Policy B-2.3 notes that the identification of contaminated sites is essential, and redevelopment must not occur until it has been demonstrated that the property is suitable for the development of residential uses. As noted, a Record of Site is required as a condition of approval for the consent application.

Dundas Official Plan

The Dundas Official Plan identifies in Policy 1.5.3 that the former Town will experience limited growth over the lifetime of the new Plan because it is almost fully built-out. The projected growth would amount to an increase in population of 2,120 residents between 1996 and 2016, or 9.3%.

When the Official Plan was prepared in the late 1990’s, the inventory of vacant sites in the urban boundary was intended to accommodate 1,300 units, and an additional 700 units were estimated to be developed through intensification and the re-urbanization of other developed sites. Therefore, intensification and infilling is an essential factor in the
development of new housing, subject to compatibility with existing development, and the policies of the Official Plan reflect the importance of this strategy.

The subject property is designated “Residential Neighbourhoods” in Schedule “A”, Land Use Plan for the Dundas Official Plan. The following policies provide guidance for the types of uses permitted in areas designated “Residential Neighbourhoods”:

“3.1.3.1 Residential Neighbourhoods, as shown on Schedule “A”, shall consist of single detached, semi-detached, duplex, townhouse dwellings and legal residential uses

3.1.3.2 The following uses are also permitted in Residential Neighbourhoods:

a) Parks;

b) Home occupations ancillary to a residential dwelling (subject to the criteria of 3.1.3.2(b));

c) Rooming, boarding and lodging houses, retirement and residential care facilities (subject to the criteria of 3.1.3.2 c));

d) Institutional uses under the jurisdiction of a local board (i.e. schools), private institutions, such as churches and halls less than 0.4 ha in size, in accordance with Sub-section 3.8;

e) Neighbourhood retail uses by an amendment to the Zoning By-law and in accordance with Policy 3.1.5; and,

f) Accessory apartments in single detached houses subject to the criteria of 3.1.3.2(f).”

The proposed rezoning to permit single detached dwellings is consistent with the range of permitted uses within the Residential Neighbourhoods designation.

Guidance with respect to residential infill and intensification is provided in the following policies:

“3.1.3.3 Infill residential development is permitted in Residential Neighbourhoods by means of a specific amendment to the implementing Zoning By-law (where appropriate zoning is not already in place), provided that Council is satisfied that the following principles will be attained:
a) Density shall not exceed 28 units per hectare;

b) Building height shall not exceed 3-storeys;

c) The development will not overload existing storm and sanitary sewers;

d) Schools, parks and neighbourhood commercial facilities will be adequate for the increased residential density resulting from the development;

e) Ingress and egress to the property will not create congestion on surrounding local streets;

f) Adequate off-street parking can be provided; and,

g) The development will be consistent with the infill guidelines contain in Sub-section 2.5 of the Official Plan.

2.5.5.1 Infill, intensification proposals in Residential Neighbourhoods, Residential/Employment Mixed Use, downtown Mixed Use and Residential/Commercial Mixed Use Areas shall:

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

b) Complement the roof profiles of adjacent buildings. In particular, new apartments shall have architecturally finished roofs which mask roof appurtenances;

c) Be located to reflect the existing pattern of setbacks along the streetscape;

d) Be designed and sited so that their main entrances and facades front onto public roads;

e) Be designed and sited to facilitate the location of parking areas in rear or side yards, wherever practical. Parking areas must be screened from the street and adjacent residential areas with a landscaped buffer strip;
f) Be designed and built to minimize impacts such as overshadowing and over-viewing on adjacent residential development.

2.3.3.1(b) The Town will facilitate the process of residential infill, intensification, and reurbanization, as outlined in the Urban Design Policies of this plan, as a means of using the available urban land supply as efficiently as possible, reducing servicing costs, and creating a more amenable urban environment.”

The proposal conforms to the above-noted policies. In particular, the proposal would allow for the creation of single detached lots which are consistent with the scale and density of the surrounding residential area.

In terms of Policy 3.1.3.3(d), it is recognized that the proposal would remove the only Neighbourhood Commercial site within the Pleasant Valley Neighbourhoods. However, the Official Plan also provides opportunity for future Neighbourhood Commercial sites to be established in Residential Neighbourhoods without an amendment being required to the Plan, where specific locational and technical criteria can be satisfied. In this regard, future opportunities for Neighbourhood commercial uses may be identified in the Pleasant Valley Neighbourhoods if there is both a suitable location and local demand.

With respect to schools and parks, as indicated in Policy 3.1.3.3(d), it is further noted that the Pleasant Valley Neighbourhoods are older suburban developments which are now exclusively comprised of detached dwellings. However, Sanctuary Park, the Rail Trail, and conservation lands are located approximately 0.75 kilometers from the subject property, and Dundana Public School is located approximately 1 kilometre to the northeast of the subject property.

The proposal would allow for the efficient utilization of existing services and infrastructure, thus reducing servicing costs.

Concerning the allowance for commercial uses in the Residential Neighbourhoods designation, the following policies are provided:

“3.1.5.1 To reduce car trips and enhance residential amenities, convenience food stores, variety stores, banks, drug stores, medical offices and other personal services will be permitted to a limited extent in Residential Neighbourhoods to serve the daily retail needs of surrounding residents. Given the unpredictability of the advent of such uses, these areas are not designated in Schedule “A”.
3.1.5.2 Proposed Neighbourhood Commercial uses may be permitted by amendment to the implementing Zoning By-law, subject to the following provisions:

a) Neighbourhood Commercial uses shall be located along arterial or collector roads in Residential Neighbourhoods;

b) Public utilities and engineering services will be of sufficient capacity to support the proposal; and,

c) The maximum size of any one store will not exceed 230 square metres, and the maximum size of any single complex of stores will not exceed approximately 0.2 hectares in keeping with the intention that neighbourhood shopping centres are to serve residential areas only with convenience goods and personal services."

The above-noted policies illustrate that while Neighbourhood Commercial uses add value to Residential Neighbourhoods through the provision of convenience goods and services, which contribute to fewer vehicle trips, they are not regarded as an essential land use component within neighbourhoods. The Official Plan also allows them to be developed subject to specific criteria. As such, Neighbourhood Commercial uses are not designated within the Dundas Official Plan, and are permitted only to a limited extent by an amendment to the Zoning By-law. While the existing convenience store on the subject site conforms to the provisions in Policy 3.1.5.2 and is regarded as an appropriate site for Neighbourhood Commercial development, the removal of the Neighbourhood Commercial use through the proposed change in zoning would not be regarded as contrary to the policies of the Official Plan.

In addition, regard is also given to the following General Strategic Policy, which addresses environmental sustainability:

“2.1.3.1 The Town shall promote development and redevelopment that is environmentally sustainable and promotes energy conservation. In particular, intensification and infill development, a mix of uses, alternative development standards, the solar orientation of streets and buildings, the use of energy efficient building materials and landscape plans, and other land use and urban design strategies which promote the efficient use of land and energy and support pedestrian travel and bicycle use shall be promoted.”

Policy 2.1.3.1 refers generally to a range of strategies that encourage sustainable development including the allowance for mixed uses and Neighbourhood Commercial
uses to facilitate walking and bicycle use and shorter automobile trips. The removal of a Neighbourhood Commercial property is not contrary to this policy because it is recognized that market circumstances change, which may affect the viability of a given site. The policy would enable the consideration of new Neighbourhood Commercial facilities on other suitable sites subject to the criteria provided in Policy 3.1.5.2.

**RELEVANT CONSULTATION:**

**Departments/Agencies having no concerns or objections:**

- Parking Services, Planning and Economic Development Department.
- Hamilton-Wentworth District School Board.

**Traffic Engineering and Operations Section, Public Works Department**

Traffic Engineering and Operations Section has advised that the driveway access for Part 1 shall be located along the southerly lot line and the driveway access for the severed lot shall be required along the westerly lot line.

Any new access or a change in access would require an Access Permit.

The applicant would be required to remove all abandoned accesses and restore the curb and boulevard, at their expense, to the satisfaction of Public Works.

It is preferred that driveways directly adjacent to each other have a minimum 1.5 metre distance separation.

**Forestry and Horticulture Section, Operations and Maintenance Division, Public Works Department**

The Urban Forestry Section has advised that there is a 25 cm d.b.h. Black Walnut tree located on the road allowance of Autumn Leaf Road, which is in good condition and which may be governed under The City of Hamilton Tree By-law 06-151. A Tree Management Plan is required as a condition of approval of Committee of Adjustment Application DN/B-08:37 to address the impacts of existing trees on the subject site (Refer to Appendix “D” - Condition 6).

**Horizon Utilities**

Horizon Utilities has advised that to prepare, design and procure the materials required to service the site in a timely manner, a minimum 6 months of notification is required.
Notification should be provided early on in the process as there is a period of approximately 20 weeks for the purchase of a transformer.

The developer should also be made aware of the following matters related to construction:

- Excavation should not occur within 2 metres of hydro poles and anchors;
- Excavation within 1 metre of an underground hydro plant is not permitted unless approval is granted by a Horizon representative who is also present to provide direct supervision, and costs shall be at the owner’s expense;
- Horizon shall be contacted if the removal, isolation or relocation of an existing plant is required, and the owners shall assume costs for this work;
- Clearances from overhead and underground existing electrical distribution system must be maintained in accordance with the relevant Provincial and Federal statutes, codes and acts (i.e. Ontario Building Code, Electrical Safety Code, Occupational Health and Safety Act, etc.)

Public Consultation

In accordance with the Public Participation Policy, approved by City Council on May 29, 2003, this application was precirculated to all property owners within 120 metres and a sign was posted on the site. A total of 106 notices were circulated. To date, 8 responses have been received. Notice of the Public Meeting will be given in accordance with the requirements of the Planning Act through the circulation to property owners within 120 metres of the subject lands and through the posting of a sign on the property.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, and economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. ☐ Yes ☐ No
The public are involved in the definition and development of local solutions.

Environmental Well-Being is enhanced. ☐ Yes ☐ No
Ecological function and the natural heritage system are protected.

Economic Well-Being is enhanced. ☐ Yes ☐ No
Infrastructure and compact, mixed use development minimize land consumption and servicing costs.
Does the option you are recommending create value across all three bottom lines?
☑ Yes  ☐ No

Do the options you are recommending make Hamilton a City of choice for high performance public servants?
☐ Yes  ☑ No

:CT
Attachs. (6)
Location Map

File Name/Number: ZAC-08-020
Date: April 7, 2008

Appendix "A"

Subject Property

69 Autumn Leaf Road, Dundas

Ward 13 Key Map N.T.S.
CITY OF HAMILTON

BY-LAW NO.

To Amend Zoning By-law No. 3581-86 (Dundas), as amended,
Respecting Lands located at 69 Autumn Leaf Drive (Dundas)

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

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

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

AND WHEREAS Zoning By-law No. 1964 (Dundas) was enacted on the 7th day of May 1962;

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

AND WHEREAS the Council of the City of Hamilton, in adopting Section ___ of Report ___ of the Economic Development and Planning Committee at its meeting held on the ___ day of ____ , 2008, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (former Town of Dundas) in accordance with the provisions of the Planning Act;
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “J” (Pleasant Valley East) of Zoning By-law No. 3581-86 (Dundas) is hereby amended by changing the zoning:

   (a) from the Neighbourhood Commercial “C-1” Zone to the Single Detached Residential “R2” Zone, on those lands the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”.

2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this [date] day of [date], 2008.

____________________________________________________________________________________

Fred Eisenberger                                      Kevin Christensen
Mayor                                                Clerk

ZAC-08-020
This is Schedule "A" to By-Law No. 08-
Passed the .......... day of ............... , 2008

Schedule "A"

Map Forming Part of
By-Law No. 08-______
to Amend By-law No. 3581-86

Subject Property

60 Autumn Leaf Road, Dundas
Mr. Cam Thomas  
c/o Russ Powers-councillor

April 21, 1986

Dear Mayor and council members:

I am writing to you to express my opinion on building houses at the convenience store on 69 Aulac Road.

I like having the convenience store in the community because since it is so close, I can walk there without being forced to drive somewhere. For numerous years my mom or dad have asked my older brother or sister to go and buy milk, when at the convenience store. Over the years the corner store has received a nickname that many people in the community use - the corner store, that symbolizes the corner store is a big part in the community. On hot summer days we and my friends would go to the corner store and buy popsicles of freezies to cool down with and in the winter...
We would go there just to get some candy.

I strongly think the corner store should be kept the way it is, is because it is a big part of the community where lots of kids go to get all treats or get some easy groceries. Another reason is that the corner store should be kept is because if people can get the stuff they need from the corner store then they won’t be forced to have to drive and send pollution into the community. In conclusion I think the convenience store should be kept because numerous schools have been our local school has been taken away which has a main place to go and meet to talk to neighbors so with the convenience store
There is still a place for people to go and meet to have ice cream or just catch up on community gossip, and if you take that away a pleasant valley will feel less like a community.

Sincerely,
Rebecca Hughes
48 Autumn Leaf Rd.
L1Y 3V7
SAGE Gr. 5 AGE 10
Thomas, Cameron

From: Sue Boyle [sueboyle@cogeco.ca]
Sent: Friday, May 02, 2008 1:38 PM
To: Thomas, Cameron
Subject: FILE ZAC-08-020

Dear Mr. Thomas,

Please add the below comments to our letter sent to you on April 25, 2008 regarding Zoning By Law Amendment Application ZAC-08-020 69 Autumn Leaf Rd., Dundas.

Thank you so much....Susan Boyle

May 2, 2008

Cam Thomas, City of Hamilton
Planning and Economic Development Department
Planning Division (West)
Hamilton City Centre, 77 James St. N., Suite 400
Hamilton, Ont. L8R 2K3

Re: File No ZAC-08-020 69 Autumn Leaf Road, Dundas

Dear Mr. Thomas

I’m sure you are in receipt of our letter dated April 25, 2008. Just prior to the May 2nd deadline, we have a few further comments to add, if we may.

As previously mentioned, our property abuts 69 Autumn Leaf Road at the westerly side of the store parking lot. We have lived here for 21 years.

There have been suggestions that the addition of 2 or 3 residential homes (lots) on the currently commercial zoned site of the convenience store would result in additional traffic in the immediate area.

Currently there are between 85 and 150 cars entering and exiting the store parking lot on any given day. Not always to patronize the variety store, but to mail letters; deposit unwanted goods in and around one of two charity boxes etc. It is not unusual to see various trucks, school buses and commercial vehicles (not delivering to the store) sitting idling in the parking lot, simply passing time or having their break time or lunch time.

Compared to the vehicular activity in and out of the store parking lot, we see very little “foot traffic”.

It would seem very clear to us that the addition of 2 or 3 driveways, and the vehicular movements generated by these residential driveways, could not even compare to the current traffic entering and exiting the store parking lot each and every day. It is also assumed that people entering and exiting their residential driveways do so in a much more careful manner than many of the drivers we witness careening in and out of the store parking lot each day.

Thank you for your time.

05/02/2008

Respectfully yours,

Susan & Gary Boyle
64 Pleasant Avenue
Dundas, Ontario
L9H 3T4
Thomas, Cameron

From: Frank Dely [frankd@cogeco.ca]
Sent: Tuesday, April 29, 2008 11:02 AM
To: Thomas, Cameron
Subject: File No.ZAC-08-029

I acknowledge the Notice about the Application to Amend the Dundas Zoning By-law, for 69 Autumn Leaf Rd.

I have no objection for your Plan, to build 3 single Family houses, on the named property, so long as those Plans do not interfere adversely with neighbouring Residential Properties!

Sincerely, Frank Dely
and Maria Dely,
58 Autumn Leaf Rd. (Lot 40)
Dundas, ON. L9H 3V7.
Thomas, Cameron

From: Michelle Perry [strawperry@msn.com]
Sent: Monday, April 28, 2008 10:35 PM
To: Thomas, Cameron
Subject: File No. ZAC-08-020

File No.ZAC-08-020

Cam Thomas, City of Hamilton  
Planning and Economic Development Department  
Planning Division (West)  
Hamilton City Centre, 77 James Street North, Suite 400  
Hamilton, ON L8R 2K3

Dear Cam,

Regarding the above mention file I would like to express some concerns I have with the proposed residential development of 69 Autumn Leaf Road. As mentioned earlier via our telephone call I have concerns with the zoning of three residential single family dwellings.

1) I believe that zoning of the lots described would not allow for adequate spacing for three homes. I do not want to have any structural damage as a result of this regrading to my home. I can see adequate space for two residential homes given the plans outlined. Regrading of the steep right side slope and corner of the store will cause a swift in land and cause damage to my backyard and the foundation of my home.

2) I am concerned of tapping into the existing sewage system may create back up in my basement and want to be sure that the City of Hamilton and the builder be responsible for any damage.

3) I would like the cedar trees adjacent to the properties and the store not be cut down for green space and privacy issues.

4) I do not want to have any flooding in my backyard and want the City of Hamilton to inspect all grading and building codes.

5) The homes should be built considering the structural design of the neighbourhood without variances to exceed the height and frontal lawn space leading to Pleasant Ave and backing onto my property.

Thank you,
Wendy Negritz
47 Autumn Leaf Road
Dundas, ON
L9H 3V9

Try Chinktionary, a game that tests how many words you can form from the letters given. Find this and more puzzles at Live Search Games!
Thomas, Cameron

From: Rick and Audrey [rickaud@sympatico.ca]
Sent: Wednesday, April 30, 2008 10:29 PM
To: Thomas, Cameron
Cc: Powers, Russ
Subject: Pleasant Valley rezoning

Re: proposed zoning by-law amendment (ZAC-08-020)

Mr. Thomas:

I would like to comment on the proposal to close and rezone "our" corner store to allow residential development in Pleasant Valley.
I would like to register my opposition to the proposal and urge you to deny the rezoning to keep the store open.

Our family of five lives a short walking distance from the store. It is the place we walk to to pick up a Saturday paper, to get a video, send the kids to buy milk, bread and other groceries; and the place we let them walk to with their friends to buy candy.

All are routine, everyday things, but all are the kinds of things that help make our very wonderful community what it is.

Close the store and all of those errands become a trip in the car.

Multiply those errands by the number of homes in the subdivision and you are facing not a simple rezoning but a decision that speaks to many of our city's environmental and community priorities.

Close the store and every errand in our community becomes a trip in the car.

Every quart of milk, every video, every lottery ticket. This, at a time when gas prices are rising, when our city is trying to build liveable communities, to encourage mixed-use neighbourhoods, to discourage reliance on the automobile, to cut pollution. Here is a popular decision that would help you meet all those goals.

The store is the only "public" space in our entire subdivision.
City hall should be an ally in neighbourhood efforts to retain their areas as liveable spaces. It seems a small thing, but this one store adds a great deal to the life of our neighbourhood.

I expect one of the arguments in favour of the rezoning will be that the store is not viable. I don't believe that to be true. It has survived for decades and has always found owners willing to make it a go. It may be that someone sees an opportunity to cash in on what they see as an asset. I don't believe that desire should take precedence over the needs and desires of the community.

As well, because of other decisions by the city and school board to close our neighbourhood

05/01/2008
school and turn it into housing, there will soon be more than two dozen new families in the
neighbourhood, all within easy walking distance of the store. Those new customers will only
enhance the store’s financial viability.

Sincerely

Rick Hughes and Audrey Hensen
48 Autumn Leaf Rd.
Dundas, On.
905-627-2469
April 25, 2008

Cam Thomas, City of Hamilton
Planning and Economic Development Department
Planning Division (West)
Hamilton City Centre, 77 James Street North, Suite 400
Hamilton, Ontario
L8R 2K3

Re: FILE # ZAC-08-020

Dear Mr. Thomas:

As neighbours abutting the subject property, 69 Autumn Leaf Road, for the past 21 years we have a few comments pertaining to the application to amend the Dundas Zoning By-law for the property.

Throughout the years we have seen the convenience store change hands several times. The building and grounds are in dire need of upgrading due to a constant lack of general maintenance. (Missing eaves troughs, large potholes in the parking lot etc.). More recently the addition of a “garden centre” has generated additional garbage and bulk storage at the rear of the store that often attracts youth destruction. We understand that there is a lot of competition in the retail industry and that it likely becomes more and more difficult for an owner of a small store to manage. The recent addition of large signs and neon signs that are attached to the building, along with sandwich board signage at the front of the property, are hardly fitting in our residential neighbourhood. It is also very apparent that proceeds are not being used to maintain the expected condition of the subject property and that it really hasn’t been “improved” in years.

Constant strewn garbage, idling delivery trucks, youth hang-outs, burglaries and vandalism could become a thing of the past. Last weekend alone we picked up 4 bags of garbage from the westerly side of the subject property. This is unlikely to improve as we have witnessed the steady deterioration of the property, grounds and most recently the general care and concern required to maintain a property that would be conducive to our neighbourhood.

The addition of three residential homes, within the R2 guidelines, would be a pleasant improvement to our neighbourhood. That said, we would expect and appreciate confirmation that the integrity of our existing home (and that of our neighbours) would be maintained. It would also be expected that Bousfields Inc. would be mindful of grading issues, easements etc. There have been concerns from neighbours to the south and east of the subject property with regards to the elevation changes and ensuring the structural integrity of their lots and structures. While we are also concerned, we’re certain that any/all plans will warrant a smooth and sound transition from the aforementioned eyesore
to a “Pleasant” change to our small community. We want to assist in this transition with the developers and not circumvent their intentions by being irrational.

While change can be difficult for many people, maintaining and improving the integrity of our neighbourhood should be of paramount importance. With proper planning, the addition of three residential homes on the site of 69 Autumn Leaf Road would be most beneficial to our survey.

We look forward to seeing the proposed plans from Bousfields Inc. and are hopeful they are conducive to the integrity of the area. We have reviewed the proposed lot severances and are pleased that we would inherit a new “side” neighbour and not a three new “rear” neighbours. All of the set-backs are agreeable but the actual structure design is of some concern.

Respectfully,

Susan & Gary Boyle
64 Pleasant Avenue
Dundas, Ontario
L9H 3T4
905 628 4920
sueboyle@cogeco.ca  gboyle2@cogeco.ca
May 2, 2008

Cam Thomas, City of Hamilton
Planning and Economic Development Department
Planning Division (West)
Hamilton City Centre, 77 James St. N., Suite 400
Hamilton, Ont. L8R 2K3

Re: File No ZAC-08-020 69 Autumn Leaf Road, Dundas

Dear Mr. Thomas

I’m sure you are in receipt of our letter dated April 25, 2008. Just prior to the May 2nd deadline, we have a few further comments to add, if we may.

As previously mentioned, our property abuts 69 Autumn Leaf Road at the westerly side of the store parking lot. We have lived here for 21 years.

There have been suggestions that the addition of 2 or 3 residential homes (lots) on the currently commercial zoned site of the convenience store would result in additional traffic in the immediate area.

Currently there are between 85 and 150 cars entering and exiting the store parking lot on any given day. Not always to patronize the variety store, but to mail letters; deposit unwanted goods in and around one of two charity boxes etc. It is not unusual to see various trucks, school buses and commercial vehicles (not delivering to the store) sitting idling in the parking lot, simply passing time or having their break time or lunch time. Compared to the vehicular activity in and out of the store parking lot, we see very little “foot traffic”.

It would seem very clear to us that the addition of 2 or 3 driveways, and the vehicular movements generated by these residential driveways, could not even compare to the current traffic entering and exiting the store parking lot each and every day. It is also assumed that people entering and exiting their residential driveways do so in a much more careful manner than many of the drivers we witness careening in and out of the store parking lot each day.

Thank you for your time.

Respectfully yours,

Susan & Gary Boyle
64 Pleasant Avenue
Dundas, Ontario
L9H 3T4
-----Original Message-----
From: geoff & gloria wade [mailto:mlhi@sympatico.ca]
Sent: Monday, April 28, 2008 4:44 PM
To: Thomas, Cameron
Subject: File No. ZAC-08-020

9 Crystal Court
Dundas, Ontario
L9H 3X5

April 28, 2008

Mr. Cam Thomas
City of Hamilton
Planning and Economic Development Department
Planning Division (West)
Hamilton City Centre
77 James Street North, Suite 400
HAMILTON, ON L8R 2K3

Dear Mr. Thomas,

I recently received your correspondence dated April 11, 2008 re the above subject file. This recent information appears to deal with the request for a proposed severance, and at this time I wish to take advantage of Public Input section of your letter providing homeowners the opportunity to “make any written comments”. With that in mind, my response is as follows:

4/29/2008
As long as the proposed change from a commercial zone to a residential zone does not impact adversely in any way on my property taxes, I support the application.

I understand from the form letter dated April 11, 2008, that up to 3 residential lots for single detached dwellings are being considered for this land. However, there is no mention of whether these are to be one or two storey dwellings. Since my property backs onto the south west portion of the subject land, I can only support a proposal for single storey houses overlooking my backyard, and thus not obstructing my view and/or interfering with my privacy.

The information provided in your information letter of April 11, 2008 also does not specify the exterior design of the houses proposed for this site, nor does it address how such development will blend with the present landscape of homes.

I also understand that the Committee of Adjustment application DN/B-08-037 will address the request for the proposed severance necessary in order to develop this land. I am concerned that this proposed development and the resulting severance will adversely affect an existing easement on the rear portion of my property by increasing the number of service personnel accessing my property and thus affecting the privacy I now enjoy with the present limited service access required by present neighbours.

With respect to consideration of putting a property on the real estate re-sale market, it would be most helpful for residents to know the exact time frame construction is expected to begin and cease on the site in question.

Thank you for this opportunity to convey my concerns. I will follow, with interest, any future information you can provide with respect to the development of 69 Autumn Leaf Road.

Yours truly,

Gloria Wade
Homeowner
9 Crystal Court
Dundas, Ontario
(905) 628-6689 (unlisted)

4/29/2008
APPLICATION FOR CONSENT/LAND SEVERANCE

APPLICATION NO. DNB-08:37
SUBMISSION NO. B-37/08

IN THE MATTER OF The Planning Act, R.S.O. 1990, Chapter P13, Section 53(1):

AND IN THE MATTER OF the Premises known as Municipal number 69 Autumn Leaf Road, formerly in the Town of Dundas, now in the City of Hamilton;

AND IN THE MATTER OF AN APPLICATION by the agent Bousfield Inc. on behalf of the owner 2103397 Ontario Inc., for consent under Section 53(1) of The Planning Act, R.S.O. 1990, Chapter 13, so as to permit the conveyance of a parcel of land measuring 15m (49.21') x 35m (114.82') containing a portion of an existing commercial building (to be demolished) for single family residential purposes, and to retain two parcels of land; one measuring 16.15m (52.98') x 46.7m (153.21') containing a portion of an existing commercial building (to be demolished) for single family residential purposes and the other being vacant and measuring 16.6m (54.11') x 35m for single family residential purposes.

THE DECISION OF THE COMMITTEE IS:

That the said application IS APPROVED for the following reason:

1. The Committee is of the opinion that a plan of subdivision of the lands is not necessary, in this case, for the proper and orderly development of the municipality.

Having regard to the matters under subsection 51(24) of the Planning Act, R.S.O. 1990, c.P. 13, the said application shall be subject to the following conditions.

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar.

2. The owner shall receive rezoning approval for all three lots to the satisfaction of the Manager of Development Planning, City of Hamilton.

3. The applicant shall submit a signed Record of Site Condition (RSC) to the City of Hamilton and the Ministry of the Environment (MOE). The RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE, and submission of the City of Hamilton's current RSC administration fee.

4. The applicant/owner shall enter into and register on title a Consent Agreement with the City of Hamilton to the satisfaction of the Manager of Engineering Design and Construction to deal with the grading, drainage and storm water management on the subject lands. The applicant shall demonstrate to the satisfaction of the Manager of Engineering Design and Construction that all drainage from the site shall be taken to a suitable outlet.

5. That the applicant/owner makes a cash payment to the City of Hamilton for the future urbanization of Pleasant Avenue adjacent to the subject lands, to the satisfaction of the Manager of Development Engineering (West).

6. The owner/applicant shall satisfy the requirements of the Public Works Department, Operations and Maintenance Division, Forestry & Horticulture Section.

7. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer.
8. That the owner submit to the Committee of Adjustment Office an administration fee of $30.00 ($15.00 per new lot), payable to the City of Hamilton, to cover the cost of setting up a new tax account for the newly created lots.

NOTE TO BE INCLUDED IN DECISION

1. Based on this application being approved and all conditions being met, the owner/applicant should be made aware that the lands to be conveyed will be assigned the municipal address of 60 Pleasant Avenue, and that the lots (to the north) to be retained will be assigned the municipal address of 58 Pleasant Avenue, and that the lands in the east of the property to be retained will be assigned the municipal address of 58 Pleasant Avenue. It should also be noted that the municipal address of 60 Autumn Leaf Road will be retained.

DATED AT HAMILTON this 18th day of May, 2008.

M. Dudic, Chairman
C. Lewis
L. Godby

V. Abraham
L. Tew
M. Switzer

THE DATE OF GIVING OF THIS NOTICE OF DECISION IS May 22nd, 2008.
HEREIN NOTED CONDITIONS MUST BE MET WITHIN ONE (1) YEAR OF THE DATE OF THIS NOTICE OF DECISION (May 22nd, 2009) OR THE APPLICATION SHALL BE DEEMED TO BE REFUSED (PLANNING ACT, SECTION 53(41)).

NOTE: THE LAST DATE ON WHICH AN APPEAL TO THE ONTARIO MUNICIPAL BOARD MAY BE FILED IS June 11th, 2009.

NOTE: THIS DECISION IS NOT FINAL AND BINDING UNLESS OTHERWISE NOTED.
Proposed Lotting and Dwelling Location Concept

Fig. 1