SUBJECT: Application to Amend Dundas Zoning By-law No. 3581-86 to Permit a School on Lands Located at 310 Governors Road (Dundas) (PED05170) (Ward 15)

RECOMMENDATION:

That approval be given to Zoning By-law Amendment application ZAC-05-53, Hamilton-Wentworth District School Board, owner, for a change in zoning, from the Urban Reserve ("UR") Zone to the Public and Private Service Holding ("PPS-108"-‘H’) Zone, Modified, to permit an elementary school including a day nursery, parking for a secondary school and a park, and a range of other public and educational service uses, for a portion of the lands located at 310 Governors Road, as shown on Appendix “A” to Report PED05170, on the following basis:

(a) That the zoning of the subject lands be changed from the Urban Reserve ("UR") Zone to the Public and Private Service Holding ("PPS-108"-‘H’) Zone, Modified.

(b) That the attached Draft By-law, shown as Appendix “B” to Report PED05170, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(c) That the amending By-law shall apply the Holding Provisions of Section 36(1) of the Planning Act, as amended, to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed Public and Private Service ("PPS") Zone. The Holding Provision will prohibit the use of the subject lands, as permitted by the “PPS-108” Zone, until such time that:

(i) The applicant has submitted an archaeological assessment, which has been granted final approval by the Ministry of Culture.
(ii) The applicant has completed a final Traffic Impact Study, which shall include a functional plan of Governor’s Road for the westbound left turn lane, to the satisfaction of the Director of Operations and Maintenance, Public Works Department.

(iii) An Environmental Assessment has been completed, if the Final Traffic Impact Study requires a continuous westbound turn lane from the signalized Governor’s Road/Bridlewood Drive intersection to the proposed entrance from Governor’s Road; to the satisfaction of the Director of Capital Planning and Implementation, Public Works Department.

(d) That upon satisfying the conditions of the ‘H’ symbol, the General Manager, Planning and Economic Development Department, be authorized and directed to give the prescribed notice in accordance with the provisions of the Planning Act and to prepare a By-law, in a form satisfactory to the Corporate Counsel, to remove the ‘H’ symbol for presentation by City Council.

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

Tim McCabe
Director of Development and Real Estate
Planning and Economic Development Department

**EXECUTIVE SUMMARY:**

The purpose of the application is for a Zoning By-law Amendment to permit the development of an elementary school, a day nursery to serve the west part of Dundas, and parking for an adjacent secondary school and park, on lands comprising 2.75 hectares located at 310 Governor’s Road as shown on Appendix “A”.

The proposal has merit and can be supported because it is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan and the locational policies for schools provided in the Dundas Official Plan for Major Institutional uses. It is recommended that the property north of the top-of-bank only be rezoned to a site-specific Public and Private Service (“PPS-108”) Zone, Modified with a holding provision to address archaeological concerns, the need for a final Traffic Impact Study, and the requirement for an Environmental Assessment for the provision of a continuous westbound left turn lane on Governor’s Road, if identified as needed by the final Traffic Impact Study. The studies that were submitted and reviewed as part of this application include a Traffic Impact Study, an Archaeological Assessment, a Noise Assessment, and a Preliminary Geotechnical Study. The main concerns of the public relate to traffic, the safety of children, and the destruction of habitat through the removal
of a woodlot on the northerly part of the site. In terms of traffic issues in particular, the Revised Traffic Impact Study indicates that the proposed driveway connections and the adjacent signalized intersection of Governor’s Road and Bridlewood Drive/Castlewood Boulevard can accommodate the additional traffic related to the proposed school at acceptable levels of service.

**BACKGROUND:**

The subject property is known as the “Highland Annex” and comprises 2.75 hectares (6.8 acres) on the south side of Governor’s Road west of Bridlewood Drive, opposite Dundas Highland High School (Appendix “A”). The lands are owned by the Hamilton-Wentworth District School Board (HWDSB). The lands are undeveloped and are characterized by two wooded areas. The central part of the site is tableland, which is used as a sports field. The wooded northerly part of the property is lower than Governor’s Road and will require extensive regrading and tree removal to prepare it for development.

The proposed amendment to the Dundas Zoning By-law would change the zoning from the Urban Reserve (“UR”) Zone to the Public and Private Service Holding (“PPS-108”-‘H’) Zone, Modified, to permit a range of public and educational service uses, including the proposed development of an elementary school with a day nursery on the site. The proposed zoning would also permit parking associated with Dundas Highland Secondary School to the east and for Couldrey Park to the south. The proposed zoning would only apply to lands above top-of-bank, excluding the ravine area on the southern portion of the property. The easterly abutting lands, which extend along Bridlewood Drive, comprising 0.6 hectares (1.46 acres), are also owned by the HWDSB and are zoned Public and Private Service (“PPS“) Zone. They are intended to form part of the proposed school site and are not part of the current rezoning application.

Through this application, the subject property has now been determined as the key site for consideration of a new elementary school in Dundas, to be known as “Dundas West”, replacing the previous sites for consideration, which were Veterans Park and Couldrey Park.

The proposed school is a Prototype “A” design building that is intended to accommodate approximately 650 students from Junior Kindergarten to Grade 8. The proposed school would also include a day nursery for approximately 50 children. Both uses are permitted in the PPS Zone. As shown on the conceptual site plan, the school is proposed near the southwest corner of the site adjacent to the main wooded area which extends into Couldrey Park to the south (see Appendix “C”).

A sports field is proposed in the area currently occupied by the smaller woodlot, and an overflow parking area for 100+/- vehicles for students of Dundas Highland Secondary School is proposed adjacent to Governor’s Road. There are two full movement accesses proposed to the site:
• On Bridlewood Drive, 60 metres south of the intersection; and,
• On Governor’s Road near the northwest corner of the site.

No modifications to the standard PPS Zone regulations are proposed. Once the top-of-bank of the southerly ravine area is surveyed, establishing the southerly limit of the proposed zoning, the proposed school building will need to meet the PPS Zone’s standard minimum rear yard setback of 7.5 metres. Staff is also recommending a Holding provision to address archaeology concerns, the need for a final Traffic Impact Study, and the possible need for an Environmental Assessment (EA) if a continuous west bound left turn lane on Governor’s Road is identified as needed from the Governor’s Road/Bridlewood Drive intersection.

Details of Submitted Application

Owner & Applicant: Hamilton-Wentworth District School Board
Agent: BLS Planning Consultants (Tom Smart, President)
Location: 310 Governor’s Road, (See Appendix “A”)

Property Size: Frontage: 147 metres (Governor’s Road)
Depth: 201 metres
Area: 2.75 Ha. (6.8 acres)

Existing Land Use and Zoning:

<table>
<thead>
<tr>
<th></th>
<th>Existing Land Use</th>
<th>Existing Zoning</th>
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</thead>
<tbody>
<tr>
<td>Subject Lands:</td>
<td>Vacant lands with a central sports field</td>
<td>Urban Reserve (“UR”) Zone</td>
</tr>
<tr>
<td>Surrounding Lands:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>Vacant 6 metre wide strip (utilities easement), 33 unit block townhouse project (adjacent to Governor’s Road), Single detached dwellings (Suter Cres.)</td>
<td>Public Utilities (“U”) Zone, Low to Medium Density Multiple Dwelling (“RM1”) Zone, Single Detached Residential (“R2”) Zone</td>
</tr>
<tr>
<td>North</td>
<td>Neighbourhood plaza, 84 unit block townhouse development</td>
<td>Neighbourhood Commercial (“CN/S-70”) Zone, Low to Medium Density Multiple Dwelling (“RM1”) Zone</td>
</tr>
<tr>
<td>East</td>
<td>Vacant</td>
<td>Public and Private Service (“PPS”) Zone</td>
</tr>
<tr>
<td>South</td>
<td>Couldrey Park</td>
<td>Park and Recreation (“PR1”) 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 Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.

   (ii) It conforms to the “Major Institutional” policies of the Dundas Official Plan with respect to the location of new schools in the former Town, and would implement the designation of the Official Plan.

   (iii) It is compatible with the surrounding residential and mixed use area of Governor’s Road and Bridlewood Drive.

2. The proposed zoning imposes the standard Public and Private Service (“PPS”) Zone regulations (i.e. setbacks, etc.). In order to protect the ravine area on the southerly portion of the site, the southerly limit of the proposed zoning will follow the top-of-bank of the ravine and a minimum 7.5 metre setback from the top-of-bank will apply. Once staff receive survey information from the applicant for the top-of-bank, the proposed zoning map (Schedule “A” of Appendix “B”) will be modified to correspond prior to enactment by Council. Staff also recommends a modification to the standard permitted uses to permit the proposed parking for Dundas Highland Secondary School and for Couldrey Park. Additionally, in accordance with agency/department comments made from the circulation of this application, staff recommends that an ‘H’ Holding symbol be applied to this zone until the following conditions have been satisfied:

   (i) The Ministry of Culture has granted final approval of an archaeological assessment to be undertaken by the applicant.

   (ii) The applicant has completed a final Traffic Impact study, which shall include a functional plan of Governor’s Road for the westbound left turn lane, to the satisfaction of the Director of Operations and Maintenance, Public Works Department.

   (iii) An Environmental Assessment is completed, if the final Traffic Impact study requires a continuous westbound left turn lane on Governor’s Road from the signalized Governor’s Road/Bridlewood Drive intersection to the proposed driveway on Governor’s Road; to the satisfaction of the Director of Capital Planning and Implementation, Public Works Department.

3. The following issues have been identified in the letters received (refer to Appendix “D”) from the public:
<table>
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<tr>
<th>Issue</th>
<th>Comments</th>
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| Traffic               | - Roadways are backlogged with school traffic.  
|                       | - Safety concern with existing high traffic volumes on Governor’s Road.  
|                       | - Parking along Bridlewood Drive.  
|                       | - Added Traffic will affect Jerome Park/Highland Park.  
|                       | - Additional buses would be required.  
|                       | - Too much congestion from existing schools.  
|                       | - Parents will be forced to drive their children due to concerns with high traffic volumes on Governor’s Road.                                                                                       |
| Trees and Vegetation  | - Trees along the ridge adjacent to westerly property boundary should be preserved.  
|                       | - Trees should be enhanced on the City owned parcel west of Couldrey Park, abutting 8 Brady Court.  
|                       | - Loss of many trees and habitat and environmental impacts.  
|                       | - Loss of wooded area will affect noise levels and reduce privacy.                                                                                                                                      |
| Site Design           | - Concern by Suter Crescent residents with location, height and structure of retaining wall.  
|                       | - Question as to whether existing pathway will be improved.  
|                       | - Concern with proximity of school to houses on Suter Crescent.  
|                       | - Concern with lighting at the rear of the school building.                                                                                                                                               |
| Safety of Children    | - Concern with many children having to cross Governor’s Road.  
|                       | - Posted speed on Governor’s Road of 50 kms/hour is too fast for a school zone.  
|                       | - Children may have to cross several parking areas on site to get to the school building.                                                                                                               |
| Quality of Life       | - Residents of 31 Moss Blvd. (adjacent townhouses to the west), concerned with loss of wildlife habitat (deer grazing) and noise.  
|                       | - Concern with maintenance of school and grounds.                                                                                                                                                         |
| Financial Costs       | - Concern with costs to taxpayers for new school.                                                                                                                                                         |
| Site Development      | - Concern by residents of 31 Moss Blvd. regarding drainage on the site.  
|                       | - Concern that regrading will affect structure of abutting townhouses.  
|                       | - Concern of extent to which site will be regraded to attain 4% grade of proposed driveway.                                                                                                            |
The main concerns from the public for the proposed rezoning are related to traffic and child safety. Increased traffic is a concern because Governor’s Road is a two lane arterial road with higher early morning traffic volumes, and there are two other schools in operation directly to the east. Additional traffic congestion and pedestrian safety risks are perceived because a large number of students may be driven to the new school due to its location.

The revised Traffic Impact Study, submitted on behalf of the applicant, also indicates that approximately 64% of the overall student population are likely to be driven to school. As discussed on Page 12 of this report under the Comment to Policy 3.8.4.2 of the Dundas Official Plan, the HWDSB has advised that 20% of the new students would be eligible for bussing under the Board’s Transportation Policy.

A Functional Plan of Governor’s Road is required as part of a final Traffic Impact Study, which must be approved prior to lifting the ‘H’ symbol in the proposed zoning. The Functional Plan will address access to the site, particularly from Governor’s Road. Safety issues can also be addressed through an examination of the required roadway improvements (i.e. pavement widenings, traffic signal hardware upgrades, pavement markings, utility relocation, pedestrian crossings and signage) that will be evaluated as part of a future site plan application. The HWDSB also has the option of implementing a crossing guard program if deemed appropriate.

Traffic Engineering & Operations have reviewed the findings of the Revised Traffic Impact Study by Paradigm Engineering, dated September 14, 2005, which has provided the following conclusions:

- The proposed driveway connections to Governor’s Road and Bridlewood Drive, as well as the adjacent signalized intersection of Governor’s Road and Bridlewood Drive/Castlewood Blvd., can accommodate the additional traffic related to this development at acceptable levels of service.

- The driveway connection to Bridlewood Drive should be located at least 60 metres from Governor’s Road to ensure reasonable traffic operations.

- A single driveway connection to Bridlewood Drive can accommodate the estimated school traffic.

- A westbound left-turn lane on Governor’s Road with 25 metres of storage should be provided at the site driveway connection to Governor’s Road.

- A “walking school bus” program to reduce vehicle trips, by encouraging students to walk to the proposed school, should be considered.
5. Another main concern expressed by the public is with respect to the loss of trees and the destruction of wildlife habitat, particularly in the northerly part of the site. There will be extensive regrading required in order to elevate the northerly area for the proposed parking lot, and to create a level sports field which is needed for the new school (Appendix “C”). This will result in the removal of most of the existing vegetation in this area. It is also necessary for the site to have an access from Governor’s Road for traffic distribution purposes. Tree preservation will be considered at the site plan approval stage for the area west of the proposed driveway from Governor’s Road to address the concerns raised by the adjacent condominium. As noted in Comment 2, the proposed zoning will exclude the ravine area on the south portion of the property.

6. The proposed school would be subject to site plan approval under Section 41 of the Planning Act, at which time matters of site development such as grading, drainage, storm water management, landscaping, site lighting, building orientation, access locations, pedestrian connections, parking configuration, etc., will be examined. In particular, the following matters will be examined through site plan approval:

- A detailed geotechnical study will be required to ensure that the proposed school can be accommodated structurally on the site.
- A lot grading and drainage plan will be required to ensure that there is no adverse impact to adjacent properties (i.e. post development flows cannot exceed predevelopment flows).
- Tree Preservation in relation to the retained woodlot and the westerly part of the site behind the proposed school and play area and other forms of screening, to buffer the existing homes on Suter Crescent.
- A lighting plan will be required to ensure that illumination does not impact the neighbouring residences.
- The enhancement of the pathway linkage to Couldrey Park will be examined.
- Traffic and pedestrian improvements such as pavement widenings, traffic signal hardware upgrades, pavement markings, utility relocation, pedestrian crosswalks, and signage will be examined.

**ALTERNATIVES FOR CONSIDERATION:**

Should the proposed rezoning be denied, only agricultural uses would be permitted under the current zoning. The alternative school sites that were examined to serve west Dundas have included Veteran’s Park, located approximately 170 metres to the north, on Huntingwood Avenue, and Couldrey Park which abuts the southerly lot line of the
subject property. The Veteran’s Park option was rejected in 2004. The Coulde rly Park option involved a proposal for a land exchange which did not materialize.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Financial: No implications on financial resulting.

Staffing: No implications on staffing resulting.

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:

Provincial Policy Statement

The subject property was found to be located within an area of archaeological potential in which an Archaeological Assessment is required in accordance with Policy 2.6.2.

An Archaeological Assessment has been undertaken which concluded that no archaeological resources were encountered on the property. This matter has been referred to the Ministry of Culture for final approval. The use of a Holding provision is required for the amending zoning to ensure Ministry approval.

Policy 1.7.1(e) requires that sensitive uses be appropriately designed, buffered and separated from each other to prevent adverse impacts such as noise, and to minimize the risk to public health and safety. The proposed school and outdoor day care component are considered to be sensitive uses due to the proximity of Governor’s Road and require a noise assessment.

A noise assessment was submitted for review and was found to be in accordance with the Ministry of the Environment’s guidelines.

Subject to the above, the proposal is consistent with the PPS.

Hamilton-Wentworth Official Plan

The subject property is designated “Urban Area” which is intended to accommodate a wide range of uses based on full municipal services. The subject property does not contain any Environmentally Significant Areas. The proposal would be in conformity with the Plan.
Dundas Official Plan

The subject lands, and the adjacent HWDSB lands which front onto Bridlewood Drive, are designated "Major Institutional" in the Dundas Official Plan. Policy 3.8.3.1 directs that this designation include such uses as schools, libraries, places of worship, cemeteries, community centres, fire and police stations, post offices, health and welfare uses, government facilities, art and cultural facilities and daycare centres.

The following Objectives are provided in Section 3.8.2 for the location of schools:

Policy 3.8.2.2 states that schools be located so that they are accessible to all children with a minimum exposure to traffic hazards.

Comment:
The proposed school would be accessible and relatively central to children within the Turnbull and adjacent Highland Hills Neighbourhoods. The existing intersection of Governor's Road and Bridlewood Drive is signalized and would allow pedestrian access to the school from different neighbourhoods. There are sidewalks along both sides of Governor's Road and Bridlewood Drive. Approximately 80% of the students are within walking distance of the proposed school. The location of pedestrian walkways to provide access from existing sidewalks to the school, improved linkages to Couldrey Park, and crosswalks on Governor's Road or Bridlewood Drive will be examined at the site plan approval stage.

Policy 3.8.2.3 states that school facilities be integrated into the general design of the neighbourhood and that schools develop in conjunction with a neighbourhood park so that they may operate together as a unit to maximize the use of the facilities by residents in the immediate neighbourhood.

Comment:
The location of the proposed school adjacent to Couldrey Park would allow for the integration of the school and park uses. There is an existing footpath which provides a connection between the southwesterly part of the subject site and Couldrey Park which contains a soccer field and playground equipment. This matter would be examined in more detail at the site plan stage to determine any appropriate upgrades for the improvement of access between the two facilities (i.e. lighting, materials, way finding, improved path width, and additional linkages).

The following policies in Section 3.8.4 are also provided for the development of schools:

Policy 3.8.4.1 states that it is the intent of the Town to co-operate with the School Boards in neighbourhoods where new school facilities may be contemplated and request the Boards to consider the following site factors where feasible:
a) A location close to the centre of the Neighbourhood or the area that it is to serve; but reasonable variations may be made in location to permit integration with neighbourhood parks or other public facilities.

b) A site of sufficient size to accommodate any expansion to the facility, when warranted.

c) Where new public and separate elementary schools are required to serve a particular area, consideration should be given to locate these in such a manner that the sharing of school and other community facilities can be located in a campus-like setting to optimize the use of a common site, common utilities, parking and playground and to take advantage of economies in construction and maintenance that may be gained thereby. Consideration shall also be given to sharing existing school space with other compatible facilities such as libraries, day care centres and community centres where additional capacity exists.

Comment: In terms of Point a), above, the proposed site is intended to serve the community of west Dundas. The intended catchment area would serve the neighbourhoods on both sides of Governor’s Road (see Appendix “E”). The location of the proposed school would be close to, but slightly west of the geographical centre of the catchment area that it would serve. The proposed school would be within the most populated part of the west Dundas catchment area. The catchment area has also been enlarged to accommodate students from Central Park school, which is scheduled for closure. The Official Plan allows for some variation in the location of school sites to permit the integration of schools with other community facilities, such as parks. The location of the proposed school would therefore be acceptable as it would allow for future linkages with Couldrey Park. The proposed location would also serve Dundas Highland Highschool to the east, through the development of a parking area on the subject site that would allow for the retention of existing greenspace and outdoor sports facilities on the Highland site.

In terms of Point b), above, the proposed school would be sited in a manner that would allow for expansions along the northerly walls. Expansions along the southerly wall of the proposed building would be constrained by the limit of the proposed zoning and minimum 7.5 metre setback which will protect the ravine area.

In terms of Point c), above, the proposed school would have a pedestrian linkage with Couldrey Park to the south, which would be examined through the site plan approval process. The proposed school would serve the existing park and high school through the provision of additional parking that would remove parking from the side streets. The school’s soccer field would also be available for community use, when the school is not in session.

Policy 3.8.4.2 states that in the developed neighbourhoods, the location of existing elementary schools are established. However, where an older school is replaced or
where there are any other major changes, the School Boards will be encouraged to improve the location of the facility relative to the area it is to serve by considering altering school boundaries, bussing or the expansion to existing schools in nearby areas to improve safe student access to the facility.

Comment:
The requirements of this policy would be satisfied. The catchment area of the proposed school has been designed to accommodate west Dundas, as well as the catchment for Central Park school, located to the north-east, and Dundas District further to the north, which are scheduled for closure. The Transportation Policy of the HWDSB states that students are eligible for school bus service who reside at the following distances from a school:

- 1 km for JK-K;
- 1.6 kms for Grades 1-6; and,
- 2.4 kms for Grades 7-8.

The HWDSB have advised that approximately 80% of the potential students would be located within walking distance of the proposed Dundas West school. The revised Traffic Impact Study advises that the percentage of students who would be driven is 64% overall because many of the students would have to cross Governor’s Road. Measures will be employed through implementation of the recommendations of a final Traffic Impact Study and a future site plan approval to address pedestrian safety for students who would be required to walk to school.

Based on the above, the proposal conforms to the Dundas Official Plan.

RELEVANT CONSULTATION:

Departments/Agencies with no concerns or objections:

- Corporate Services, Budgets and Finance Division
- Hamilton Conservation Authority
- Niagara Escarpment Commission

Traffic Engineering and Operations Section, Public Works Department

A Traffic Impact Study and Revised Traffic Impact Study were reviewed for this application. Traffic Engineering and Operations accepts the conclusions of the revised study, which are cited on Pages 7 and 8 of this report under Comment 4, and which indicate that adequate transportation capacity is available for the proposal. However, the Revised Study has not been approved because additional information is required to show a Functional Plan of Governor’s Road from the signalized intersection to the westerly limit of the property, to identify the location of a westbound left turn lane, including all driveway locations on both sides of Governor’s Road, and the location and
taper of the eastbound left turn lane. This plan will require the approval from the Director of Operations and Maintenance, Public Works Department.

Comment: This requirement will be addressed prior to the removal of an “H” holding symbol.

The applicant will be responsible for the requirement for any roadway improvements as a result of the proposed development, including, but not limited to, the cost of designing and construction of pavement widenings, traffic signal hardware upgrades, pavement markings, utility relocation and signage.

Comment: These matters will be addressed through Site Plan Approval.

Driveway placement to the site on Bridlewood Drive must be a minimum of 60-75 metres south of Governor’s Road, which may require a sightline study to be undertaken at the site plan stage.

Environmental Planning Section, Public Works Department

There are no concerns with the proposal providing the westbound left-turn lane proposed on Governor’s Road, is a localized improvement and does not provide for a continuous left turning lane.

Comment: The proposed design is based on a westbound left-turn lane and not a continuous left turn lane from the intersection to the driveway. However, it has been determined through consultation with the Traffic Engineering Section that a continuous left turn lane is likely to be required, which would trigger an Environmental Assessment. The Environmental Assessment, if required, would need to be completed prior to the removal of the Holding symbol “H” in the recommended zoning.

Open Space Development and Park Planning Section, Public Works Department

If there is the potential for pedestrian movement between the school site and the park through the ravine, a formalized access should be considered, to minimize the creation of informal trails which would destroy habitat in the woodlands.

Comment: This matter will be examined at the site plan stage.

Public Consultation

In accordance with the new Public Participation Policy, approved by City Council on May 29, 2003, the application was circulated to 232 property owners within 120 metres of the property. There were 17 letters and emails received (Appendix “D”) as a result of the pre-circulation letter and Public Notice sign which was posted August 5, 2005. The comments are examined in the Analysis/Rationale Section of this report.
CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, 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
Opportunities for learning and physical activity are supported and enhanced.

Environmental Well-Being is enhanced.  ☑ Yes  ☐ No
Human health and safety 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. (5)
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3581-86 (Dundas), as amended, respecting lands located at 310 Governor’s Road

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 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. 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 this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Dundas), in accordance with the provisions of the Planning Act;

AND WHEREAS the Council of the City of Hamilton, in adopting Section of Report of the Planning and Economic Development Committee at its meeting held on the day of __________, 2005, recommended that Zoning By-law No. 3581-86 (Dundas), be amended as hereinafter provided;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:
1. Schedule “N” of Zoning By-law No. 3581-86 (Dundas), as amended, is hereby further amended by changing from the “UR” (Urban Reserve) Zone to the “PPS/S-108”-‘H’ (Public and Private Service – Holding) Zone, the lands the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this by-law.

2. **SECTION 32: EXCEPTIONS** of Zoning By-law No. 3581-86 (Dundas), is hereby amended by adding the following new subsection:

**PUBLIC AND PRIVATE SERVICE ZONE PPS/S-108-H**

Notwithstanding the provisions of Subsection 27.1 **PERMITTED USES**, of **SECTION 27**, the following additional use shall be permitted on the lands shown as “PPS/S-108-H” on Schedule “N”.

(a) **PERMITTED USES**

   (i) A parking area for Dundas Highland High School and Couldrey Park

   (b) The ‘H’ symbol applicable to the lands described in Section 1 of this By-law, shall be removed conditional upon:

   (i) An archaeological assessment being granted final approval by the Ministry of Culture;

   (ii) Completion of a final Traffic Impact Study which shall include a functional plan of Governor’s Road for the westbound left turn lane, to the satisfaction of the Director of Operations and Maintenance, Public Works Department; and,

   (iii) Completion of an Environmental Assessment, if the final Traffic Impact Study requires a continuous westbound turn lane from the signalized Governor's Road/Bridlewood Drive intersection to the proposed entrance from Governor’s Road; to the satisfaction of the Director of Capital Planning and Implementation, Public Works Department.

(c) The ‘H’ symbol shall be removed by amendment to this by-law and the development of the lands described in Section 1 may at such time proceed in accordance with the “PPS/S-108” (Public and Private Service) Zone provisions.

3. All other provisions of Zoning By-law No. 3581-86 (Dundas) as applicable shall continue to apply.
4. 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 “PPS” Zone provisions, subject to the special provisions in Section 2.

5. 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 day of , 2005.

__________________________    ______________________________
MAYOR                       CLERK

ZAC-05-53
Appendix "B" to Report PED05170
Draft By-law Amendment (Page 4 of 4)

Schedule "A"

Map Forming Part of By-Law No. 05—
to Amend By-Law No. 3581-86

Subject Property
310 Governor's Road, Dundas
Lands to be Rezoned from Urban Reserve "UR" Zone to Public and Private Service "PPS/S-108" - "H" Holding Zone.

Planning and Economic Development Department
Hamilton

Scale: Not to Scale
Date: October 11, 2005
Planner/Technician: CT/LMM

File Name/Number: ZAC-05-53
Appendix “C” to Report PED05170
Preliminary Site Plan for Proposed School Site

Highland Annex
Secondary School

Prototype A

Prepared by The Ventin Group Architects

1:1250

BLS Planning Associates
Appendix “C” to Report PED05170
Preliminary Site Plan for Proposed School Site
June 12, 2005

RE: PRELIMINARY CIRCULATION FOR ZONING BY-LAW AMMENDMENT APPLICATION ZAC-05-53 FOR A PROPOSED ELEMENTARY SCHOOL, CITY OF HAMILTON (DUNDAS) WARD 13

Mr. Cam Thomas, MCIP, RPP
Development Planner
City of Hamilton

The residences of 25, 23, 21, and 19 Suter Crescent, would like to express some concerns and possible suggestions regarding the building of the new school at the Highland Annex. Our three houses will be the most impacted by the school as we directly back on to the property.

There are several issues that we feel more details and clarification are required that are not shown on "PROTOTYPE A".

Those issues are but not limited to:

- The preservation of the line of trees directly behind our properties which currently act as a “natural privacy divider” from the Annex property. The trees will also enhance the views from the school and from our houses.

- What is the location, height and structure of the retaining wall to be built?

- Will the existing elevation of the Annex field change and to what degree to achieve the 4% grade of the driveway ramp?

- How will the existing pathway be “improved”?

- What will the approximate area be of the “asphalt playground”? Is it large enough for 650 kids?

- What will be the exact location of the school building? How close to our homes?

- Please install only minimal lighting at the rear of the building, preferably directional.
Is it possible to meet with a representative of the City of Hamilton Planning & Economic Development Department at your earliest convenience to "walk us through" the proposed plan at the site and discuss our concerns? We want to work together to make the project work for the betterment of all concerned.

Sincerely,

William & Stella Hunting, 23 Suter Cres. Dundas 905 628 8339 L9H 6R7
Malcolm & Elaine Clarke, 21 Suter Cres. Dundas 905 627 6759 L9H 6R7
Sue & John Moeller, 19 Suter Cres. Dundas 905 627 8058 L9H 6R7
Dave & Amy McCulloch 25 Suter Cres. Dundas 905 627 5081 L9H 6R7
Thomas, Cameron

From: Duncan Kelly G215
Sent: Monday, June 13, 2005 12:53 PM
To: Thomas, Cameron
Subject: File no. ZAC-05-53

File # ZAC-05-53

My name is Kelly Duncan. I live at 31 Moss Blvd unit 34 Dundas L9H 7A6.

My back yard faces the location of the new school. Here is my concern. Right now there are very mature trees along the property line of the school site. They are just wild trees and not nice maples or such. The traffic noise on Governors Rd is very loud 24/7. The trees do help to reduce the noise and of course it helps with privacy. I am hoping that you will be leaving these trees as they are because even if you plan on planting trees there it would take many years until they grew as tall as the existing ones.

Kelly Duncan
6/14/2005
John & Virginia Kenyon
9 Barrington Crt.
Dundas, On.
L9H6S6

Reference File: ZAC - 05-53

Planning and Economic Development

In reference to your letter of June 3, 2005 we are writing to express our concerns regarding the development of a new public school at the corner of Bridlewood and Governors Rd. in Dundas.

The roadway in question is already backlogged with school traffic. The turning of busses and private cars makes travel along Governors Road almost impossible in the morning and afternoon. This proposed school site will only add to the congestion.

There is also a concern of traffic, parking along Bridlewood, which is a major egress from this area to Governors Road. This increased parking will make a natural hazard and safety concern to student, pedestrian and vehicular traffic along Bridlewood.

Because of the concerns for traffic safety in this area we are opposed to the construction of a school on the proposed site.

John/Virginia Kenyon

[Signature]
Further to our phone discussion of June 10th re: notification of all matters re: this application, I wish to reiterate I wish to be informed re: all matters pertaining to this application notwithstanding that I'm outside the distribution area. This is a huge issue for the entire Dundas Community not just those who reside within the circulation area.

There is tremendous mistrust of our political representatives on this matter and we do not wish to rely on just the public meetings they may wish to pursue. We believe we require primary source material in order to evaluate what is being proposed for both the zoning change and other developmental concerns.

Therefore, I wish to receive any and all correspondence, reports, council references in minutes and reports-staff or otherwise pertaining to this issue.

I also wish to be informed of any meetings conducted by staff and/or our elected officials re: this matter.

Thanks for your assistance. Pls confirm receipt of this e-mail and approval of this request.

Do You Yahoo!? Tired of spam? Yahoo! Mail has the best spam protection around http://mail.yahoo.com
From: Richard  
Sent: Thursday, June 16, 2005 12:07 PM  
To: Thomas, Cameron  
Subject: new school

I don't mean to be a pessimist but this new school in Dundas is a recipe for disaster. The traffic will be such a boon doggle that a great deal of the traffic will head down Jerome Park—onto Highland Park, and onward to Gov's Rd. I know for a fact that the residents are not happy. Even Bridlewood will get a glut of traffic. We have enough school buses, cars, trucks etc. as it is. I don't want to suck in any more rotten air. The letter didn't reach any of the rest of the people on Jerome Park, Highland Park, Suter Ct. who are against this undertaking. The school Board are sneaky in the way they do business. We made many copies of the letters so at least a great many people know. I'm not against progress but the way the board handles things is a disgrace. Thank You for reading this..regards Margaret Ashley, 26 Bridlewood dr; Dundas

06/16/2005
June 17, 2005

Subject: File No. ZAC-05-65

Zoning by-law amendment application ZAC-05-65 for a proposed Elementary School, City of Hamilton (Dundas), Ward 13

Cam Thomas, MCIP RPP
Development Planner
City of Hamilton
fax: 905 546-4202

Councillor Art Samson fax: 905546-2535

Dear Sirs,

I am not in favor of a Zoning By-law amendment for a proposed Elementary School at the corner of Bridlewood and Governor’s Road, City of Hamilton (Dundas), Ward 13.

My main concern is for the safety and well being of these children aged 4 and up that will have to cross Governor’s Road at the most busiest times of the day to get to school. That main arterial road is already a problem. The road is congested, drivers have a tendency to run the red lights, drivers pass on the shoulders of the road, drivers use the turn lanes as passing lanes and drivers are constantly exceeding the speed limit on that stretch of the road. To have elementary children crossing that intersection or any intersection on that stretch of highway at any time of day is just a serious accident waiting to happen. And with the future expansion of Highland Secondary School the number of young drivers that will be using that road and the adjoining parking lot will only add to the safety issues for these young students.

When the original plan for the survey bordering Moss Blvd, Jerome Park Drive, Highland Annex and Governor’s Rd (the West Hill subdivision) were presented, the lots being sold were under the jurisdiction of the Niagara Escarpment Commission, and the Highland Annex and Coulthred Park properties were under the jurisdiction of the Conservation Authority. I would like to know if these properties, the Annex and Coulthred Park, are still under the jurisdiction of the Conservation Authority, and if so, what impact will this have on the by-law amendment application and/or building permit applications submitted by the Hamilton School Board for their new elementary school.

I still believe that there is a more suitable and safer location for an elementary school in Dundas. No matter where the school is built in Dundas children will have to be bused, so please do not put the children at greater risk by building the school in an existing danger zone.

Pat London
31 Suter Cres.
Dundas, Ontario L9H 6R5  
905 627-4093

[Signature]
June 18, 2005

Planning and Development Dept., Development Planning (West Team)
City Hall, 71 Main St. West
Hamilton ON L8P 4Y5

Attn: Cam Thomas, MCIP, RRP
Development Planner
City of Hamilton
(905) 546-4202
e-mail: cthomas@hamilton.ca

Dear Sir:

Re: File ZAC-05-53,
Zoning By-law Amendment for Proposed Elementary School,
Bridlewood Drive and Governor’s Road, (Dundas) Ward 13

Further to your letter of June 3, 2005 regarding preliminary circulation for the above noted proposed by-law amendment, and the Dundas West School Update, dated June 7, 2005, from Councillor Art Samson, please be advised that the Board of Directors (BOD) on behalf of the residents of Wentworth Condominium Corporation 262 (WCC 262), located at 31 Moss Boulevard, Dundas, wish to make comment on this application. Our lands form the westerly boundary of the subject lands and we are by far the single most affected landowners (see sketch attached). We have 75.71 metres (248.39 ft.) bordering this proposed development.

While we have no objection in principle to the proposed development, we have deep concerns regarding such factors as site influences, drainage, landscaping, fencing, noise and traffic/parking. We wish to have meaningful input at the planning stages of this project on all issues which may affect our site. Many times we have watched deer grazing in this green space and we do not wish to have our quality of life, or real estate values compromised.

Please provide to us copies of registered surveys, proposed grading plans, landscaping and site plans for our perusal and comment before these are officially adopted.

Yours truly,

The Board of Directors
WCC 262
Appendix “D” to Report PED05170
Correspondence Received from Public (Page 9 of 18)

Director  Steven Moir B.A., F.R.I., SR/WA  (#42)
Director  Dennis Schweitzer – President  (#36)
Director  Jim Lowe (#31)

31 Moss Blvd., Dundas ON L9H 7A6

c.c.  Mr. Art Samson
      Councillor, Community of Dundas, (Ward 13)
      71 Main St. West
      Hamilton ON L8P 4Y5
      (905) 546-2535 fax.

      Property Management Guild Inc.
      801 Mohawk Road w., Suite 101
      Hamilton ON  L9C 6C2
      (905) 575-0950 fax.

      Turkstra Mazza
      Attn:Noel Adair Campbell
      Campbell Mihailovich Law Firm
      15 Bold St.
      Hamilton ON  L8P 1T3
      (905) 529-3663

      Residents of WCC 262, 31 Moss Blvd. Dundas ON
8 Brady Court,  
Dundas, Ontario,  
L9H 6R4  
(905) 627-5982

June 22, 2005  
Re: File No. ZAC-05-53

Dear Mr. Thomas;

I am writing this letter to make a request for trees on the parcel of land marked PR1 (area outlined in red on the map-attached). Would it be possible to have a few additional trees planted in this area to act as a natural boundary between the children (who would use the staircase from Jerome Park Drive to access the school site) and our property located at 8 Brady Court (Lot 22)?

Sincerely,  
Catherine Onishi  

[Signature]

[Handwritten note: Received: Jun 23 2005]
June 21, 2005

RE: File No. ZAC-05-53

Cam Thomas, MCIP, RPP,
Development Planner
City of Hamilton
Planning & Economic Development Dept, Development Planning (West Team)

Dear Mr. Thomas

I live at 31 Moss Blvd, Unit 46 and have lived there for over 5 years since my residence was built there. I drive along Governor's Road every morning on my way to work at the General Hospital passing the 2 schools that are already situated within a block of the site of the proposed elementary school. There is already too much traffic congestion from the 2 schools that are already there and now there’s going to be a third school all within the same block. I fear for the safety of the children crossing the road with all the traffic as it is now with just 2 schools let alone with a third school. Surely there is another place where this school can be built where there isn’t already a high level of congestion of school buses, students being dropped off by their parents, as well as other people on their way to work. I totally oppose building another school in this location.

Thank you for your time,
Sincerely

[Signature]

Bill Terhijan BSc, PRT
Hello Mr. Thomas,

I am a homeowner whose townhouse property (Unit 48-31 Moss Blvd) backs directly onto the area you are proposing to rezone from UR to PPS. My little niece and nephew live on Sweetman Drive so will be attending the school. I am not opposed to being a neighbor to a school yard but do have some concerns about this particular site.

1) I am concerned about my foundation being affected by the regrading of the property. How close will the proposed retaining wall be to my home? I am the unit at farthest corner from Governor’s Road and will likely be looking out over the proposed soccer field and parking lot for the high school.

2) I am concerned about the added traffic. It is a well established behaviour that parents drive their children to school a lot more often in 2005 than they did in the 50's 60's and 70's. Can you stagger start and end of the days for St. Bernadette's, Highland and the proposed school?? Having the High School students arrive earliest.

3) I am concerned about so many children having to cross Governor’s Road. 50 kmh is simply too fast for a school zone. Right around the corner on Creighton Road the speed is only 40 kmh. Will there be an experienced crossing guard at Bridlewood and Governor's Road? As well, the children who do walk will have to cross a lot of parking lot areas to get to the school building. Some of the drivers will be inexperienced teens if the proposed parking lot for an expansion to Highland becomes a reality.

4) I am concerned about the cost to taxpayers (me!) of 1.2 million to ready this property for the building of the school.

5) I am concerned about the Board’s ability to maintain the property. Highland Secondary School property is minimally maintained now. It will look quite shabby initially sitting between St. Bernadette’s which seems to have a good groundskeeping budget. And will the proposed school property eventually look like Highland’s does. Highland doesn’t look so bad when the grass is properly cut and maintained (includes trimming edges around parking lots etc).

6) It is truly unfortunate that a piece of property that is currently lush with trees will be completely leveled. The plan does not allow for working with the existing landscape.

Overall, I will be glad when two years of construction are over and I am a neighbor to a school yard where my niece and nephew will benefit from being able to attend such a fine facility. However, I will miss seeing deer from my kitchen window as I often do now. I will miss the Sumac grove in the fall and all the birds that fly constantly through my backyard because of the close proximity of trees (cardinals and finches and many others).

It is transparent to anyone who cares to educate themselves about the reasons given for
not putting the school in
Veterans Park that those reasons are simply being argued in reverse to promote the
proposed site.

I'm glad Dundas is going to get a new school. I'm glad to have a school as a neighb
So go ahead and put it in my
back yard if it is truly the best option for children in this community!

Janet Langdon

Janet Langdon
31 Moss Blvd., Unit 48
Dundas, ON L9H 7A6
905-628-2550
Thomas, Cameron

From: Cathy
Sent: Tuesday, June 21, 2005 2:04 PM
To: Thomas, Cameron
Subject: Dundas School Proposal

Dear Cam Thomas,

I still think the best location is Veteran's Park especially for the safety of the children and the traffic on Governor's but if this is the best we can do so be it. To spend an extra 1.2 million of tax payer's money for an inferior area which will probably accrue more spending for an overhead walkover and road expansion is just another political nightmare.

Good Luck
Cathy McKnight
Thomas, Cameron

From: Cheryl Durst
Sent: Monday, July 25, 2005 2:40 PM
To: Thomas, Cameron
Cc:  
Subject: File ZAC-05-53-proposed elementary school Bridlewood Dr and Governors Rd Dundas

Dear Cam,

As I sit here typing I can see deer grazing on the site of the proposed Elementary School.

I am concerned for the wild life and am also concerned with the environmental impact this will have.

I would like to know where I can send a letter/ voice my concerns about the destruction of this green space. Would you be so kind as to let me know where I can do this?

Thanks for your time
cheryl Durst
Unit 46-31 Moss Blvd
Dundas ON
905-6286920
Ms. Morgenstern, I have forwarded your comments to Cameron Thomas in the City's Plan and Development Department so that your concerns can be taken into consideration by the City in the development of the report that will be coming back to the Planning and Economic Development Committee in the fall.

-----Original Message-----
From: Leah Morgenstern [mailto:moishemorgenstern@hotmail.com]
Sent: Friday, June 24, 2005 9:50 AM
To: Samson, Art
Subject: Dundas west school

Dear Mr. Samson:

Thanks for the update. This school plan for Govenors Rd. corridor has me very concerned. The safety of the children is my primary concern, as well it should be yours. As it is now the Hwy 99 corridor is unsafe, congested, and that is with only 2 schools. Having all the kids bused from the veterans side of the road is not going to help, and please don't tell us that they will be walking, because who in their right mind would allow an 8 year old to cross Hwy 99, what with the high school kids speeding past and the people driving on the should to pass etc... The school shouldn't be anywhe up Hwy 99 at all. If the kids are going to need busing, bus them out to Dundana or Central Park. This idea of a school in this area is ridiculous. Your legacy will be the first child fatality, the congestion and frustration. Please think this thru,before any further steps are taken.

Be responsible not beligerant. I would also like to ask if the Conservation Authority has given the go ahead for the ravine and wetland area there to be built on? Thanks for your consideration.

Leah Morgenstern