SUBJECT: Applications for Approval of a Draft Plan of Subdivision and Zoning By-law Amendment by 2072581 Ontario Inc. (Mike Bettiol) for Lands Located at 10 McMaster Avenue (Dundas) (PED06094) (Ward 13)

RECOMMENDATION:

That the Planning and Economic Development Committee recommend either recommendation (a) OR recommendations (b) and (c) to Council.

(a) That Amended Subdivision Application 25T200521, “Marimat Gardens”, 2072581 Ontario Inc. (Mike Bettiol), owner, to establish a draft plan of subdivision comprising nineteen lots for single-detached dwellings and one block for a parkette on a new public street, as shown on Appendix “C” to Report PED06094, and Amended Zoning Application ZAC-05-94, 2072581 Ontario Inc. (Mike Bettiol), owner, for changes in zoning from the “Public and Private Service (PPS) Zone” to the “Single-Detached Residential (R2) Zone” to permit the development of nineteen single-detached dwellings on individual lots on Block “1”, and from the “Public and Private Service (PPS) Zone” to the “Park and Recreation (PR1) Zone” to permit a parkette on Block “2”, as shown on Appendix “A” to Report PED06094, for lands located at 10 McMaster Avenue (Dundas), be denied, on the following basis:

(i) That the proposed 0.166 hectare parkette is smaller than the minimum 2 hectares size deemed appropriate to serve the neighbourhood and would limit the size and the number of facilities which could be provided within it, and would be costly to maintain.
(b) That should Committee recommend approval of **Amended Subdivision Application 25T200521, “Marimat Gardens”, 2072581 Ontario Inc. (Mike Bettiol), owner**, to establish a draft plan of subdivision comprising nineteen lots for single-detached dwellings and one block for a parkette on a new public street, for lands located at 10 McMaster Avenue (Dundas), as shown on Appendix "C" to Report PED06094, that the approval be subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix "D" to Report PED06094 and the following:

(i) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following:

(a) the construction of services along the frontage of Block “20”; and,

(b) one-half the cost of a 1.5m high black vinyl chain link fence to be installed between the residential lots and Block “20”;

(ii) Acknowledgement that a portion of Block 20 (parkette) will be dedicated to the City for park purposes and that the remainder, above 5%, will be funded from the former Town of Dundas’ Parkland Reserve Fund at Fair Market Value;

all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

(c) That should Committee recommend approval of **Amended Zoning Application ZAC-05-94, 2072581 Ontario Inc. (Mike Bettiol), owner**, for changes in zoning from the “Public and Private Service (PPS) Zone” to the “Single-Detached Residential (R2) Zone” to permit the development of nineteen single-detached dwellings on individual lots on Block “1”, and from the “Public and Private Service (PPS) Zone” to the “Park and Recreation (PR1) Zone” to permit a parkette on Block “2”, on lands located at 10 McMaster Avenue (Dundas), as shown on Appendix “A” to Report PED06094, that the approval be on the following basis:

(i) That Block “1” be rezoned from the “Public and Private Service (PPS) Zone” to the “Single-Detached Residential (R2) Zone”.

(ii) That Block “2” be rezoned from the “Public and Private Service (PPS) Zone” to the “Park and Recreation (PR1) Zone”.

(iii) That the draft By-law, attached as Appendix “B” to Report PED06094, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
(iv) That the proposed changes in zoning are in conformity with the Dundas Official Plan and the Hamilton-Wentworth Official Plan.

Lee Ann Coveyduck  
General Manager  
Planning and Economic Development Department  

**EXECUTIVE SUMMARY:**

The purpose of the amended applications are for approval of a draft plan of subdivision and a change in zoning to permit the development of the subject lands for nineteen lots for single detached dwellings and one block for a parkette on a new public street. The proposed parkette block has been included by the applicant on the basis that lands exceeding the normal 5% parkland dedication requirement will be funded from the former Town of Dundas’ parkland reserve fund at a cost of $200K, as agreed to by the Ward Councillor, area residents and the owner/applicant, through the Public Consultation process.

Staff is not in support of the applications, as they would permit the creation of a 0.166 hectare parkette. The proposed parkette is too small to serve the neighbourhood and would limit the size and the number of facilities which could be provided within it, and would be costly to maintain. Cash-in-Lieu of parkland should be taken as larger parkland developments are required. The applicant’s asking price for the portion of the parkette exceeding normal 5% dedication requirements far exceeds Fair Market Value.

Staff has provided the necessary recommendations and attachments to this report should Committee decide to support the applications. It should be noted that staff supports the original plan of subdivision (see Appendix “F”).

**BACKGROUND:**

**Proposal**

The purpose of the applications are for approval of a draft plan of subdivision and a change in zoning to permit the development of the lands located at 10 McMaster Avenue for nineteen lots for single detached dwellings and one block for a parkette on a new public street (Appendices “A” and “C”).

The proposed lots have frontages ranging from 15.0 to 18.26 metres, and lot areas ranging from approximately 464 to 898.0 square metres. The proposed parkette (Block
20) has a frontage of 18 metres on the new public street (School Court), 20.12 metres of frontage on Penge Court, and an area of 1,661.3 square metres. The draft plan includes the parkette in place of extending Penge Court with two additional lots, which were originally proposed by the applicant due to neighbourhood concerns about the lack of parkland in the area.

In order to implement the proposed draft plan of subdivision, the applicant has applied to change the zoning of the subject lands from the “PPS” (Public and Private Service Zone) to a modified “R2” (Single Detached Residential) Zone for Block “1” to permit single detached dwellings on individual lots, and to a “PR1” (Park and Recreation) Zone for Block “2” to permit a parkette, as shown on Appendix “A”. The “PPS” Zone only permits public and private services, such as schools. The original applications did not request a rezoning for park use. (See Appendix “F”)

The standard “R2” Zone requires a minimum lot frontage of 15.0 metres and a minimum lot area of 450 square metres. The applicant has requested the following modifications to the standard “R2” Zone regulations in order to permit single-detached dwellings on Lots 1 to 19 (Appendix “C”):

- A minimum front yard setback of 3 metres to the face of the dwelling, whereas the Zoning By-law requires a front yard setback of 6 metres (a minimum of 6 metres would still be required to the face of the garage).

- That the maximum 35% lot coverage requirement be deleted provided the proposed dwellings meet all of the standard setback requirements of the “R2” Zone, as modified above.

Staff has reviewed these requested modifications, which are discussed in the Analysis/Rationale Section of this report.

**Owner/Applicant:** 2072581 Ontario Inc., c/o Mike Bettiol

**Agent:** A.J. Clarke and Associates Ltd., c/o Stephen Fraser

**Location:** Lands located at 10 McMaster Avenue (north side), east of Bertram Drive and west of David Street, in the University Gardens Neighbourhood of the former Town of Dundas, known as Part of Lots 54 and 55, Concession 1, and Part of the Original Road Allowance between Township Lots 54 and 55, Geographic Township of Ancaster.

**Description:**
- Frontage: 131.06 metres
- Depth: 114.3 metres
- Area: 1.498 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>Subject Lands</td>
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<td>&quot;PPS&quot; (Public and</td>
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<td></td>
<td>Elementary School)</td>
<td>Private Service) Zone)</td>
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**Surrounding Lands**

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<th>Single Detached Dwellings</th>
<th>&quot;R2&quot; (Single Detached Residential) Zone</th>
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<tr>
<td>South</td>
<td>Single Detached Dwellings</td>
<td>&quot;R2&quot; (Single Detached Residential) Zone</td>
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<tr>
<td>East</td>
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</tr>
<tr>
<td>West</td>
<td>Single Detached Dwellings</td>
<td>&quot;R2&quot; (Single Detached Residential) Zone</td>
</tr>
</tbody>
</table>

ANALYSIS/RATIONALE:

1. The proposed draft plan of subdivision and zoning do not have planning merit and cannot be supported for the following reasons:

   (i) The proposed 0.166 hectare parkette is smaller than the minimum 2 hectare size deemed appropriate to serve the neighbourhood and would limit the size and the number of facilities which could be provided within it, and would be costly to maintain.

2. The applicant's requested "R2" zoning (Appendix "B") permits only single detached dwellings and accessory uses, with a minimum lot frontage of 15 metres and a minimum lot area of 450 square metres, which is the same as the zoning for surrounding area. The proposed draft plan of subdivision (Appendix "C") shows lots exceeding these minimum requirements with frontages ranging from 15.0 to 18.26 metres, and lot areas ranging from approximately 464 to 898.0 square metres. The immediate area is characterized by a mix of lot sizes,
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comprising smaller lots generally to the south and east, and larger lots generally to the west and north of the subject site.

The applicant has requested the following modifications to the standard “R2” Zone provisions:

- A minimum front yard setback of 3 metres to the face of the dwelling, whereas the Zoning By-law requires a minimum front yard setback of 6 metres.

- That the maximum 35% lot coverage be deleted, provided that the proposed dwelling complies with all other setback requirements of the “R2” Zone, as modified above.

In staff’s opinion, these modifications are not necessary given the proposed lot frontages and areas as shown on Appendix “C”, which can be characterized as large by today’s industry standards. Such modifications are normally included for smaller lots with lesser frontages, areas and depths than those proposed in order to accommodate a market for larger floor areas. Additionally, the proposed modifications would be less compatible and complementary to the existing streetscape along McMaster Avenue than the standards of the “R2” Zone and the reduced setback would not conform to Policy 2.5.5.1 of the Dundas Official Plan (Page 12 of this report). A maximum coverage of 35% would, on the smallest lot proposed, allow a floor area, including garage, of 325 square metres (3,500 square feet) at 2 storeys. Consequently, these modifications have not been included in the draft by-law should Committee decide to approve the rezoning application. The applicant has indicated that these modifications are not crucial to the project.

3. The City received notification on July 29, 2004, from Le Conseil scolaire public de district du Centre-Sub-Quest, that the subject site had been declared surplus to their needs. Circulation to City departments did not identify a municipal need for the property (Report PD04240). On September 15, 2004, Council directed that the School Board be advised that the City had no interest in acquiring the site at that time. It was noted in the staff report that there was a small shortfall of parkland in the University Gardens Neighbourhood that neither accounted for the conservation open spaces surrounding the neighbourhood nor the hydro corridor, which also functions as open space. The site was, subsequently, sold to private interests.

Community response (see Comment 5) indicates a strong desire to preserve a portion of this site for parkland, which has been acknowledged by the applicant agreeing to convey Block 20, being 1,661.3 square metres (Appendix “C”) or 11% of the site area, for parkland purposes. The maximum amount of parkland that can be required under the Planning Act and the City’s Parkland Dedication
By-law for this property is 5% of the site’s gross area, being 749 square metres. The applicant requests that the remaining 912.3 square metres of Block 20 be purchased from the former Town of Dundas’ parkland reserve fund for $200K, which the Ward Councillor has agreed to support.

Comments from the Culture and Recreation Division, Parks Operations and Maintenance Section, and from the Open Space Development and Park Planning Section indicate that Cash-in-Lieu of parkland should be taken from this development rather than the deeding of Block 20 to the City for use as a parkette. It is indicated that the minimum size for a neighbourhood park is 2 hectares, as smaller parks limit the size and the number of facilities that can be provided and are costly to maintain. However, it is also recognized that there is a parkland deficiency in the University Gardens Neighbourhood (0.25 hectare) and that the proposed park (0.166 hectare) would reduce that deficit. The comments indicate that the parkland reserve fund is low and larger parkland developments are required.

Staff notes that the applicant’s asking price of $200K for the 912.3 square metres of proposed parkland (exceeding normal 5% dedication requirements) is in excess of Fair Market Value. Staff also notes that the applicant’s amended subdivision plan removes the former extension of Penge Court, which was shown on the original plan (see Appendix “F”), in place of parkette land. The removal of this extension saves the developer the cost of constructing it. The land for the extension would have been dedicated (i.e. free of charge) to the City. If Committee wishes to hear the details of the financial analysis regarding Fair Market Value, this can be done “in camera”.

A servicing brief was submitted in support of the applications by A. J. Clarke and Associates Ltd., dated February 15, 2006. The report concluded that there is sufficient capacity in the sanitary sewer and watermain systems to handle the flows from the proposed project. In order to handle stormwater drainage, the consultant proposes the installation of a new storm sewer from the west side of the intersection of McMaster/Danbury/Bertram along McMaster Avenue to service the proposed “School Court” and the proposed subdivision.

While City staff are in general agreement with the conclusions of the brief, a detailed report would be required prior to final subdivision approval to confirm the adequacy of the proposed storm outlet for the minor and major storm system, and to demonstrate that the resulting runoff will not negatively impact the downstream properties. Should Committee support the subdivision application, this matter has been included as Special Draft Plan Condition (vi) of Appendix “D”.

5. In accordance with the Public Participation Policy that was approved by City Council on May 29, 2003, a preliminary notice of this application was sent to 157 property owners within 120 metres of the subject lands. A Public Notice sign was posted on the subject lands and notice of the Public Meeting will be given in accordance with the Planning Act. In addition, two community meetings were held on October 25, 2005, and on November 8, 2005, with the Ward Councillor, applicant (and agent at second meeting) and staff in attendance.

Thirty-two letters were received in response to the preliminary circulation (attached as Appendix “E”). Several concerns were raised in the letters and at the meetings, including the following: traffic/safety; noise; drainage; loss of open space/greenspace; compatibility with existing neighbourhood; and negative impact on property values. An analysis of the issues is included below:

Traffic/Safety Issues

Residents noted that the proposed development will generate additional traffic in the neighbourhood, which will create traffic congestion and safety issues.

The applicant submitted a Traffic Review for the original proposal (no park included and 21 lots), prepared by Paradigm Transportation Solutions Limited, dated November 1, 2005. This study has been reviewed by Traffic Engineering and Operations staff, who concur with its findings:

- “The existing streets have sufficient capacity to accommodate this additional traffic and the changes in the peak level of service conditions are insignificant.

- The proposed development will generate approximately 24 to 26 vehicular trips during weekday peak hours. This level of traffic is slightly lower than the estimated peak hour traffic associated with the former elementary school (i.e. about 31 to 47 vehicular trips).

- The lack of sidewalks on the neighbourhood streets, particularly on Grant Boulevard, and the resulting requirement for pedestrians to walk along the streets may be one area of concern. This is an existing condition that is unrelated to the development. The amount of additional traffic generated by the development does not appear to warrant special additional measures to respond to this condition.”

The Traffic Engineering and Operations Section has also provided the following comments regarding this application:

- “As a condition of Subdivision Approval, we will require that the driveway locations on Lots 5, 6 and 12 to 18 be located to the satisfaction of the
Supervisor of Traffic Planning. The driveway locations to these lots must be shown on approved engineering drawings submitted with the registered Subdivision Agreement.”

Should Committee support the subdivision application, this matter has been included as Special Draft Plan Condition (xiii) (Appendix “D”).

Density & Streetscape Character

The residents were concerned that the density of this development would not fit into this neighbourhood. In addition, there are concerns that the proposed modifications to allow a reduced front yard setback for the proposed dwellings would not maintain the streetscape character of the neighbourhood.

This proposal results in a net density (excluding the parkette and new public road) of 18 units per hectare. The density of the surrounding area varies, with the lots to the immediate east and west closely corresponding with the maximum net density resulting from the “R2” Zone’s minimum lot provision of 450 square metres, being equivalent to 22 units per hectare. The proposal is less than the maximum allowed, as indicated in Policy 3.1.3.3 of the Dundas Official Plan (maximum 28 units per net hectare). As indicated in Comment 2, staff do not support the applicant’s requested modification to reduce the minimum front yard requirement.

The draft by-law in Appendix “B”, if implemented, would maintain the streetscape character of the neighbourhood along McMaster Avenue and the new public street because the regulations for the dwellings are identical to those of the surrounding area, permitting the same built form, minimum lot frontage, minimum lot area, maximum height, minimum setbacks and scale of development.

The proposal is low density residential in character. The proposal conforms to Policy 2.3.3.1 of the Dundas Official Plan, which states:

“A local housing environment that is responsive to the changing needs of area residents is crucial in maintaining a successful and healthy community. Accordingly, the Town will:

(a) support residential development that provides a range of types and tenure to satisfy the needs of the residents of Dundas at densities and scales compatible with the established development pattern;

(b) 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 satisfies the provincial intensification policies. Policy 1.1.3.3 of the Provincial Policy Statement states that:

“Planning authorities shall identify and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

The above noted policies, along with Policies 3.1.3.3, 2.3.3.1, and 2.5.5.1 – (see Pages 11 to 13) of the Dundas Official Plan provide that Infill residential development is permitted in residential neighbourhoods, where it is compatible and complementary to the surrounding area through harmonious design and integration. This proposal conforms to all these planning policies.

**Loss of Open Space / Greenspace**

Residents were very concerned about the loss of open space/green space in the University Gardens Neighbourhood. Residents noted that the neighbourhood is already deficient with respect to the amount of open space available. Staff notes that the subject property is currently designated and zoned for an institutional use (i.e. elementary school), and the property was never designated or zoned for open space or park use. The school had open space associated with it which was historically used by the students and residents as a recreational area.

The applicant, Ward Councillor and residents have reached agreement whereby a 1,661 square metre parkette (Block 20 – Appendix “C”) has been included within the draft plan of subdivision. This parkette accounts for 11% of the total land area of the proposed development instead of the normal 5% parkland dedication requirement under the Planning Act. However, for the reasons cited in Comment 3 of this report, staff cannot support the inclusion of the parkette, and, therefore, cannot support approval of the proposed subdivision and rezoning applications, as amended.

**Infrastructure Issues**

Residents were concerned with regard to the existing sewer system and services in the area, its capacity and surcharging possibilities due to the increase in residential units.
The applicant’s engineering consultant has submitted a servicing brief (see Comment 4) which indicates adequate sanitary and water services, and which proposes a new storm sewer along McMaster Avenue to service the proposal. Staff generally concur with the findings of the brief. However, a detailed stormwater management report would be required from the perspective of quality and quantity of run-off, and to confirm that there is an adequate outlet for the minor and major storm system. This matter has been included as Development Engineering Condition (vi) of Appendix “D”, should Committee support the subdivision application.

Along with the above condition, the Hamilton Conservation Authority has also reviewed this proposal and requires a Stormwater Management Plan to address quantity and quality issues to its satisfaction (Hamilton Conservation Authority Standard Condition (ii)(3)(2) in Appendix “D”).

**Impact of Construction**

Residents cited concerns about noise from construction.

Impacts of traffic, noise, dust, garbage and vibration due to construction are regulated and monitored by City By-laws and by the City’s Inspectors. In addition, it is a standard clause in the City’s Subdivision Agreement to require the owner to provide a plan or written procedure for approval to address issues concerning dust control and street cleaning on roads internal and external to the plan throughout construction.

**Property Values**

Concerns were expressed by area residents regarding a negative impact on their property values from the proposal.

The proposed development for the subject site allows the same type of development as the surrounding area. Staff has no information to show any negative impact on property values.

6. Should Committee support approving the proposed draft plan, the conditions of approval set out in Appendix “D” to this report are comprised of relevant conditions from the Streamlining and Harmonization of Subdivision, Condominium and Part-Lot Control Approvals and Administration Process and have been updated to meet the new Financial and Engineering Guidelines for development.

The recommendations of this report, should Committee support the draft plan application, also acknowledge the City’s share for portions of School Court
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adjacent to City land and for a fence abutting the parkette (Block 20 – Appendix “C”).

**ALTERNATIVES FOR CONSIDERATION:**

If the applications are denied, the applicant can use the subject property for a range of institutional uses that are currently permitted under the “PPS” Zone. The applicant also has the option of revising their proposal to the satisfaction of Committee and Council.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: Should the subdivision application be approved: funds to be drawn from the former Town of Dundas parkland reserve; and City shares for portions of “School Court” adjacent to City land and for fencing abutting the parkette.

Staffing: N/A.

Legal: As required by the Planning Act, Council shall hold at least one (1) Public Meeting to consider applications for draft plan of subdivision approval and a change in Zoning.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

The applications have been reviewed with respect to the Provincial Policy Statement (PPS). The subject applications have shown proper regard towards focusing growth in settlement areas (Policy 1.1.3.1). However, Policy 3.2.2 states that contaminated sites shall be remediated, as necessary, prior to any activity on the site associated with the proposed use such that there will be no adverse effects. Therefore, due to the age of the building and materials previously present, staff recommends that the owner completes a Record of Site Condition (RSC) for the property should the subdivision application be approved, in accordance with Standard Development Planning Condition (ii)(2)(6) in Appendix “D”.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Urban Area" within the Hamilton-Wentworth Official Plan. Policy 3.1 outlines that a wide range of urban uses, defined through Area Municipal Official Plans and based on full municipal services, will be concentrated in the Urban Areas. As well, the Urban Areas are intended to accommodate approximately 96% of new residential housing units in the Region to the year 2020.
Therefore, as the nature of the applications are for the development of a residential rezoning and plan of subdivision where full municipal services are available, the applications conform to the Hamilton-Wentworth Official Plan policies.

**Town of Dundas Official Plan**

The subject property is designated “Major Institutional” on Schedule “A” – Land Use, Town of Dundas Official Plan.

The following policies of the Town of Dundas Official Plan, among others, are applicable to the subject lands:

3.8.4.3 A school site declared surplus to the needs of the relevant Board of Education may be developed for low density residential uses and/or park purposes without amendment to this Plan, provided an appropriate revision to the implementing Zoning By-law is approved.

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 provisions are not already in place), provided that Council is satisfied that the following principles will be attained:

(a) density shall not exceed 28 units per net 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.

(g) the development will be consistent with the Infill Guidelines contained in Sub-Section 2.5 of this Plan.

2.3.3.1 A local housing environment that is responsive to the changing needs of area residents is crucial in maintaining a successful and healthy community. Accordingly, the Town will:
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(a) support residential development that provides a range of types and tenure to satisfy the needs of the residents of Dundas at densities and scales compatible with the established development pattern.

(b) 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.

2.5.5.1 Infill, intensification and reurbanization 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 heights 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."

The proposal would increase the supply of housing in the neighbourhood in a manner that is compatible with existing surrounding residential uses. The proposal conforms to these policies and represents an appropriate example of infill development, with the exception of the parkette’s size, that will make efficient use of existing services, while ensuring that the existing low density, grade oriented character of the neighbourhood is maintained.

RELEVANT CONSULTATION:

Agencies/Departments Having No Comment or Objections

- Budgets & Finance Division, Corporate Services Department.
- Hamilton-Wentworth District School Board.
- Hamilton Hydro.
Open Space Development and Park Planning Section, Capital Planning and Implementation Division, Public Works Department, has reviewed this proposal and has the following comment:

“We recommend a minimum size of 2 hectares for a neighbourhood park. Parks that are smaller than this recommended size limit the number and size of facilities that can be provided in a park, and increase maintenance costs to the City. However, there is a parkland deficit in this area [0.25 hectares], and this park would reduce that deficit. We recommend that Parks Operations and Maintenance be contacted for comments regarding this development, as it is the maintenance of the park that poses the most concerns due to the proposed size.”

This issue is addressed in Comment 3 of the Analysis/Rationale Section of this report.

Parks Operations and Maintenance Section, Public Works Department, has reviewed this proposal and has the following comment:

Operations and Maintenance comments would be to only accept the “Cash-in-Lieu” parkland dedication funds for this development. Parkettes are too small of a parcel and do not really serve the residents beyond the immediate development and are costly to maintain. The reserves are low at this point in time and larger parkland developments are required.

This issue is addressed in Comment 3 of the Analysis/Rationale Section of this report.

Culture and Recreation Division, Public Health and Community Services Department, has reviewed this proposal and comments as follows:

The Division agrees with the comments from the Parks Operations and Maintenance Section, noting that the proposed parkette’s size is impractical for park purposes and recommends that Cash-in-Lieu of parkland be taken as the parkland reserve fund is in need of cash.

This issue is addressed in Comment 3 of the Analysis/Rationale Section of this report.

Hamilton Street Railway has reviewed this proposal and has the following comments:

- “HSR currently operates the Route #5 Delaware buses along Osler Drive with no planned changes in service.
- This development is beyond a 400 metre walk to Osler Drive.
- HSR supports the inclusion of high quality pedestrian amenities at this development, like sidewalks, lighting etc.”
Strategic and Environmental Planning Section, Public Works Department, has reviewed this proposal and has the following comments:

“The application does not appear to require a Class Environmental Assessment (EA) study, based on the following:

(1) The application does not propose any new municipal roads that are not classified as local.

(2) There are no proposed road closures or temporary roads to be closed in the future.

(3) There is no proposal to upgrade or extend infrastructure services beyond the limits of the property.”

Forestry Section, Operations and Maintenance Division, Public Works Department has reviewed this proposal and has the following comments:

“An assessment of the plans for the above noted development show that there are Municipal Forestry concerns or conflicts. There are trees which may be located on the existing Penge Court Road Allowance of this proposed development. All municipal trees must be identified. These trees may be located within Block 20, which is shown to be a parkette but must still be shown in a tree management plan due to possible grade change impact etc. If it is determined that existing trees can remain, a detail with notes showing tree preservation techniques should be included as per the Protective Measures For Trees During Construction Policy.” The Forestry Section requires:

1. That the owner agrees to submit a Tree Preservation Study and Plan prepared by a certified arborist or landscape architect, at the owner’s expense, and to the satisfaction of the City of Hamilton.

2. That the owner agrees to provide and implement, at the owner’s expense, a Street Tree Planting Plan for boulevard trees along the required streets and lands, as prepared by a certified Arborist or Landscape Architect (OALA), and to the satisfaction of the Director of Capital Planning and Implementation, Public Works Department.

These two requirements have been addressed by Special Draft Plan Conditions (x) and (xi) of Appendix “D” should the subdivision application be supported.

Traffic Engineering and Operations Section, Public Works Department, has reviewed this proposal and has the following comments:

“As a condition of Subdivision Approval, we will require that the driveway locations on Lots 5, 6, and 12 to 18 be located to the satisfaction of the Supervisor of Traffic
Planning. The driveway locations to these lots must be shown on approved engineering drawings submitted with the registered Subdivision Agreement.”

This condition has been addressed by Special Draft Plan Condition (xiii) of Appendix “D” should the subdivision application be supported.

**Hamilton Conservation Authority** has reviewed the plan of subdivision application and has the following comments:

“The subject property is located within the watershed of the Lower Spencer Creek, which drains into Hamilton Harbour and has a Remedial Action Plan to restore the health of the harbour. The recommendations of the Hamilton Harbour Remedial Action Plan indicate that development should provide stormwater water quality control, as well as control erosion and sediment during and after construction. As the Lower Spencer Creek is a Level 1 fish habitat, the Authority requests that Level 1 (Advanced) water quality be provided. Quantity control is not required unless required due to pipe capacity.”

The Authority requires the following for draft plan approval:

1. That the applicant prepares and implements an erosion and sediment control plan for the subject property, to the satisfaction of the Hamilton Conservation Authority with the inclusion of specific notations.

2. That the applicant prepares and implements a stormwater management plan for the subject property, to the satisfaction of the Hamilton Conservation Authority. The approved plan shall address stormwater quantity and quality to current Provincial standards.

3. That the applicant prepares and implements a lot grading plan, to the satisfaction of the Hamilton Conservation Authority.

Should the subdivision application be supported, requirements 1 and 2 above have been addressed by Conditions 1 and 2 of Standard Draft Plan Condition (ii)(3) of Appendix “D”, and the third requirement has been addressed by Special Draft Plan Condition (xii) of Appendix “D”.

**Bell Canada**

Bell Canada has determined that there are adequate telecommunication facilities existing within the area, therefore, Bell Canada does not require any easement or lease.
However, Bell Canada has requested that one condition be included as a condition of draft plan approval requiring the developer to enter into a Letter of Understanding for underground servicing.

Bell’s requested condition is contained in Condition 1 of Standard Draft Plan Condition (ii)(4) of Appendix “D”.

Public Consultation

In accordance with the Public Participation Policy that was approved by City Council on May 29, 2003, a preliminary notice of the original application was sent to 157 property owners within 120 metres of the subject lands. A Public Notice sign was posted on the subject lands and notice of the Public Meeting will be given in accordance with the Planning Act. In addition, two community meetings were held, one on October 25, 2005 and another on November 8, 2005. Thirty-two (32) letters/emails were received in response to the preliminary notice of circulation (attached as Appendix “E”). Several concerns were raised in the letters and at the meetings, including the following: traffic; noise; drainage; loss of open space; compatibility with existing neighbourhood; and negative impact on property values. An analysis of the issues is included 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

Environmental Well-Being is enhanced. ☑ Yes ☐ No

Human health and safety are protected.

Economic Well-Being is enhanced. ☐ Yes ☑ No

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

:OQ

Attachs. (6)
Appendix “A” to Report PED06094 (Page 1 of 1)

Location Map

Planning and Economic Development Department

File Name/Number: ZAC-05-94
Date: September 21, 2005
Appendix “A” Scale: N.T.S
Planner/Technician: OG/MC

Subject Property

Block 1-Change in Zoning from the Public and Private Service “PPS” Zone to Single Detached Residential “R2” Zone

Block 2-Change in Zoning from the Public and Private Service “PPS” Zone to the Park and Recreation “PR1” Zone.

Ward 13 Keymap N.T.S
CITY OF HAMILTON

BY-LAW NO. __________

To Amend Zoning By-law No. 3581-86
Respecting Lands Located at 10 McMaster Avenue (Dundas)

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

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “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 the Council of The Corporation of the Town of Dundas passed Zoning By-law No. 3581-86 (Dundas) on the 22nd day of May 1986, which by-law was approved by the Ontario Municipal Board by Order dated the 10th day of May 1988;

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 , 2006, 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 (the Official Plan of the former Town of Dundas), approved by the Minister under the Planning Act on June 21, 1999.

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

1. Schedule “O” of Zoning By-law No. 3581-86 (Dundas) is hereby amended,
(a) by changing the zoning from Public and Private Service “PPS” Zone to Single Detached Residential “R2” Zone, the lands comprised of Block 1; and,

(b) by changing the zoning from Public and Private Service “PPS” Zone to Park and Recreation “PR1” Zone, the lands comprised of Block 2;

the extent and boundaries of which are shown on a plan hereto annexed as Schedule ‘A’.

2. All other provisions of Zoning By-law No. 3581-86 (Dundas) as applicable shall continue to apply.

3. 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 , 2006.

_________________________________________  __________________________________________
MAYOR                                            CLERK

ZAC-05-94 & 25T200521
This is Schedule "A" to By-Law No. 06—

Passed the ______________ day of ____________________, 2006

Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 06-____
to Amend By-Law No. 3581-86

Planning and Economic Development Department

Hamilton

Subject Property

Block 1-Change in Zoning from the Public and Private Service "PPS" Zone to Single Detached Residential "R2" Zone

Block 2-Change in Zoning from the Public and Private Service "PPS" Zone to the Park and Recreation "PR1" Zone.
“Marimat Gardens – 10 McMaster Avenue”
Conditions of Draft Approval

(i) That this approval apply to the Draft Plan of Subdivision entitled “Marimat Gardens” being a proposed subdivision of Part of Lots 54 & 55 Concession 1, and Part of the Original Road Allowance between Township Lots 54 & 55, Geographic Township of Ancaster, City of Hamilton, prepared by B. J. Clarke, O.L.S., dated November 23, 2005, to provide for nineteen (19) lots (Lots 1-19) for the development of single-detached dwellings, one (1) block (Block 20) for a parkette, and a new cul-de-sac street (School Court).

(ii) That the following standard conditions of draft plan approval from Appendix “A” of Report PD01184 (Streamlining and Harmonization of Subdivision, Condominium and Part Lot Control Approvals and Administration Processes) shall apply;

   (1) Development Engineering Conditions Nos. 1, 2, 7, 15, 21, 24, 25, 26, 27, and 29;
   (2) Development Planning Conditions Nos. 2, 3, 4, 5, 6, 13, 20 and 21;
   (3) Hamilton Conservation Authority Conditions Nos. 1 and 2;
   (4) Bell Canada Conditions No. 1;

Development Engineering

(iii) That the Owner enter into a subdivision agreement with the City of Hamilton prior to registration of any portion of the draft approved plan.

(iv) That the Owner agree in writing to satisfy all conditions, financial and otherwise, of the City of Hamilton prior to registration of any portion of the draft approved plan.

(v) That the Owner agree in writing to make a cash payment to the City in-lieu of providing Horizontal and Vertical Control Survey Monumentation.

(vi) That the Owner shall submit a detailed Storm Water Management report to address quality and quantity of run-off and to confirm that there is an adequate outlet for the minor and major storm system. The Owner must demonstrate that resulting runoff from the proposed development for the 2 to 100 year storm will not negatively impact downstream properties, to the satisfaction of the Manager of Development Engineering.
(vii) That the Owner agree in writing to provide the required storm sewer capacity upgrades and the associated restoration at his own expense, to the satisfaction of the Manager of Development Engineering.

(viii) That the Owner agree in writing to rebuild McMaster Avenue between Danbury Street and Grant Boulevard, with an urban cross-section, and agree to pay their proportionate share, which has been determined to be between Bertram Drive and David Street, to the satisfaction of the Manager of Development Engineering.

(ix) That the Owner agree in writing, to install a 1.5 metre high chain-link fence along the perimeter of Block 20 where it abuts residential lots, prior to the issuance of any building permits on the adjacent lands.

Forestry Section

(x) That the Owner agree to submit a Tree Preservation Study and Plan prepared by a certified arborist or landscape architect at the Owner’s expense and to the satisfaction of the Director of Capital Planning and Implementation, Public Works.

(xi) That the Owner agree to provide and implement, at the Owner’s expense, a Street Tree Planting Plan for boulevard trees along the required streets and lands, as prepared by a certified Arborist or Landscape Architect (OALA) and to the satisfaction of the Director of Capital Planning and Implementation, Public Works.

Hamilton Conservation Authority

(xii) That the applicant prepare and implements a lot grading plan to the satisfaction of the Hamilton Conservation Authority.

Traffic Engineering and Operations

(xiii) That the driveway locations on Lots 5, 6 and 12 to 18 be located to the satisfaction of the Supervisor of Traffic Planning. The driveway locations to these lots must be shown on approved engineering drawings submitted with the registered subdivision agreement.
Councillor Samson,

The expanded community committee for saving University Gardens green space met last evening, Thursday, November 17th, and wish to report that we support the proposal put to you by Councillor Samson, to use Lots 1 and 2 plus the road allowance for a 'parkette' in the development at 10 McMaster Ave. Dundas, effectively keeping Penge Court closed as a court. This amendment to the application is acceptable to us.

If this change is approved we do have some requests and concerns and would like to bring them forward to be addressed at an appropriate time.
1. Lot 21 must have its driveway open on to its south side on what's currently called School Court and must not have its driveway open on the easterly frontage currently called Penge Court.
2. That the 'park' be provided with amenities including, but not restricted to, pedestrian access from Penge Court and the new development, with gating to prohibit access by unauthorized motor vehicles (similar to those used on rail trails), lighting, sodding (grass), etc.
3. That this subdivision shall confirm to all current setbacks - no variation from standard setbacks.
4. That the City ensure that there will be no changes to the present location and height of above ground utilities on McMaster.
5. That since the developer is required to put in curbs and storm sewers, we would ask the City to use some of the Development Charges at the same time to make these curbs and storm sewers on the south side of McMaster.
6. That each property fronting McMaster have a 2 1/2 in. caliper tree as part of the approved landscape plan to replace those trees lost in the development.
7. That there be no change to existing position of the centre line of McMaster Ave.

Thank you for your consideration of this matter. Respectfully submitted, Mary-Jane Dolbear for the U.G. Greenspace Committee.
Quinn, Owen

From: Mary-Jane Dolbear
Sent: Wednesday, November 09, 2005 2:32 PM
To: Quinn, Owen
Cc: Walters, Robert; Samson, Art; Touzel, Charlene; Dave & Margaret Tremblay
Subject: Notes re meeting at 10 McMaster Ave. Dundas - former University Gardens Property

The meeting held on Tuesday, Nov. 8, 2005 at University Gardens School
Held as an information meeting by Mr. Mike Bettiol - the Developer
Assisted by Stephen Fraser, Planner for A.J. Clarke and Associates Ltd.
And an Engineer also from A.J. Clarke
Also in attendance Owen Quinn, City Planner
Angela Bettiol took minutes

Here are a few thoughts re last night's meeting

I was pleased with the attendance and participation by the community - did anyone count how many were present?
Thank you, Owen for the professional manner in which you answered the questions and complaints of the community.

Some questions and comments

1. It is evident that a committee from the area wish to address the question of keeping Penge Court closed and having the Parkland Dedication from the developer be in land and NOT in 'cash in lieu'. If we do not get this land, Dundas loses twice - we get no green space and the money from the developer goes into the City pot to be used anywhere in the City of Hamilton - not just in Dundas. Councillor Samson is supporting us in this quest and we would like to know from your perspective how we make this plain to City Staff and what would be in our best interest to do about this. Here are the plans we have already in place
   a) Councillor Samson has just phoned me to say that he will be speaking with Planning Staff very soon to propose a plan for preserving as much green space as possible in this proposed development.
   b) a community committee made up of representatives from five different streets in our survey will be meeting Thursday, November 17th at 7:30 p.m. to discuss this plan.
   c) Councillor Samson is then willing to use some of the money presently in the pre-amalgamation Dundas Parkland Dedication Fund to buy additional land to augment the green space we would have here.

2. David Tremblay made a point last night concerning storm sewers and sanitary sewers. He was told by a firm taking sewer pictures that these sewers are combined in our area. The engineer from A.J. Clarke said they were separate. She also said she had been told by city staff that there were no problems with our sewers, when in the last few weeks there have been several emergency complaints about sewer problems here. Are we not getting our

11/9/2005
complaints in to the correct departments at City Hall? Why are these concerns not being passed on to the appropriate people at A.J. Clarke? I have personally spoken to Tarquin Adams Ext. 6386 about SARP flushing sewers in our neighbourhood at 4:30 in the morning on Thursday, Oct.6, 2005 at the corner of Vilma and Rita Streets. Just last Thursday, November 3, 2005 David Street residents had flooding in basement bathrooms because of flushing at the corner of David and Bertram at 9 p.m. Two of these residents called the City about these problems. We would like an accurate answer, in writing, from the City about these concerns and questions.

3. How do we know that our questions are getting to the correct departments with the same passion as you have listened to us give them? For example, Traffic - the study done by the developer does not take into account that this property has not been a capacity school for over twenty years meaning that our existing traffic will increase a lot more than at present with this development, even though we are being told our survey can handle it.

4. The reports that are being collected from the various agencies and departments will eventually be printed in the presentation to the Planning and Economic Development Committee. We need to see a copy of all these reports as they become available before this meeting so that we can be prepared with our response. Can these reports be given to us as they are given to you? If not, then when?

5. The developer tells us in public that the modification that he is asking for - changing the set back allowance from 6 m to 3 m - will mean that the front entrance or living part of the house could be 3 m from the road, but that the garage will be 6 m from the road. Having picked up a real estate package last night and looking at the home designs, there is an obvious contradiction here, because out of the fifteen home designs - two of them have garages flush with the entrance and thirteen of them have the garage jutting out in front of the entrance and none of them have a recessed garage. It appears that what he is selling is not the same as what he is saying to us.

6. At the October 25th meeting of the community, we asked you about an 'easement' that might make it possible for a walk way to be in place to get to the edge of the survey, keeping our young families from having to walk on the busy Grant Blvd.. Has there been any answer on this question?

Thanks again for accepting our concerns. We now ask that you give us feedback so that we can know that these concerns are not only being heard, but addressed. Sincerely, Mary-Jane Dolbear
Quinn, Owen

From: Mary-Jane Dolbear
Sent: Monday, October 24, 2005 3:38 PM
To: Walters, Robert
Cc: Quinn, Owen; Samson, Art
Subject: Tuesday meeting at Dundas Town Hall re University Gardens School Property

Dear Mr. Walters,

In regards to the meeting to be held tomorrow evening, Tuesday, October 25th at the Dundas Town Hall Council Chambers, we would like to give you some idea of the questions that might be asked.

1. We are interested in our community knowing the process for application for rezoning - what are the steps, how does it work, what should we be aware of? What are the present bylaws for a new development? Are there any special bylaws for a new development in an existing survey?

2. Deficit of green space or parkland in Dundas - how big is it? In responsible planning how can you justify filling in what little green space is left, - can we keep a walk-way or a parkette?

3. Traffic concerns - is there a study done, what does it entail, how may we have access to that study?

4. Evacuating a residential survey of 350 homes with only one entrance/exit - nearness of McMaster nuclear reactor - what plans are in place for any kind of emergency?

5. Infrastructure readiness - is it ready, who says it is, what about emergency flushing of sewers in the night, who pays for problems that are caused by further development?

6. Flooding on David Street - what plans are in place to address this before development takes place, can we see the lot grading plan?

7. Density of housing in our survey - what are the accurate density figures for this survey, for Dundas as a whole, how much greater density are you going to allow, have the number of student apartments in the survey been considered?

8. Proximity of land to Ancaster Creek - what studies must be done because of this, can we see the written reports of this study?

9. Modifications to the present bylaws - why were we not advised of these requests in our information letter, what exactly has the developer asked for, how do we address these areas of concern, what else might the developer ask for that we are not informed of, how do we keep informed about any further modification requests?

10/24/2005
10. Keeping Penge Court a 'court' - who determines what the streets are to be in an existing survey?

These are some of the concerns that we would like to have answers to. There will be an opportunity for anyone to ask questions at tomorrow night's meeting, so other issues might be brought up. Thank you for considering these things. We're looking forward to being an integral part of this whole process and appreciate the help that you will give us.

Sincerely, Mary-Jane Dolbear for the University Gardens Greenspace Committee
Please be advised that I am not in favour of changing the zoning for the following reason. The demographs in the area are changing, and what used to be a pre-retirement village has now become a first homebuyer paradise, with all the resale home usually having children, or a family on the way. Not your concern you might say, but I believe there is a ratio of park land to capita to be considered, which has not even been addressed, and with the advent of more housing more kids where is the park?

This e-mail message may contain privileged or confidential information. If you are not the intended recipient, you may not disclose, use, distribute, or copy this message or attachment in any way. If you received this e-mail message in error, please delete the e-mail and any attachments.
Mr. Quinn,

The following are my comments regarding the above noted application:

- I strongly urge City Staff to take a park land dedication and NOT accept cash in lieu. By making an offer on the 10 McMaster Avenue property in the past, it is evident that park land is required within the community.

- I strongly urge City Staff to enter into negotiations with the developer to purchase additional lands for the purpose of increasing the size of park land (Park Land Dedication) within this area. Funding for the purchase of this land is available in the "Former Dundas Parkland Dedication Reserve". Use of this funding for the purchase of park land has been approved by Council in the past and should be approved again for this purpose.

- Penge Court should not be extended or altered in any way. The residents of Penge Court should not have to suffer the land de-valuation caused by no longer being situated on a Court. It is inexcusable for the City to approve the extension of a Court in order for a developer to increase the value or development potential of his/her property at the expense of the long time residents of this area. Unless the City did provide adequate warning of the possibility of the extension of this roadway, the City will expose itself to un-necessary litigation. I do not want my tax dollars used for such irresponsible purposes.

The plan as shown will provide an additional "cut through route" for vehicles accessing the back of the subdivision. Do not extend Penge Court as a through street. The developer should be required to re-work the proposed road network. Please see my attached suggestion.(10McMaster.pdf) This plan incorporates my above noted comments and meets all the tests of good planning practice.

- Modifications to the standard R2 zoning requirements should not be entertained. All front, side, and back yard setbacks as well as the maximum coverage of lot area should be remained. These requirements are in keeping with the surrounding community.

- Further comments will be provided once I have received answers to my questions directed to City Staff on October 6, 2005

I look forward to discussing this matter further.

Regards,

Chris Tye
7 Rita Street,
Dundas, Ontario
L9H 4S1
re-zoning application for 10 McMaster Ave. Dundas ZAC-05-94.txt
From: David and Margaret Tremblay
Sent: Sunday, October 16, 2005 1:25 PM
To: Quinn, Owen
Subject: re-zoning application for 10 McMaster Ave. Dundas ZAC-05-94

Dear Sir,

Since July of 2004 our community of University Gardens has been trying to retain green space at the University Gardens school site 10 McMaster Ave. in Dundas. We are opposed to the proposed rezoning and development of 21 homes on the site.

The first reason would be the effect this development would have in our community with the loss of recreational green space. There is already a shortage of parkland in Dundas.

Density is also an issue in that Dundas has a higher density than any of the other communities that make up the new city of Hamilton. In particular, University Gardens has a number of homes with basement apartments and rooms rented to McMaster students.

Some of our neighbours have complained of flooding problems. If this development is allowed to proceed we will lose 3 plus acres of sandy soil which drains the water away in heavy rain easing the burden on our storm sewers.

It is well known that University Gardens manages its traffic flow without the benefit of sidewalks. In an area which is infilling with younger families and is home for many older citizens, traffic is a great concern. With the fast paced world we live in we have noticed increased traffic and higher speeds. With the addition of 21 homes right in the middle of our survey and most with 2 or more vehicles our roads may become unsafe.

As residents, my wife and I are also concerned with how the other infrastructure would handle the increased development. Water, sewer and electrical may need to be upgraded in our old survey. We believe we have the right to see detailed engineering studies to indicate there will be no negative consequences visited on the current residents. If it is a fact there are infrastructure improvements needed, they should be the full responsibility of the developer and not be shoved on to the tax base for all the rest of us to share.

We ask that the city not allow this development which will deprive this community of our scarce recreational green space.

Sincerely,

David and Margaret Tremblay
16 Danbury St.
Dundas, ON L9H 4P5

Dear Sir,

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re-zoning application for 10 McMaster Ave. Dundas ZAC-05-94.txt

rented to McMaster students.

Some of our neighbours have complained of flooding problems. If this development is allowed to proceed we will lose 3 plus acres of sandy soil which drains the water away in heavy rain easing the burden on our storm sewers.

It is well known that University Gardens manages its traffic flow without the benefit of sidewalks. In an area which is infilling with younger families and is home for many older citizens, traffic is a great concern. With the fast paced world we live in we have noticed increased traffic and higher speeds. With the addition of 21 homes right in the middle of our survey and most with 2 or more vehicles our roads may become unsafe.

As residents, my wife and I are also concerned with how the other infrastructure would handle the increased development. Water, sewer and electrical may need to be upgraded in our old survey. We believe we have the right to see detailed engineering studies to indicate there will be no negative consequences visited on the current residents. If it is a fact there are infrastructure improvements needed, they should be the full responsibility of the developer and not be shoved on to the tax base for all the rest of us to share.

We ask that the city not allow this development which will deprive this community of our scarce recreational green space.

Sincerely,

David and Margaret Tremblay
16 Danbury St.
Dundas, ON L9H 4P5
5 McMaster Avenue
Dundas, Ontario
L9H 4M6

October 14th, 2005

City of Hamilton
C/o City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

ATTN: Owen Quinn, Development Planner 11

RE: 10 McMaster Avenue, Dundas, ON
Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 25T200521,2072581 Ontario Inc.

Dear Mr. Quinn:

Since the summer of 2004, the citizens of the City of Hamilton living in the University Gardens Survey (formerly part of the town of Dundas) have continually voiced our concern and subsequent resentment over the disposition of the school and property at 10 McMaster Avenue in Dundas.

Our family is highly disappointed, angry and extremely concerned about a developer's application and plans to rezone this property to build twenty-one (21) houses. This plan will not only impact the quality of our lives directly, but also the lives of everyone living in University Gardens and in our community. Following is a list of our concerns that we respectfully ask you to consider with utmost scrutiny.

1. Eliminating this greenspace from our community (and from Dundas), essentially undermines the spirit of our survey and the area in general. It will deny families a recreational outlet within our immediate area which will greatly affect peoples' ability to stay healthy. Once this greenspace is gone, we will have no easily accessible, usable and safe greenspace within our survey; what will remain is a large hydro easement used as a dog run and a very small park situated on a ravine. Because of the 'landlocked nature of our survey, we cannot access other parks or greenspace without navigating on very busy roads such as Main St. The addition of these twenty-one houses sends a clear signal that open space and recreational areas are secondary considerations to a private individual's profit. This developer's plan only serves to add more people to an existing survey and eliminate a large greenspace area.
2. Adding more houses means adding more traffic. There are no sidewalks in the survey and the increased traffic from these new houses will result in congestion and safety issues when mixing more cars with pedestrians (especially children!).

3. The developer has asked that frontages be reduced, from six (6) meters to three (3) meters, and the house footprints, as a percentage of lot size, be increased above approved levels. We adamantly opposed to this as it will destroy the character of our neighbourhood and impose undue and unnecessary traffic congestion for, again, profit related motive. This is just not acceptable.

4. The density of this plan is higher than the existing density of our survey. Dundas has one of the highest densities of any area of the city and if this development is allowed to proceed, it will obviously only increase that density, thus impacting the neighbourhood negatively, and without providing adequate greenspace for this increase.

5. During periods of rain, pooling occurs on our street, mostly near the ends of our driveways. We can only assume that these problems will increase. What kind of infrastructure upgrades will be required? Sanitary and run-off sewers have not been upgraded in certain parts of the survey surrounding this property and fall well below what is and would be required. Water lines have been replaced in certain areas, yet we have just adequate pressure. How will this be addressed with all these new houses being built?

6. If frontages are decreased, driveways for the new homes will be shorter and in spite of the new homes possibly having garages, more cars will be parked on the street causing unsafe conditions for pedestrians and drivers. Omerod Place in Dundas is a good example of an infill neighbourhood where large homes with minimal frontage have been built; consequently, cars are parked on both sides of the street leaving a very narrow single lane for traffic.

These are a list of some of our concerns at present and we request that you acknowledge receipt of this letter and address them in the form of a written response. Additional concerns may present themselves in the future which we will bring forward. Again we request that these be addressed at that time.

Sincerely,

Mary and Randy Muirhead

905 627 4649
City of Hamilton
City Hall
71 Main St. West
Hamilton ONT.
xFP 4h5
Oct. 14/05

ATTENTION - Owen Sound Development Planner
RE: 10 Nanaimo Ave.
Dunlop ONT.
Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 25T-200521, 2072561
Ontario Inc.

Dear Sir,

I am absolutely astounded at the underhanded way in which this deal was handled!

Did anyone count all the green signs that were posted in our survey? Most of the homeowners had signs up to show that they were against losing the green space to a housing development.

I think the school board should be severely reprehended and the sale of the property overturned.

Come and watch the Dust Bowl in the Spring in front of our houses on Grant Blvd. The block of 23 Grant Blvd never did get cleaned. There was so much dirt the sweeper couldn’t pick it up. I called the city for 3 times but finally had to shovel it up myself. Pains and pains of it. The cars go down Grant so fast, sometimes it is like a speedway!

Do the math — 21 homes 2 cars per home — 42 cars out per day (once a day)

4 out 2 times daily = 84 per day

168 extra cars daily.
With our taxes be lowered to compensate us for all of this extra traffic. I don't think so.

Grant Blvd. is already so busy, and 21 more houses and we will be calling our street University Freeway into University Gardens.

Do the right thing and stop the plan for this property - our greenspace.

Do the residents in a survey the size of this one not matter at all? Add up all the taxes that we pay... Our say has to matter!

Sincerely

[Signature]

23 Grant Blvd.

Wavin 45

L9H 6C8
Dear Sir,

Since the summer of 2004, the citizens of the City of Hamilton living in the University Gardens Survey have continually voiced our concern and subsequent resentment over the disposition of the school and property at 10 McMaster Avenue in Dundas.

Our family is highly disappointed (angry) and extremely concerned how a developer’s application to rezone this property, by building twenty-one (21) houses, will impact not only the quality of our lives but also the lives of those living around us and the community in general. Following is a list of our concerns that we would ask you to consider very carefully.

- eliminating this greenspace from our community (and from Dundas) essentially undermines the spirit of our survey and the area in general. It will deny families a recreational outlet within their immediate area which will greatly affect peoples’ ability to stay healthy. The addition of these twenty-one houses sends a clear signal that open space and recreational areas are secondary considerations to a private individual’s profit. All that is being done is adding more people to an existing survey while eliminating greenspace.

- adding more houses means adding more traffic. There are no sidewalks in the survey and the increased traffic from these new houses will result in congestion and safety issues when mixing more cars with pedestrians (especially children!!).

- the developer has asked that frontages be reduced (from six (6) meters to three (3) meters) and the house footprints (as a percentage of lot size) be increased above approved levels. We are opposed to this as it will destroy the character of our neighbourhood and impose undue and unnecessary traffic congestion for, again, profit related motive. This is just not acceptable.

- The density of this plan is higher than the existing density of our survey. Dundas has one of the highest densities of any area of the city and if this development is allowed to proceed, it will obviously only in-
crease that density, thus impacting the neighbourhood negatively, and without providing adequate greenspace for this increase.

- during periods of rain, pooling occurs on our street, mostly near the ends of our driveways. I can only assume that these problems will increase. What kind of infrastructure upgrades will be required?
  Sanitary and run-off sewers have not been upgraded in certain parts of the survey surrounding this property and fall well below what is and would be required. Water lines have been replaced in certain areas, yet we have just adequate pressure. How will this be addressed with all these new houses being built?

These are a list of some of our concerns at present and we request that you address them in the form of a written response. We may have more concerns or new ones may present themselves in the future. Again we request that these be addressed at that time.

Sincerely,

Mary and Randy Muirhead
McMaster Avenue,
 Burlington ON L9H 4M6

<<Hamilton.doc>>
Quinn, Owen

From: John Moroz
Sent: Thursday, October 13, 2005 1:06 PM
To: Quinn, Owen
Subject: zoning amendment, 10 McMaster Ave., Dundas-

Dear Mr. Quinn, I am responding to your letter regarding a zoning amendment for the property at 10 McMaster Ave. Dundas.

My wife and I are firmly against the rezoning of this property. We have been residents at 84 Bertram Dr., Dundas for over 17 years and feel a zoning change to allow 21 new homes on the property will have a negative impact on current and future residents.

There are several factors to consider:

---Increased traffic concerns in a neighborhood that has no sidewalks and only one entrance/exit from the survey. The safety of our families will be compromised with the increased traffic. The noise from extra vehicles will also be problematic.

---Infrastructure issues: the survey is about 50 years old and sewer and water mains cannot handle the extra load of more homes. Water pressure in my household is already very low!

---There is no allowance for greenspace in the development.

---The proposed lots are smaller than surrounding lots.

---The housing setback is much less than existing housing. These factors will negatively impact the character of our community and make it a less desirable place to reside.

Please consider these points when you prepare your report.

John Moroz
84 Bertram Dr.,
Dundas, On.
L9H 4T7
(905) 627-4032
Quinn, Owen

From: Ratcliff, Dave
Sent: Thursday, October 13, 2005 11:15 AM
To: Quinn, Owen
Subject: 10 McMaster Avenue, Dundas, Ontario

City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario L8P 4Y5
Thursday, October 13, 2005

Attention: Owen Quinn, Development Planner 11

Re: 10 McMaster Avenue, Dundas, Ontario
Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 2ST200521, 2072581 Ontario Inc.,

Dear Sir,

We have always been concerned about overdevelopment and lack of green space. We are concerned about the health and well-being of children and adults in a society of obesity and inactivity. We are extremely concerned about what effect rezoning of the school yard will have. The University school fields are the only green space large enough for sport to be played in this neighborhood. It is used for pick up sports and neighborhood enjoyment. There are 1,500 children who play soccer in Dundas and it is a growing sport. There is very little flat space left. Please don't allow for it to be lost. With the addition of 21 homes and no green space preserved the problem is compounded.

We do not find it safe for our children or ourselves to walk along Grant Blvd. And Danbury now. We do not feel there should be added traffic from 21 homes.

Dundas already has a very high density. It should not get worse than it is.

We are opposed to any development of green space and would be infuriated if a developer was allowed to have our court changed into a street. We specifically bought on a court. This is of great value to us! He wishes to put a court on 10 McMaster and open up our court. Totally unacceptable. We greatly value our dead end Street with green space at the end! We believe our property value would go down and definitely our Quality Of Living. Why make his life richer and ours poorer?

We have aging infrastructure. Can it handle more homes? At the school there was no watering of lawns, dishwashers, laundry, showers, hot tubs, pools, freezers, fridges ect. ect.

We love the character of this neighborhood. Older homes with large green lots. We did not wish to live in a newer neighborhood. This development would change the character of the neighborhood. I understand that the developer has asked for two modifications to the R2 zoning to reduce the minimum front yard from 6 to 3 meters and to delete the maximum coverage provision of 35% of lot area. This would further destroy the beauty of this neighborhood.

Thank You for reading this letter and taking into consideration our concerns. We have many concerns and ask
that they be taken into consideration as the process continues. I would appreciate a response.

Sincerely, Janet and David Ratcliff and family
8 Penge CRT.
Dundas, Ont.
L9H 4R4
905-627-3586
Name: Owen Quinn, Planning & Economic Development
Organization: City of Hamilton
Fax: 905 546 4202
Phone: E. Joan Field
Date: 12 October 2005
Subject: UNIVERSITY GARDENS ZONING ZAC-05-94
Pages: 2

Comments: Please accept my objections to the above application for zoning amendments. I would appreciate acknowledgement of receipt of this FAX. Many thanks for you consideration. Joan Field
October 12, 2005
TO: Owen Quinn, Planning & Economic Development Committee, Hamilton
Zoning Amendment Application #ZAC-05-94

RE: University Gardens: A Model Community  COME AND HAVE A LOOK!

University Gardens, a subdivision built in the 1960's in the Town of Dundas, remains today a model of excellence in urban subdivisions. Here one finds modest bungalows of modest real estate value in a woodland setting where there is no through-traffic and a speed limit of 40 km/hr. The community is surrounded on three sides by heavily treed ravines down which flows the Ancaster Creek. Across from the single entrance (also the exit) to University Gardens is a shopping plaza of small shops as well as a supermarket. Almost every lot in the subdivision supports a stately tree of a variety of specimens: maples, oaks, ash, spruce, pine, birch, flowering crabapple, magnolia, -- a virtual arboretum planted nearly half a century ago. Within the subdivision is a school on three acres of open greenspace which served as a playground for the school, a gathering place for outdoor activities, a field for organized soccer and other sports. Children could walk a short distance to and from the school and did not have to be bused. University Gardens is a model community.

The residents of University Gardens have been working for over a year now to preserve the character and amenities of their community. After the school was closed the Hamilton-Wentworth District School Board offered the property for sale to a restricted municipal group. The University Gardens residents pledged $120,000 as their share of a $920,000 offer, presented by the City of Hamilton to the School Board. This offer included preserving the school as a Montessori School. The Board turned down the City's offer, the offer was made public, the Board put the property on the open market and sold it to a developer at a higher price.

Concerns of the University Gardens Community
1. That high density infilling should not apply to University Gardens which is an integral part of Dundas, an area of the City of Hamilton which currently has one of the highest density figures in the City.
2. That the only open green space in the survey will be eliminated leaving just the streets for recreational activities.
3. That the 50-year-old model subdivision will become a high-density, overcrowded survey.
4. Traffic safety will be threatened by the addition of 21 new homes because of increased number of cars, the absence of sidewalks for pedestrians, and only one access to the survey for both entrance and exit of vehicles.
5. To compound these concerns even more, the developer's zoning amendment application (ZAC-05-94) requests not only R2 zoning but two completely unacceptable modifications: a) minimum front yard reduction from 6 metres to 3 metres; b) deletion of maximum coverage provision of 35% of lot area which would allow full lot coverage! If such requests were to be granted, the whole character of the University Gardens neighbourhood would be changed irreversibly for the worse.

E. Joan Field  Please reply by e-mail
9 Barrie St  905 627 5073
Dundas ON L9H 4S6
Dear Sir,

My name is Steve Sztricsko and I am one of the residents which is being affected by the proposed development at the former Mcmaster school property.

I have a child of 8 and many of my neighbours also have young children. Since the sale of this property under dubious circumstances, we have tried to figure out where our kids can safely play in this community. For over 50 years, the green space has been a fun gathering place for families.

I am extremely concerned with what the developer has planned for this property. Once the green space is gone the only real alternative is play on the streets. Obviously this is not an ideal situation. If he is allowed to build the 21 homes, this will add more traffic and therefore increase the dangers to our children.

I have a list of concerns which I want you to take seriously:

1) The density is more than is already in our community, and as you already know, Dundas has one of the highest densities in the city.

2) No sidewalks, Grant Avenue which is the only way of getting in and out of University Gardens is already very busy!!!!!

3) Most homes have a set back of 6 metres or more, why would you even consider allowing the developer to change this look? In addition we don't want monster homes. If the zoning is allowed I don't want you to delete the maximum coverage provision either.

In conclusion, I would suggest that the zoning be left as is and if he wants to take it to the OMB... let him. We as a community can't be held hostage by these type of threats which I am sure he will make if the application is turned down.

Think of the existing families first, not his pocket book.

Sincerely,

Steve Sztricsko
18 Desjardins Ave
Dundas
CITY OF HAMILTON  
CITY HALL  
71 MAIN STREET WEST  
HAMILTON ONTARIO L8P 4Y5  
WEDNESDAY OCTOBER 12, 2005  

ATTENTION: OWEN QUINN, DEVELOPMENT PLANNER II  

RE: 10 MAMAESTER AVENUE, DUNDAS ONTARIO  
ZONING AMENDMENT APPLICATION ZAC-05-94  
DRAFT PLAN OF SUBDIVISION 257200521, 2072581 ONTARIO INC.  

Dear Sir,  

We the residents of University Gardens  
lounge have been voicing our concerns first to  
the Board of Education and laterly the Hamilton  
City Council beginning in July 2004 for the  
simple request to have the above named property  
remain as recreational green space as we are an  
isolated community with one main entrance and exit  
being Grant Blvd. This being the case to allow more  
housing would change Grant Blvd. from a residential  
street to a main street to accommodate the proposed  
21 new homes.  

1. The proposed new homes are far too big to fit in  
   with the existing ones and would alter the way of  
   life we have grown to appreciate.  
2. The size of these homes would require a greater  
amount of natural gas and electricity to run these
1. homes also the increase in water required. All this at a time when the city utilities are encouraging to conserve on these resources.
3. We need legislation to ban the building of these ludicrous big homes with their multiple furnaces and air condition units.
4. The roads would need updating to handle the increase in traffic.
5. Are the existing sewers, storm drains, water, hydro sufficient to handle this increase?
6. This for residences on west end of Bartons. Backing on to the ravine. The city got permission from us to excavate the bottom of the ravine to accommodate excess storm run off. They promised to service and maintain it. This is not being done. There has been a landslide (which was reported) which slide down into the culvert (approx 50 tons). Vegetation, fallen trees and limbs are all intercepting the flow of water. The department responsible has failed to take action over the three years since first reported. We do not want our properties to erode and slide down the ravine.

We hope that any development will give us better results, they have experienced with this.

Yours truly, 
[Signature]
Attorney
Mr. Quinn
Development Plans
Re: 10 M3 Master Avenue Dundas Ont.
Joining Amendment Application 2AC 05 94
Draft Plan of Subdivision 257 2005 241
Ontario Inc. 207 25

Dear Sir,

Since July 2004, citizens of University Park have expressed concern and recently have seen the disposal of the School property at 10 M3 Master Ave Dundas Ont.

We are alarmed and extremely concerned about what will happen in our community if a developer is allowed to rezone the property and build twenty one homes here.

Is a list of my concerns and I ask you to consider them with care.

The loss of green space in our area and the loss of twenty one homes which means the space for recreation.

The increase in traffic will create more traffic problems especially with only one lane selected this area because of green space and privacy.
4. We have already had reduced water pressure at times.
5. We are concerned about the developer wanting to make modifications to the plan.
6. We wonder how long we will be inconvenienced with the construction.
   i. Noise
   ii. Street blocked
   iii. Dirt
   iv. Hydro cut off
   v. Water cut off

Thank you for considering our concerns and we ask you for a written response.

Sincerely,

The + Mrs. Johnston
6 David St.
Dundas Ont.
L9H 4R6
October 12, 2005

City of Hamilton  
City Hall  
71 Main Street West  
Hamilton ON L8P 4Y5  
Attention: Owen Quinn, Development Planner 11  
Re: 10 McMaster Avenue, Dundas Ontario  
   Zoning Amendment Application ZAC-05-94  
   Draft Plan of Subdivision 25T200521, 2072581 Ontario Inc.,

Dear Sir,

Since July 2004, citizens of University Gardens Survey have expressed concern and resentment over the disposition of the school and property at 10 McMaster Ave. Dundas.

I am extremely concerned about what will happen in our community if a developer is allowed to rezone the school land and build twenty-one homes here. Here is a list of my concerns and I ask you to consider them carefully.

1. With the addition of twenty-one more homes we simply add more people and have less space for recreation.

2. The additional traffic from these homes will create major safety issues – it is already difficult to walk safely on Grant Blvd.

3. The density of this plan is higher than the existing density of our survey – Dundas already has one of the highest density areas in the city, and if this development is allowed, will cram us in even more.

4. In addition to the request for R2 zoning, the developer has asked for 2 modifications to this designation
   1. To reduce the minimum front yard from 6 meters to 3 meters.
   2. To delete the maximum coverage provision of 35% of lot area – meaning the house can cover as much of the lot as he wants.

This should not be allowed.

Thank you for listening to my concerns and I ask you to address them with a written response. I may have more concerns as this process continues and I would ask your attention to them as well.

Sincerely,

Muriel Gibow.
Quinn, Owen

From: Maria Zegarac
Sent: Wednesday, October 12, 2005 3:00 PM
To: Quinn, Owen
Subject: 10 McMaster Avenue File Nos. ZAC-05-94 and 25T-200521
Importance: High

Mr. Quinn,

We are concerned University Gardens residents. Please refer to the attached letter which outlines our apprehensions over the Zoning Amendment Application ZAC-05-94 and Draft Plan of Subdivision 25T200521, 2072581 Ontario Inc., 10 McMaster Avenue, Dundas.

Sincerely,

Mike and Maria Zegarac
19 David Street, Dundas
Quinn, Owen

From: siew ong
Sent: Wednesday, October 12, 2005 11:15 AM
To: Quinn, Owen
Subject: 10 McMaster Avenue, Dundas, Files Nos ZAC-05-94 and 25T-200521

Dear Sir,
I have received the letter from Robert Walters dated September 26, 2005 with regards to the rezoning and redevelopment plan at the 10 McMaster Avenue site and am extremely concerned about what will happen in the community I live in. There are several concerns that I have and would ask for your patience to read through them all and address them with a written response.

- The density of the proposed plan is higher than the existing density in my survey. As I find out in my research, Dundas is already one of the highest density areas in the city and if this proposed plan is allowed to go ahead, it would further intensify that feeling of being crammed in.
- I have been having weak water pressure, even with the refitting that took place in August 2004 by the city on McMaster Street. Would the infrastructure in my community be able to handle the additional 21 homes? What about safety issues arising from the additional traffic?
- The elimination of green space from our (neighbours and I) community and replacing it with more high density housing development further impact on the environment and the people who live near it as it takes away our ability to play and keep healthy in our own community.

Thank you for your attention to the above matters and I look forward to hearing from you in response to the above concerns.

Sincerely,
Siew Ong
13 McMaster Avenue,
Dundas, On L9H 4M6
October 12, 2005

City of Hamilton
City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

Attention: Owen Quinn, Development Planner II

Re: 10 McMaster Avenue, Dundas Ontario
Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 25T200521, 2072581 Ontario Inc.,

Dear Mr. Quinn,

Since July 2004, citizens of University Gardens survey have expressed concern over the disposition of the school and property at 10 McMaster Ave. Dundas.

We are alarmed and extremely concerned about what will happen in our community if a developer is allowed to rezone the school land and build twenty-one homes here. We have a number of concerns which are outlined below; please consider them carefully:

1. 10 McMaster Ave contributes a significant amount of storm water to adjacent properties, which results in potential flooding. With respect to our property 19 David St., we have video showing how water drains from 10 McMaster on to adjacent property resulting in the need to apply mechanical pumps to drain the water away from permanent structures. This issue has been raised with previous owners, and the potential for legal action has been considered. The potential for legal action remains a possibility, depending upon the decisions made with respect to this property, and the role of the various participating decision-making parties with respect to the final development decisions.

2. The elimination of green space from this community and from Dundas takes away the ability of our family to play and stay healthy. We have two young children who have spent countless hours in this green space - playing soccer, flying...
kites, jumping in leaf piles in the Fall, building snow forts in the winter etc. Where can our children play if this green space is taken away?

3. The additional traffic from these homes will create major safety issues – we are already concerned with the amount of traffic on Grant Blvd. We will not be able to walk safely on Grant Blvd. with potentially 40 more vehicles coming into and out of this survey.

4. The density of this plan is higher than the existing density of our survey – Dundas already has one of the highest density areas in the city.

We urge you to seriously consider these concerns and those of our fellow neighbours. We are very worried about the elimination of a large green space from our community and the increased safety hazard that the additional traffic will create, not to mention the flooding that our property has experienced and could experience again.

Thank you for listening to our concerns and we ask you to address them with a written response. We may have more concerns as this process continues and we would ask your attention to them as well.

Sincerely,

Mike and Maria Zegarac
19 David Street, Dundas,
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ont. L8P 4Y5
Oct. 11, 2005

ATTENTION: Owen Quinn, Development Planner 11
RE: 10 McMaster Avenue,
Dundas, Ont.
Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 25T200521,2072581 Ontario Inc.

Dear Sir:
Since July 2004, citizens of University Gardens Survey have expressed concern over the disposition of the school and property at 10 McMaster Ave. Dundas. We are extremely concerned about the impact of a twenty-one home subdivision on our community.

Living on Grant Blvd., the only entrance and exit to this survey, we are subject to the comings and goings of every vehicle. At present the vehicles go by at the rate of one every 5 seconds during the mornings from 7 -9 and the evenings from 4-6. At other times of the day it is about one every 10 seconds. Even at 2 am a vehicle goes by at least every 10 minutes. Many of them are travelling far in excess of the posted 40 km speed limit. These same vehicles frequently ignore the stop signs. This poses a distinct problem when trying to back out of one’s driveway. Also there are no sidewalks on Grant, or any other street in this survey, so this constant flow of traffic is a danger for walkers many of whom are children. The addition of another 21 homes means the addition of 42 cars. Should we now expect cars to go by every 2 seconds?

Another major concern is the aging infrastructure of this survey. At 4:18am on Fri. Oct 7 there was a truck flushing out a sewer at the corner of Grant and Desjardins Ave. Apparently the sewers in the area had almost reached capacity. A sewer backup such as the one that occurred approximately 8 years ago and at least one home had a layer of raw sewage on the basement floor. Adding another 21 homes might just be the breaking point at which the system reaches its capacity and sewer back-ups occur more frequently.

Additionally, there is the size and density that these new homes will present. No other home in the survey has the size or lot density that these homes are predicted to have.

Finally the elimination of this green space by the addition of more homes only makes our community less green and more densely populated.

Thank you for listening to our concerns. I ask that you address them with a written response.

Sincerely,
City of Hamilton  
City Hall  
71 Main Street West  
Hamilton, Ont. L8P 4Y5  
Oct. 11, 2005

ATTENTION: Owen Quinn, Development Planner 11  
RE: 10 McMaster Avenue,  
Dundas, Ont.  
Zoning Amendment Application ZAC-05-94  
Draft Plan of Subdivision 25T200521,2072581 Ontario Inc.

Dear Sir:

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Additionally, there is the size and density that these new homes will present. No other home in the survey has the size or lot density that these homes are predicted to have.

Finally the elimination of this green space by the addition of more homes only makes our community less green and more densely populated.

Thank you for listening to our concerns. I ask that you address them with a written response.

Sincerely,

[Signature]

15 GRANT BLVD DUNDAS L9H 6C8
Dear Sir:

Since July 2004, citizens of University Gardens Survey have expressed concern over the disposition of the school and property at 10 McMaster Ave, Dundas. We are extremely concerned about the impact of a twenty-one home subdivision on our community.

Living on Grant Blvd., the only entrance and exit to this survey, we are subject to the comings and goings of every vehicle. At present the vehicles go by at the rate of one every 5 seconds during the mornings from 7-9 and the evenings from 4-6. At other times of the day it is about one every 10 seconds. Even at 2 am a vehicle goes by at least every 10 minutes. Many of them are travelling far in excess of the posted 40 km speed limit. These same vehicles frequently ignore the stop signs. This poses a distinct problem when trying to back out of one’s driveway. Also there are no sidewalks on Grant, or any other street in this survey, so this constant flow of traffic is a danger for walkers many of whom are children. The addition of another 21 homes means the addition of 42 cars. Should we now expect cars to go by every 2 seconds?

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Additionally, there is the size and density that these new homes will present. No other home in the survey has the size or lot density that these homes are predicted to have.

Finally the elimination of this green space by the addition of more homes only makes our community less green and more densely populated.

Thank you for listening to our concerns. I ask that you address them with a written response.

Sincerely,

[Signature]

33 Grant Blvd
Dundas, Ontario
L9H 5E1
City of Hamilton
City Hall
71 Main Street West
Hamilton, Ontario L8P 4Y5
Tuesday, October 11, 2005

Attention: Owen Quinn, Development Planner 11

Re: 10 McMaster Avenue, Dundas Ontario
Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 25T200521, 2072581 Ontario Inc.

Dear Sir:

Since July 2004, citizens of University Gardens Survey have expressed concern and resentment over the disposition of the school and property at 10 McMaster Ave. Dundas.

I am alarmed and extremely concerned about what will happen in our community if a developer is allowed to rezone the school land and build. Following is a list of my concerns and I ask you to please consider them carefully.

1. First and foremost are for personal reasons. I live at 9 Penge Court, which is directly next to the green space. The proposed plan indicates that I will have not 1, not 2 but 3 houses backing directly onto our property (Lots 19, 20, & 21). I feel that our house value will diminish significantly. My husband and myself work very hard for a living in order to pay our mortgage. We have no excess cash what so ever; totally different to the developer as he will be making millions on the property. Without even starting out he has the potential to make over 1 million just trying to sell off 14 lots. I guess as the saying goes the rich get richer and the poor get poorer.

2. The elimination of green space from this community and from Dundas. We purchased this house for the reasons of it being located next to green space, on a dead end court (safety for our children), and the privacy. All of this this will be taken away from us if the development is allowed to proceed.

3. The additional traffic from these homes will create major safety issues- we have no sidewalks, as well as there being only one way in and one way out of University Gardens.

4. With the aging infrastructure can it handle more homes? A school only operates certain hours of the day, when most individuals are at work. Twenty-one new homes may result in significant problems.

5. We have had sewer back up (3x in the past 6 years), as well as water pressure problems, most recently last year and thirdly flooding problems at the end of our court during winter months.
6. The density of this plan is higher than existing density in our survey. Dundas already has one of the highest density areas in the city.

7. Also a thought to consider is the wildlife. Deer run between the houses to the Green space. The Canada Geese also land in the open Green space of the subject property. What happens if no Green space?

8. We are opposed to any development but would be infuriated if our court was opened up to a St. (reason’s in point 2)

Thank you for listening to my concerns and I ask you to address them with a written response. I may have more concerns as this process continues and I would ask your attention to them as well.

Sincerely

[Signature]

Martha & Bill Robinson
9 Penge Court
Dundas, Ontario
L9H 4R3
October 11, 2005

City of Hamilton
City Hall
71 Main Street West
Hamilton ON L8P 4Y5

Attention: Owen Quinn, Development Planner 11

Re: 10 McMaster Avenue, Dundas Ontario
Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 25T200521, 2072581 Ontario Inc.

Dear Sir,

Since July 2004, citizens of University Gardens Survey have expressed concern and resentment over the disposition of the school and property at 10 McMaster Ave. Dundas.

I am alarmed and extremely concerned about what will happen in our community if a developer is allowed to rezone the school land and build twenty-one homes here. Here is a list of my concerns and I ask you consider them carefully.

1. The elimination of greenspace from this community and from Dundas will make an area already deficient in greenspace even more lacking. With this change there is no open space maintained for community use in the entire back area of University Gardens and only one small park in the front area.
2. The addition of twenty-one homes to this survey will increase the housing density in the survey as well as increasing the density in Dundas overall which already has one of the highest densities in the city.
3. The additional houses will put added pressure on infrastructure. We already experience poor drainage from the house during rainy periods.
4. In addition to the overall density concerns, the requested modifications to R2 zoning are totally out of character with the neighbourhood.

City council and staff have previously recognized the need for this greenspace and attempted to purchase the property as a result. This letter is to support these groups in maintaining the current zoning.

Thank you for listening to my concerns and I ask you to address them in a written response. I may have more concerns as this process continues and I would ask your attention to them as well.

Sincerely,

Carol Rogerson
October 11, 2005

City of Hamilton
City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

Attn: Owen Quinn, Development Planner II

Re: 10 McMaster Avenue, Dundas, Ontario
Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 25T200521, 2072581 Ontario Inc

Dear Sir,

We are writing as concerned residents with respect to the proposed zoning changes requested in this application. We have resided in our home on Bertram Drive just around the corner from the site for over 44 years. In fact, my late father, Louis Fuss and his partners built many of the homes on Penge Court, Bertram and David which surround or abut on to the property. Some of the infrastructure on these streets is now close to 50 years old and should be of great concern to all.

We had children who attended the University Gardens School. When they were young, we threw the football around, played catch, ran around and had fun. We are now at the point where we can do the same things with our grandchildren. To lose this green space and have it replaced by a crowded new subdivision with a density far greater than anything which exists in University Gardens in unconscionable.

Under the proposed plan, traffic will have to flow into the new area using either McMaster and/or Desjardins, which are both narrow streets and, as with all streets in University Gardens, there are no sidewalks. The additional traffic which would have to use these streets creates an increased safety concern for the many children and adults who walk in the area on a daily basis.

These are some of my concerns and I do have more, but I will save them for another occasion, assuming that this process will be more open than the underhanded dictatorial method employed by the School Board in its sale of the property. I would appreciate
being kept informed by mail, or e-mail with respect to your consideration of my concerns and those, I am certain, of the many other residents of this wonderful neighbourhood.

Sincerely,

Irwin Fuss, DDS
cc: Mayor Dilanni
Councilor Art Sampson

Sandra Fuss
City of Hamilton
City Hall
71 Main St. W.
Hamilton, Ont. L8P 4J5

Tues Oct 11, 2005
To: Devan Quinn, Development Planner II
Re: 10 M’Crae Ave., Dundas, Ont.

Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 2552 0532, 2072 0581, Ont.

Dear Devan:

Since July 2004 residents of University Estates Survey have openly expressed their concerns and received an open letter to the community. My major concern is the lack of development at 10 M’Crae Ave.

1. I am extremely concerned about what will happen in our community if a developer is allowed to subdivide the school property. A lot of my concerns are:
   1. The elimination of green space from our community and 2. The development of additional traffic from these homes will create major
   2. The safety issues - already it is difficult to walk on the sidewalk.
   3. The density of this plan is higher than the existing density of our survey. Dundas already has one of the highest density areas in the city and if this development is allowed, will cause even more.
   4. We have had recent water pressure tests - what
5. Where will the children play?

I thank you for listening to our concerns and I ask you to address them with a written response. If we have more concerns as the process continues, we would ask you to attend to them as well.

Sincerely,

J. K. Carpenter
6 Rita St.
Pendleton, OH 43440
Dear Mr. Quinn,

I am responding to the letter we received on Sept. 26/05 about the rezoning of the property on McMaster Street.

I sent you an e-mail and this is a follow up letter about our concerns. My husband and I have been residents at this address for some nineteen years. The school property behind us has now been sold for development and we do have some concerns to bring forward. There has been a huge turn over of property in this survey since we bought our home. The majority of people buying in here now are younger families with young children. Over the years I have watched from my kitchen window and back deck many families participating in family activities in this green space we all call the park. All this is gone now and this community is left with nothing but the prospects of more houses with more traffic.

There is no protection for walking pedestrians since we are without sidewalks. This situation is particularly dangerous for children and seniors.

We experience at times lower water pressure than normal, but we have never complained to the Town of Dundas or to the City of Hamilton because it was a slight annoyance over the years. We are concerned that what has been a slight annoyance will now become a water pressure problem with a lot more families sharing the infrastructure that is available.

When I was a child this survey was a potato farm. The roads are not built on a good solid rock formation but on very unstable sandy ground, which lends itself to sink holes. This has already been a problem in the past. Grant Avenue will need to take a large burden
of the traffic and is already a problem with congestion at peak times.

I am sure you already know there is only one entrance in and out of this survey.

There was an article in the Hamilton Spectator 9 May 2005 written by Julian Fantino the Commissioner of Emergency Management. Mr. Fantino states in his article ‘it is the readiness at the household level that will get people through a medical, natural or civil crisis’.

We understand his statement to mean it is our responsibility and the responsibility of the city planners to be proactive in preparing for any of these emergencies. As residents in this survey we would like to know from your department how you would plan on evacuating this area of over three hundreds and fifty homes should such an emergency occur. It would be impossible to evacuate this area as it is right now without adding more homes to the situation. High density looks all very well on paper, but you must realize there is more to the situation than seeing how many homes you can squeeze into a given piece of property. One must look at all the ramifications to any proposal.

My husband and I are against the rezoning for this particular project for the reason I have mentioned above.

Sincerely

Dorothy Sipocz
From: Marion Brooks
Sent: Tuesday, October 11, 2005 11:07 AM
To: Quinn, Owen
Cc:

City of Hamilton
City Hall
71 Main Street West
Hamilton, Ont. L8P 4Y5
Oct. 11, 2005

ATTENTION: Owen Quinn, Development Planner 11
RE: 10 McMaster Avenue,
Dundas, Ont.
Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 25T200521,2072581 Ontario Inc.

Dear Sir:

Since July 2004, citizens of University Gardens Survey have expressed concern over the disposition of the school and property at 10 McMaster Ave. Dundas. We are extremely concerned about the impact of a twenty-one home subdivision on our community.

Living on Grant Blvd., the only entrance and exit to this survey, we are subject to the comings and goings of every vehicle. At present the vehicles go by at the rate of one every 5 seconds during the mornings from 7-9 and the evenings from 4-6. At other times of the day it is about one every 10 seconds. Even at 2 am a vehicle goes by at least every 10 minutes. Many of them are travelling far in excess of the posted 40 km speed limit. These same vehicles frequently ignore the stop signs. This poses a distinct problem when trying to back out of one’s driveway. Also there are no sidewalks on Grant, or any other street in this survey, so this constant flow of traffic is a danger for walkers, many of whom are children. The addition of another 21 homes means the addition of 42 cars. Should we now expect cars to go by every 2 seconds?

Another major concern is the aging infrastructure of this survey. At 4:18am Fri. Oct 7 there was a truck flushing out a sewer at the corner of Grant and Desjardins Ave. Apparently the sewers in the area had almost reached capacity. Since our home has the dubious honour of having the lowest basement on the street it is the first to experience a sewer backup such as the one that occurred approximately 8 years ago. Having a layer of raw sewage on my basement floor wasn’t at all pleasant!! Adding another 21 homes might just be the breaking point at which the system reaches its capacity and sewer back-ups occur more frequently.

Additionally, there is the size and density that these new homes will present. No other home in the survey has the size or lot density that these homes are predicted to have.

Finally the elimination of this green space by the addition of more homes only makes our community less green and more densely populated.

Thank you for listening to our concerns. I ask that you address them with a written response.

Sincerely,

Marion and Richard Brooks
29 Grant Blvd.
Dundas, Ont
L9H 6C9
Quinn, Owen

From: Mary-Jane Dolbear
Sent: Monday, October 10, 2005 3:56 PM
To: Quinn, Owen
Cc: Samson, Art
Subject: Rezoning of 10 McMaster Ave. Dundas

Attention: Owen Quinn, Development Planner II

Re: 10 McMaster Avenue, Dundas, Ontario Ward 13
Zoning Amendment Application ZAC-05-94
Draft Plan of Subdivision 25T200521, 2072581 Ontario Inc.

Dear Sir,

My husband and I would like to make some comments in response to the letter we received from you indicating that there has been an application for rezoning the school and property behind our home. For over a year now, we have been involved in the ongoing struggle to keep the green space at 10 McMaster Avenue in our community. It is a place where many children, including our own, have had fun playing as they grew up. It was a safe and secure haven, away from traffic, with lots of space for exercising and recreating. We are now very concerned about what will happen in our area, if a developer is allowed to rezone and build twenty-one homes here. Once these homes are built, we will never again have this green space and children now and in generations to come, will not have a close by opportunity for recreation.

Here is a list of our concerns and we would ask you to consider them carefully.

1. We understand that Dundas is already in a parkland or greenspace deficit and we wonder why you would allow that deficit to grow. Our world is full of fat and obese children (adults too!) and this is only going to get worse, so why wouldn't the city do whatever it could, to encourage our kids and families, by having safe places near by for them to play. Sheldon Park is fine for toddlers, but it is our young people who need a place to go and play, not hang out in the plaza. We do not want any homes built here, but if we have to have a development, we ask that it have very careful restrictions as to size and suitablility of homes, blending with the present neighbourhood.

2. Traffic is a grave concern. We would like you to address the problem that we have not truly had a fully operating school here since 1982 - that is twenty three years ago and while we have had some occasional private school renters, there have been far fewer children than what would be public school capacity. You may consider school traffic as comparable to residential housing traffic, but school buses go at prescribed hours, not the kind of traffic we will have when twenty one homes are added here with cars coming and going all day and night long. Secondly, this survey has only one entrance/exit for cars. All traffic must go in and out via Grant Blvd. making it a most unsafe street for walking and an even busier thoroughfare than it is now. What would we do if we had an evacuation order? (I would have

10/11/2005
considered that an amusing comment a few years ago, but with all we hear on the news now, it is very relevant!) We would like to see the traffic study report from the city answering these questions.

3. Over the 43 years we have lived here, we have experienced many problems with spring run off from the school yard. Apparently, it was not graded properly and because of that neighbours on either side of us have had flooded basements more than once. We would like to see the lot grading plan, showing us the steps that have been taken to alleviate this.

4. We have weak water pressure at times and we wonder what will happen when many more homes are using the water. This again will be at different times from what school water usage would have been. Even if there is capacity for fresh and waste water for children at school, it will be very different with families washing, showering, cleaning cars, etc., etc. - much higher domestic usage.

5. The density of homes suggested is greater than the density of homes presently in our survey. With Dundas being one of the highest density areas in the city, we feel it is wrong to increase that density further.

6. We do understand that because of the proximity of this land to Ancaster Creek, there will need to be some kind of testing done. What exactly will this testing involve? Is it just cursory? We would like to see the report on any testing that is done.

7. Just this past week we have had emergency trucks here at Vilma and Rita Streets, at 4:30 a.m. flushing sewers. Residents have told me of this happening in other parts of the survey this week at emergency hours as well. How is our aging infrastructure going to manage with this development?

8. We are very concerned about the size of homes that might be built in our area, especially so, when we know that the developer has asked for no restrictions to lot coverage and a reduction by half to the front yards. Our personal life is going to be irrevocably altered by a large home dominating our back yard. We would ask you not to grant these modifications or any others asking for greater height allowances.

9. We would like consideration given to keeping Penge Court, a 'court' and not extending it into a full street. This would cut down on the through traffic in the middle of the survey and might help to keep things quieter.

I made very clear, when I spoke to the Planning and Economic Development Committee over a year ago, on September 7, 2004, that we were concerned about what was going to happen to this school and property and asked them at that time to help us preserve it. We believe that during these months, we have done everything we could to assist this goal, but we have not been successful. Our disappointment is great, but we will feel even more betrayed if this community does not get strong help from the City in this rezoning process.

Ken and Mary-Jane Dolbear
15 David Street
Dundas  ON  L9H 4R5
905-627-0838
Quinn, Owen

From:
Sent: Monday, October 10, 2005 12:42 PM
To: Quinn, Owen
Subject: re concerns on rezoning from 5 david st.

Dear Mr. Quinn

my husband and i have been residents at the address for the last nineteen years. the school property behind us has now been sold off and there is to be rezoning for a housing development. we do have some concerns with this undertaking.

There has been a huge turn over of housing in this survey since we purchased out property many years ago. The majority of the people buying in here are younger couples with young families. Over the years i have seen from my kitchen window the young people utilising this green space for their activities. Young parents have brought their children here to play in the summer evenings. It at one time had a great skating rink which the parents maintained and the community had the use of. All this has gone now and our community is left with nothing.

We are now getting a group of new homes which is going in increase the traffic load on the streets where there is no side walks. The residents here will no longer have the green space but there also is no protection on the streets at this time to avoid the increase of traffic caused by the number of younger families moving into this survey. To add to this situation would be very departmental to everyone's safety, particularly children and seniors.

We at certain times of the day usually around 6:00 PM experience lower water pressure that normal. We have not complained of this to the town Dundas and now the city of Hamilton because we were content to overlook the inconvenience as a slight annoyance. However with this many new homes it makes us wonder what this will mean to the water. The infrastructure in this survey is very old. Can it withstand the added burden, both water and traffic. I know this survey was a potato farm when i was a younger, so the bed the roads are built on could and have developed sink holes with added traffic. Sewer capacity is also an issue.

This survey as you undoubtedly know has only one entrance for in and out traffic.

There was an article in the Hamilton Spectator on 9 May 2005 written by Julian Fantino The Commissioner of Emergency Management. He states in that article 'It is readiness at the household level that will get people through a medical, natural or civil crisis.' We understand his statement to mean it is our responsibility and the responsibility of city planners to be proactive in preparing for any of these emergencies. As residents here we would need to understand how you would evacuate the residence of over three hundred and fifty homes already here, much less adding to a impossible situation where there is only one entrance in and out.

We are against this rezoning on the grounds i have mentioned above.

Sincerely Dorothy and John Sipocz
Quinn, Owen

From: Margaret Carreiro and David Smith
Sent: Thursday, October 06, 2005 8:18 AM
To: Quinn, Owen
Cc: Mary-Jane Dolbear
Subject: Zoning Amendment Application - 10 McMaster Ave

Planning & Economic Development Dept.
Development and REal Estate Division (West)
City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

Attention: Owen Quinn, Development Planner II

In your letter dated September 26, 2005, I understand the zoning change is only at the proposal stage. However, we just received our tax assessment reflecting the zoning change already. Our taxes have substantially increased higher than average. We also noted that on the MLS site, Mr. Bettoll is already selling lots. If the zoning has not changed and opposition is clearly voiced on the manner in which 10 McMaster Avenue was purchased, soliciting concerns appears to be an exercise in futility for the neighbourhood.

If you are really concerned for the University Gardens neighbourhood, I am very concerned with the possibility of 21 extra families bringing in children who have no where to play as a community except on the street. Greenspace is of essence and the city must consider at least one of those 21 lots to be designated as a parkette. Right now, the streets are very low traffic but with 21 possibly up to 42 more cars in the neighbourhood, some of the streets will become less quiet. Quiet, no traffic, has been one of the greatest joys of being in this neighbourhood. I'd hate to see that change.

Regards,
Margaret Carreiro
David Smith
15 Desjardins Avenue
Dundas, ON L9H 4R1
Quinn, Owen

From: Stars
Sent: Wednesday, October 05, 2005 7:08 AM
To: Quinn, Owen
Subject: zac 05 94 25t 200521

Re zoning application

Goodmorning Owen,

I have received your zoning amendment application and I have reviewed the plans to some degree.

My only observation is the houses are very close to neighboring properties. It would make

Sense if this is going through that every effort is made to preserve the integrity of the neighborhood.

Large two story homes will be overlooking the backyards of longtime residents,

If any type of plans are accepted, I recognize this is a zoning change, but I thought I would provide some comments.

Houses should be 4 level backsplilt /bungalows with walkouts to yards…. Thus granting privacy to new home owners

As well as existing home owners. As you know thee has been opposition to any development and if/or and development is

Granted. The integrity and saleability of the neighborhood must be protected. There is also a school stop pick up point

Which may not be at harmony with the proposed plans.

If lot 21 13 & 8 were eliminated would this give a more suitable barrier between the existing neighborhood.?

Please review and consider

Carl Stars