CITY OF KITCHENER

DEPARTMENT OF DEVELOPMENT AND TECHNICAL SERVICES PD 27/77

BLOCK PLAN 65

Planning and Economic Development Committee Approval:

City Council Approval: August 15, 1977

Regional Approval:

TABLE OF CONTENTS

1.0	SUBJECT	1
2.0	PROPOSAL	1
3.0	RECOMMENDATIONS	2
4.0	EXISTING SITUATION	2
5.0	BACKGROUND	3
6.0	DEPARTMENT OF PLANNING AND DEVELOPMENT COMMENTS	4
7.0	PROCESSING AND APPROVAL OF BLOCK PLAN 65	5
APPE	NDIX	7

1.0 SUBJECT

Block Plan 65 refers to the areas in Lower Doon bounded by Old Mill Road, Durham Street, Amherst Street and Pinnacle Drive as illustrated on the key plan Map A. This report considers the unique aspects of the area and provides guidelines, which will enable co-ordinated, comprehensive development to occur.

2.0 PROPOSAL:

The development of twenty-six (26) to twenty-seven (27) single family lots is proposed as infilling for the subject area. Sydenham Street is proposed to be closed short of Amherst Street due to the steep land contours. Several alternatives exist for dealing with Drummond Drive as illustrated on Maps A1, A2 and A3.

Maps A1 suggests developing Drummond Drive as a through street connecting Old Mill Road to Amherst Drive. The pavement will be aligned in order to avoid the structure, which encroached on the right-of-way in the north-western corner. The property owner will be given an opportunity to gain clear title to the portion of the right-of-way containing the encroachment.

Map A2 maintains the same lotting arrangement but provides for the closing of Drummond Drive with the provision of a 20-foot easement for services to connect to Old Mill Road. The City of Kitchener will retain ownership of the easement. The proposal makes allowance for the encroaching structure located on the west side of the easement. The remaining parcel, east of the easement will be offered to the adjacent property owner for purchase.

A third alternative as illustrated on Map A3 was suggested as a result of the Block Plan circulation which occurred on April 12, 1977. This scheme proposes Drummond Drive being open at its intersection with Old Mill Road and closed at the Amherst Street end. This proposal allows for the creation of one additional single family lot.

The closings proposed for Drummond Drive and Sydenham Street make provisions for 20 foot sodded reserve areas within the rights-of-way to provide for snow storage at the end of the road allowance. A series of posts along the frontage will be installed to separate the landscaped area from the paved portion of the road allowance.

Durham Street will be closed at the top of the grade before the decline of the existing road begins. A turn-around provision at the end of the closed portion will be developed.

The proposed schemes are in accordance with the City of Kitchener Official Plan, which designated the area Low Density Residential and the Lower Doon secondary Plan which makes specific reference to the development of a block plan for the area. Policies within the Secondary Plan also provide for the processing and approval of block plans in the Lower Doon area.

3.0 RECOMMENDATIONS

- 1. That Map A2 be approved as the development plan for Block Plan 65 in the City of Kitchener. Residential infilling shall occur by means of a subdivision plan or by severance in accordance with the approved plan.
- 2. That the City of Kitchener retain ownership of the 20 foot easement between the closed portion of Drummond Drive and Old Mill Road. The remaining parcels, located west and east of the easement shall be offered to the two adjacent property owners for purchase. It is recognised that a portion of the closed road allowance west of the easement may be held in title by the adjacent property owner.
- That Policy 3.8 of the Lower Doon Secondary Plan be amended to reflect the closing of Sydenham Street at Amherst Street with the development of cul-desac having access to Old Mill Road.
- 4. The fulfilment of the park dedication requirement of the Planning Act shall be handled by the subdivision application or severance in terms of 5% cash in lieu of land to be contributed by the applicants to the City of Kitchener Park trust Fund. Account #8285 for park purposes. Other normal development conditions shall also be imposed by the subdivision, severance and zone change applications.

4.0 EXISTING SITUTATION

The Lower Doon Secondary Plan, which was approved by City Council on February 28, 1977, contains guidelines which endeavour to blend new development with existing development and give special considerations for characteristics which are unique to the area.

The area of Block Plan 65 is divided among thirteen property owners as indicated on Map 'B'. Many of the properties are erratically shaped due to an old railway easement, which diagonally crosses the area. Existing residential development consists of twelve (12) single family dwellings, and four (4) semi-detached units. The majority are owner-occupies and in good condition. The Doon united Church, property No. 11, Map 'B' and the structure located on the property No. 2, Map 'B' were constructed during the 1800's. The latter represents the most serious of several building encroachments within the area. This building extends approximately 19 feet onto the Drummond Drive right a way. Drummond Drive and Sydenham Street are dedicated road rights-of-way within Registered Plan 578 bit they do not exist as open streets.

As indicated on Map 'C' the majority of the area is currently zoned Township of Waterloo "Residential". The remainder of the area is zoned Township of Waterloo "Village".

The grade of the land increases considerably between Old Mill Road and Amherst drive in the eastern portion of the Block Plan. Numerous trees, both deciduous and coniferous, are situated throughout the site, the majority located along property boundaries or within the northern portion of the Drummond Drive right-of-way as indicated on the site plan.

5.0 BACKGROUND

Erratic property boundaries, encroaching buildings, property owners for and against retaining large lots, lack of internal access, and various other circumstances determined the necessity for a block plan for the area.

A proposal to close Drummond Drive where it abuts property No. 2, Map 'B' in order to correct the building encroachment (discussed previously) received a negative reaction from adjacent property owners in mid-1975 and the proposal was subsequently dropped. Due to the duration of the encroachment it appears likely that the owner will have possessory rights to the parcel of land involved. To date, this has not been determined.

Preparation of the Lower Doon Secondary Plan received City Council endorsement early in 1976 as the first of a three art study of the Doon area. Provision for the development of a block plan for the subject areas was considered to be an integral part of the Secondary Plan study. Public meetings were held to receive resident input, which was considered in developing the policies.

The Lower Doon Secondary Plan approved by Kitchener City Council on February 28, 1977, contains the following policies which relate to Block Plan 65:

Residential

- 1.1 That, save exceptional circumstances arising from constraints imposed by the location of existing structures, the majority of single family residential lots have a frontage of 50 feet or greater.
- 1.2 That two family residential (semi-detached or duplex) be permitted to develop only along Pinnacle Drive and Drummond Drive and along Doon Valley Drive between Pinnacle Drive and the southerly projection of Drummond Drive.
- 1.5 That efforts be made to preserve buildings and structures of historic or architectural value and that the Old Mill ruins, the Homer Watson house and other historic buildings be so designated at the time that such designation is made possible through City council adoption of the appropriate implementing By-law under the Ontario Heritage Act.

Transportation

That a Block Plan be prepared for the areas bounded by Pinnacle Drive, Old Mill Road, Durham Street and Amherst Drive, and Further that Sydenham Street and Durham Street be closed at Old Mill Road with the development of cul-de-sacs

having access to Amherst Drive with provisions being made for necessary utility easements on the closed portions.

<u>Implementations</u>

5.1 That the above Secondary Plan Policies be adopted at this time by Resolution of Council as an implementation Plan comprising interim policies to permit processing and approval of zone change applications, severance's, block plans and plans of subdivision for the Lower Doon area

Initial examination of the Block Plan 65 areas with the Department of Public Works resulted in the proposed closing of Durham Street and Sydenham Street S indicated in Policy 3.8 of the Secondary Plan (noted above). Detailed examination during the preparation of the Block Plan have subsequently indicated that closing Sydenham Street at Amherst Street would be preferable due to the steep grades and drainage problems.

On April 12, 1977, the schemes as illustrated on Maps A1 and A2 for Block Plan 65 were circulated to Regional and Municipal authorities and property owners. Appendix "I" attached details the comments, which were subsequently received.

6.0 DEPARTMENT OF PLANNING AND DEVELOPMENT COMMENTS

Block Plan 65 has been developed in accordance with the City of Kitchener Official Plan, Lower Doon Secondary closing of Durham Street and Sydenham Street As indicated in Policy 3.8 of the Secondary Plan (noted above). Detailed examinations during the preparation of the block Plan have subsequently indicated that closing Sydenham Street at Amherst Street would be preferable due to the steep grades and drainage problems.

The concern of Mrs. Heaseltine voices by her lawyer, Mr. P.R. Sturdy regarding the closing of Sydenham Street has been discussed previously. The Department of Public Works has indicated that the closure of Sydenham, Street as proposed in Block Plan 65 is referable in terms of drainage and fill requirements for future development.

Objections to the closing of Durham Street were received from Mrs. Hesseltine and Mr. S. Kinzie. This closing was approved within Policy 3.8 of the Lower Soon Secondary Plan. The Obermeyer-Terra Nova subdivision agreement which relates to property on the east side of Durham Street, contain a provision for prohibiting access to Old Mill Road from Durham Street. This closure has been adopted by policy due to the existing narrow width and steep decline of Durham Street as it meets Old Mill Road. Access onto Durham Street from existing buildings will remain and a turn-around provision at the closure will be provided. Installation of a 6" watermain will be required through the close portion of Durham Street at Old Mill Road.

Map A2 satisfies the concerns of the majority of residents. Municipal and Regional agencies did not voice any strong disapproval to Map A2. This proposal will preserve three maple trees which are located within the portion of the right-of-way to be closed and create an aesthetic residential setting more pleasing than Map A1 or A3. The adjacent property owners have each indicated a willingness to purchase the portion of the closed right a way adjacent to their properties. A twenty- (20) foot easement to be retained by the City will be required for the extension of services as indicated on the site plan. Storm drains will be required to catch surface run-off from Drummond Drive. Implementation of Block Plan 65 will be able to occur by either subdivision plan or severance. To process a plan of subdivision, all affected property owners will be required to sign a draft plan of subdivision. A plan of subdivision will necessitate only one rezoning application for the entire area, thereby saving time and money for the property owners. Severances on the other hand will require severance application and zone change application by individual property owners. Severances require approval by the Regional Municipality of Waterloo.

Development of the internal streets will occur through local improvement financing initiated by the property owners. Section 11, The Local Improvement Act (R.S.O. 1970, c.255, as amended) requires a petition for work to be signed by at least two-thirds of the property owners representing at least one-half of the value of the lots liable to be especially assessed for proposed work.

Redundant streets shall be closed by by-law prior to or in conjunction with the processing of severance's, zone changes, plan of subdivision for those lots affected by the closings.

This report will be presented to the Project Review Committee and pending approval, will be presented to Kitchener Planning Committee for additional comment and approval. Property owners will receive a copy of the report, together with an invitation to attend the Planning Committee meeting at which Block Plan 65 will be discussed.

June 17, 1977

The comments from the Regional Municipality of Waterloo were received following preparation of the Block Plan report. The concern regarding the conflict of the proposed closing of Sydenham Street and Policy 3.8 of the Lower Doon Secondary Plan has been recognised and dealt with in Section 3 – Recommendations.

The turning provisions indicated at the closed ends of Drummond Drive, Sydenham Street and Durham Street meet with the approval of the City of Kitchener Department of Public Works. The streets are short and therefore it is felt that a full-sized bulb is not necessary. The reserve areas at the end of the close portions will provide sufficient area for snow clearance.

7.0 PROCESSING AND APPROVAL OF BLOCK PLAN 65

a) Project Review Committee – June 15, 1977

The Committee recommended approval of the Planning Department report which recommended Scheme A2 (formerly Scheme 2) with the addition of the following condition: "That redundant streets be closed by By-law prior to or in conjunction with any required zone changes or severance's."

b) Co-ordinating Committee – June 21, 1977

The Committee reviewed PD Staff Report 27/77 and concurred with the recommended acceptance of Scheme A2 (formerly Scheme 2) which provides for the closing of Drummond Drive short of Old Mill Road but suggested that the City retain ownership of the 20' easement provided for in this Scheme with the existing encroachment by an abutting owner to remain and the remainder to be sold to the other abutting owner. It will be so recommended to planning Committee.

c) Planning Committee – June 17, 1977

Two objections to the recommended closing of Sydenham Street were noted. Mrs. Hesseltine expressed concern regarding access to her property backing onto the Sydenham, Street right-of-way. Approval of the plan was deferred until additional information relative to the grading of Sydenham Street and optimum location for the closing of the street was available.

August 8, 1977 – Planning Committee approved the following resolution regarding Block Plan 65: #1. That Map A2 be approved as the development plan for Block Plan 65 in the City of Kitchener. Residential infilling shall occur be means of a subdivision plan or by severance in accordance with the approved plan. 2. That the City of Kitchener retains ownership of the 20' easement between the closed portion of Drummond Drive and Old Mill Road. The remaining parcels, located west and east of the easement shall be offered to the two adjacent property owners for purchase. It is recognised that a portion of the closed road allowance west the easement may be held in title by the adjacent property owner. 3. That Policy 3.8 of the Lower Doon secondary Plan be amended to reflect the closing of Sydenham Street at Amherst Street with the development of a cul-de-sac, having access to Old Mill Road. 4. The fulfilment of the park dedication requirement of the Planning Act shall be handled by the subdivision application or severance in terms of 5% cash in lieu of land to be contributed by the applicants to the City of Kitchener Park Trust Fund Account #8285 for park purposes. Other normal development conditions shall also be imposed by the subdivision, severance and zone change applications.

d) City of Kitchener Council - August 15, 1977 Council adopted the Planning Committee resolution of August 8, 1977, which approved Scheme A2 of Block Plan 65.

APPENDIX I

<u>Pearson, Flynn, Sturdy, Martinluk and Tugender, Barristers and Solicitors for Mrs. B.</u> <u>Hesseltine – April 20, 1977</u>

Firstly, we wish to point out that the property designated as No. 17 on your Block Plan property is not owned by Mrs. Querengessner, (the daughter of Mrs. Hesseltine) bit by Mrs. Hesseltine herself. We would ask you to merely amend your records to shoe Mrs. Hesseltine as the owner of No. 17 as well as 19.

Mrs. Hesseltine has pointed out, that with reference to the proposed location of Sydenham Street, she would like to point out, that at present she uses the road allowance of Sydenham Street at the rear of her property to travel out to Amherst Drive.

According to Mrs. Hesseltine, there is a steep embankment, which could cause Sydenham Street to be cut in very steeply from Old Mill Road as proposed on the site plan, and since at the same time apparently the property also falls away toward the railway lands to the west.

A much better position for Sydenham Street, an opinion of Mrs. Hesseltine, would be to bring the same in from Amherst Drive, with a turning circle at its upper end rather than as proposed on your site plan.

With respect to Durham Street Mrs. Hesseltine would prefer to see the street remain completely open in order to give access both from Amherst and Old Mill Road, since at the present time Durham Street is a travelled road, completely open between Old Mill Road and Amherst.

I would appreciate, if you would therefore note the objections of Mrs. Hesseltine, to the proposed location of Sydenham Street and also for the closing off of Durham Street, which she opposes.

Marion Aquilina – April 21, 1977

I am writing to express my views concerning Block Plan 65, specifically the proposed opening of Drummond Drive. I won the property numbered 9 on Map B.

I am opposed to the proposed opening of Drummond Drive; I feel that the alternative proposal much better suits the needs of all property owners along Drummond Drive for the following reasons.

I am most please that the City of Kitchener recognises the historical value of the old church at 1843 Old Mill Road, and is making allowances in their plans so that it can be preserved. The alternative proposal allows Rev. Ross and his family to make their home in the church without having traffic passing outside at such a close distance. Traffic that close to a residential building would be most unsatisfactory to anyone.

The alternative proposal will help preserve the village atmosphere of Lower Doon, as it will create a quiet and almost private street for residents living on Drummond Drive. This will enhance and increase the value of future home built on Drummond Drive (namely lots 4, 5, 6, 7, 8 and 9 on Map A).

The alternative proposal will remove the necessity of three large maple trees (on the edge of the Drummond Drive right-of-way) being completely destroyed by the Coty of Kitchener. These maple trees would have to be cut down if Drummond Drive were put right through to Old Mill Road. If the alternative proposal is accepted, the streets will be saved. Since these trees are growing adjacent to my property, I am most aware of their beauty and would hate to see them destroyed.

The alternative proposal should be accepted as it best suits the present and future needs of all propriety owners on Drummond Drive. I am willing to purchase, at a reasonable cost, the necessary portion of the Drummond Drive right-a-way it make this alternative plan possible."

Rev. Robert C. Ross - April 18, 1977

"As the property owner of 1843 Old Mill Road, Kitchener, I am responding to your invitation to comment upon the proposed development of Block Plan 65 as circulated from your office on April 12, 1977.

First, my gratitude to your department for their efforts to deal with a difficult but valued historical areas of the city. Now, specifically, I wish to submit the following suggestion and follow it with my reasons for viewing it as cogent.

I strongly suggest that in regard to Drummond Drive the alternative development proposal be pursued, i.e. the closing of the northerly portion of Drummond Drive as noted in the left corner of Map A.

My reasons for favouring this particular development proposal are these:

- (a) Such a closure will effectively contribute to the maintaining of a village-type setting from which this whole area emerged and which is still clearly desired by the majority of landowners and resident. It would appear that sufficient and adequate access to both Old Mill Road and Amherst Drive still obtains without the opening of Drummond Drive, even with the closing of Durham Street proposed.
- (b) Related to the above is the obvious fact that much less disturbance will be done to the ecological equilibrium of Drummond Drive by the particle closure of same rather than providing a "jog" in its course. (It must be remembered, as I can do my childhood excursions to 1843 Old Mill Road, that Drummond Drive was never in fact "open" although it apparently existed on early mappings).]
- (c) Such a closure as noted in the alternative development proposal would in no way "landlock" lots 4, 5, 6, 7, 8 and 9 but indeed such a cul-de-sac so created by

closure would tend to enhance the economic and aesthetic value of these properties.

(d) I would be personally willing to purchase one-half of the closed portion at a just and reasonable cost."

J.W.F. Spreitzer Construction Limited – April 25, 1977

"Mr. Brock Stanley and his staff accomplished wisely a very suitable plan in the Lower Doon for land owners concerned under the conditions involved."

A.F. Thompson and M.E. Thompson – April 22, 1977

"My wife and I have strong views concerning one feature of the plan. We favour the "alternative" proposal to resolve the problem of what should be done with Drummond Street at its intersection with Old Mill Road: we feel that Drummond Street should be closed at Old Mill Road and half of the closed portion of the roadway be offered to each of the adjacent property owners.

Our reasons for this view are, firstly, that the opening if Drummond Street is unnecessary. No purpose is served by bringing the street thought to Old Mill Road when only six lots are served by it. Secondly, allowing the adjacent property holders to purchase the land will tend to safeguard the character of their holdings. The Church is a historic site and deserves more space around it. The building on the other side is also old, and trees adjacent to it will be saved if the road is not put through."

Mr. Stanley Kinizie – April 26, 1977

"This proposal for developing Drummond Drive and making a cul-de-sac of Sydenham does not present any problem for water or gas distribution. I do wish to extend a 6" water main through the portion of Durham to be closed at Old Mill."

D. Suzuki, P. Eng., Director of Engineering – April 26, 1977

"In reply to your request for comments on the above the following is submitted.

- 1. Minor adjustments to the pavement configuration might be necessary.
- 2. If the building encroachment can be tolerated it would be preferable to have Drummond Drive extend through to Old Mill Road.
- 3. The wine glass turn around on Sydenham Street could be moved closer to Old Mill Road where it could provide space for snow storage at the end of the road allowance. Similarly for Drummond Drive if it is found necessary to terminate it short of Old Mill Road."

Victor G, Bridle, Traffic Co-ordinator – April 27, 1977

"We would prefer to see Drummond Drive developed as a through street. The treatment of both Durham Street and Sydenham Street appears satisfactory.

No doubt the development of this area will again raise comments on the fact that the Doon area is in fact one large cul-de-sac. The region will be installing a traffic responsive signal control, which should relieve the congestion at the intersection of Pinnacle Drive and Homer Watson Boulevard. In addition the widening of Homer Watson Boulevard is being designed this year."

Grand River Conservation Authority – April 28, 1977

"The Grand River Conservation Authority issues no objection to the recommendations of your department for Block Plan 65 Doon."

Kent D.L. McKinnon, M.D. – April 29, 1977

"As a homeowner in the Lower Doon area I read with keen interest the proposal as outlined in Muriel Praught's letter of April 12, 1977. I am saddened in the first instance by the loss of character that will be sustained by Doon with the implementation of Block Plane 65. I understand, nonetheless, that "progress" has an insatiable appetite.

Since there remains only one last bargaining point (that of the Drummond Drive right-of-way) may I make a special plea for acceptance of the alternate plan i.e. – closure of Drummond at Old Mill Road. I doubt that the volume of traffic using a patent Drummond Drive would justify its remaining open. Furthermore, a through street connecting Amherst to Old Mill is unnecessary at this level since Pinnacle Drive is so close and serves the same function.

In anticipation of your favourable considerations of the alternate development proposal I thank you very much."

Ivan Biuk – May 3, 1977

Mr. Biuk verbally stated that he did not oppose the proposed plan.

<u>Clement, Eastman, Dreger, Martin & Meunier, Solicitor for Rev. Robert C. Ross – May 20, 1977</u>

"Further to Rev. Robert C. Ross's letter to you dated April 18, 1977, we would like to point out that we have had discussions with Mr. Jim Shivas of your Legal Department in connection with the question whether Rev. Ross's predecessors in title may have acquired title to part of Drummond Drive and Old Mill Road by adverse possession at least to the extent of the encroachment of the building on those lands.

In support of this contention, we refer particularly to the recent case of Di Cenzo Construction Co. Ltd. V. Glassco et al, 12 O.R. (2d) 677."

S.J. Karn, Planner, Regional Municipality of Waterloo – June 10, 1977

"The Regional Planning and Development Department has now had the opportunity to review Block Plan 65 in the City of Kitchener as it applies to lands bounded by Pinnacle Drive, Old Mill Road, Amherst Drive and Durham Street a, in the Lower Doon area. Circulation of the plan has been conducted to regional agencies, for their comments, following receipt on April 14, 1977.

The Block Plan is within the boundaries of Settlement Policy Area "A" on the Regional Official Policies Plan. This designation includes lands of existing and potential urban development to the year 2001. The details for such areas are expected to be formulated in the Official Plans of the area municipality affected. The Block Plan proposed would provide the details required to resolve the problems of access and infilling for the particular area.

The City of Kitchener draft Official Plan designates the site for Low Density Residential purposes while the Lower Doon Implementation Plan as recently approved by the City and the Regional Municipality of Waterloo limits the land uses to single family residential units. The majority of the lots have a frontage in excess of 50 feet and two family residential lots are restricted to have area along Amherst Drive between Pinnacle Drive and Drummond Drive." These particular lots now have existing houses and any reconstruction for duplexes or semi-detached will be acceptable under the existing "Village" zoning on these lands.

The concept for single family housing conforms to the policies in the Lower Doon implementation Plan. There are two concerns, which are important.

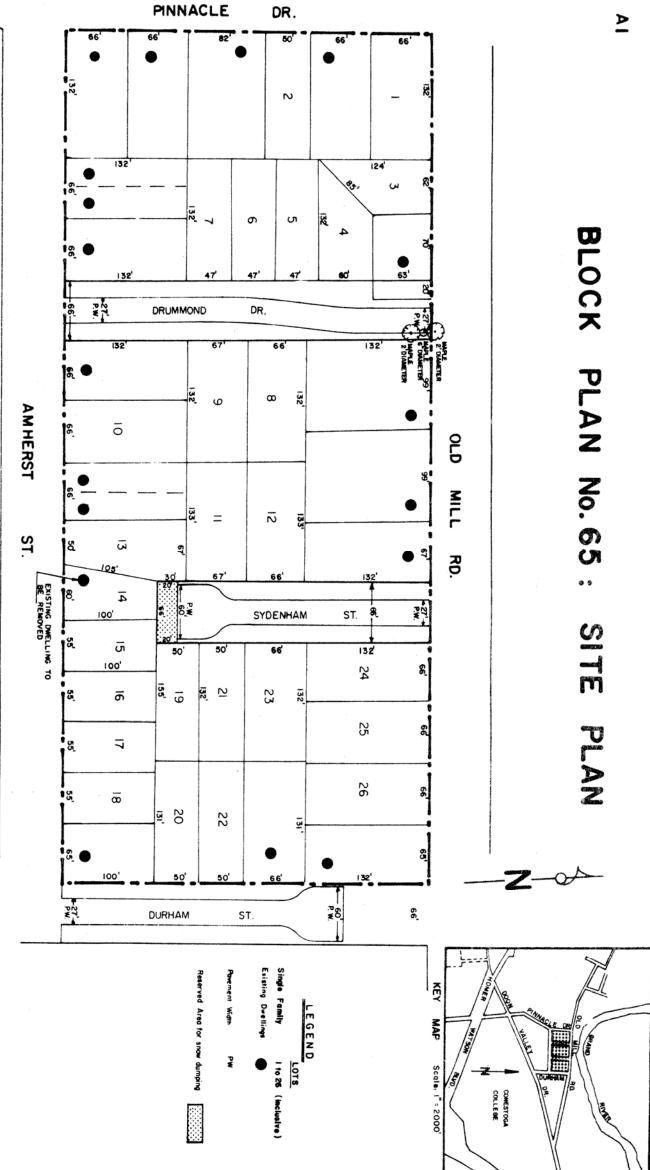
Sydenham Street, as shown on the Block Plan, is closed at Amherst Street and has access to Old Mill Road. Durham Street is closed at Old Mill road and is open at Amherst Street. Policy 3.8 states that both streets be closed at Old Mill Compliance with part of Policy 3.8 and the Block Plan should be amended. Furthermore, cul-desacs on both streets with adequate turning radii should be indicated on the Block Plan.

The second concern relates to secondary access to the Lower Doon area. The Implementation Plan, as approved by regional Council required that secondary vehicular access be available at the time the subdivision plan o severance application unless there are assurance that this condition will be satisfied before development occurs.

It is unnecessary to establish this in the block Plan since it is clearly established by resolution of both the Kitchener and Regional Councils.

It is recognised that the area is presently zoned under the Township of Waterloo Zoning By-law #878A and that in order to effect the proposed infilling, rezoning to appropriate residential categories concurrent with City of Kitchener regulations for Residential development will be required. This being the case, each application for rezoning which will allow an increased density for residential development will be assessed for the

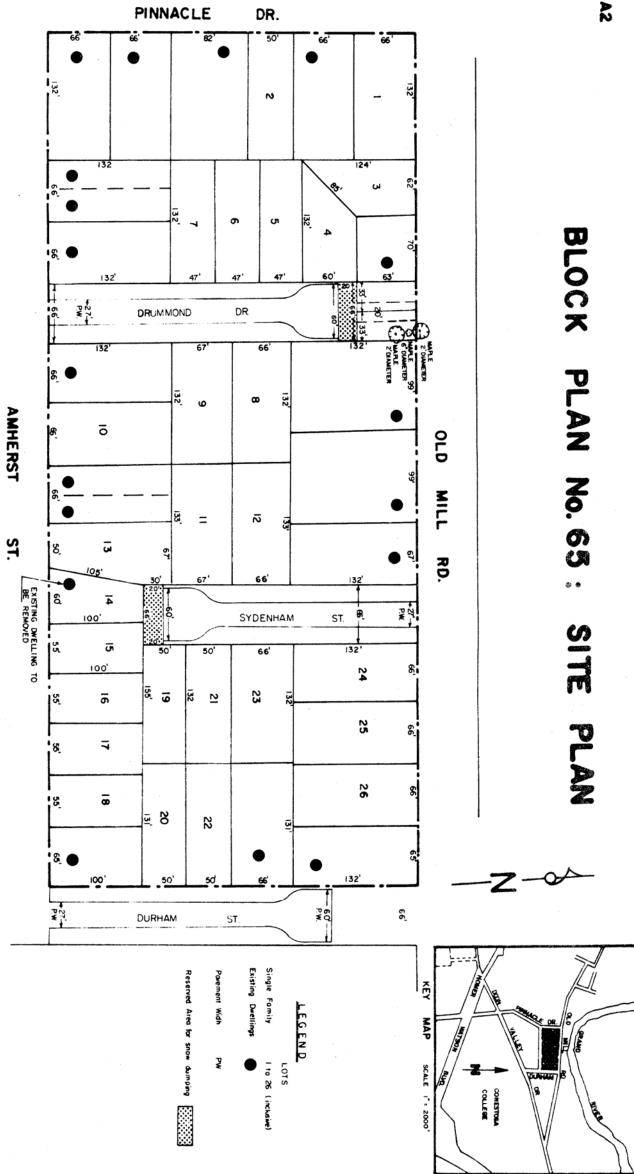
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DATE: MARCH 1977 REV JUNE 22/77 SCALE , 1"= 100

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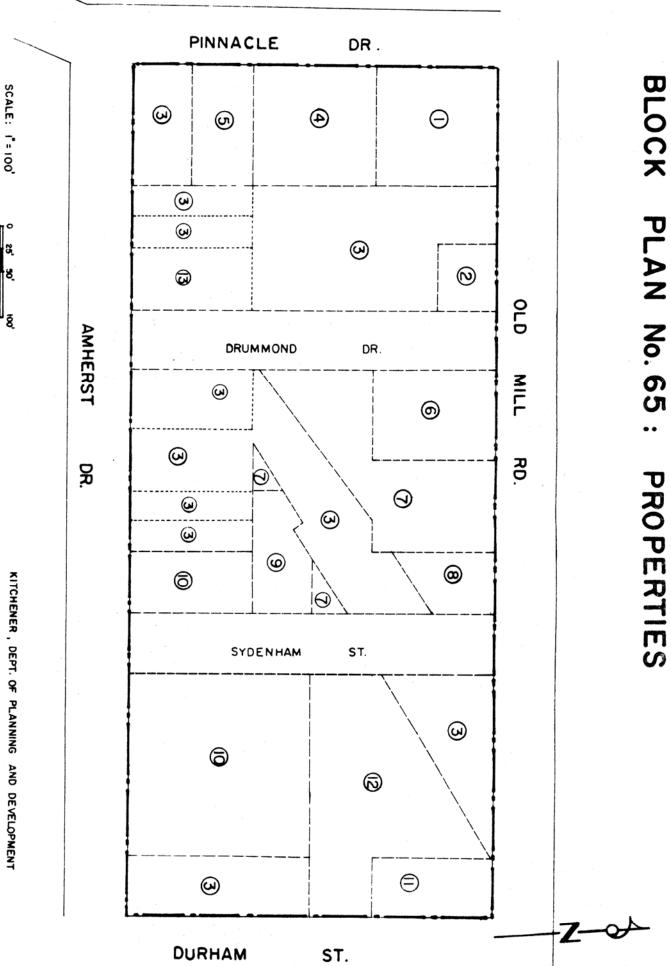


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SCALE : 1 = 100 DATE: MAY 1977
REV JUNE 23/77

SPREITZER, J.
DOON UNITED CHURCH
HESELTINE
DAVENPORT, Mr.

BLOCK PLAN No. 65:



SCALE: 1 = 100 DATE: MARCH 1977

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