

INFORMATION REPORT

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 11
COMMITTEE DATE: September 18, 2012	
SUBJECT/REPORT NO: Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the City of Stoney Creek Official Plan and Zoning By-law and Approve a Draft Plan of Subdivision Known as "Foothills of Winona - Phase 2" for Lands Located at 339 and 347 Fifty Road and 1317 and 1329 Barton Street (Stoney Creek) (PED12170) (Ward 11)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Heather Travis (905) 546-2424 Ext. 4168
SIGNATURE:	

Council Direction:

An application may be appealed to the Ontario Municipal Board (OMB) in accordance with the Planning Act after 180 days (Plan of Subdivision), or 120 days (Official Plan Amendment/Zoning By-law Amendment), if Council has not made a decision on the application(s). A motion to direct staff to advise the Planning Committee on matters relating to appeals regarding lack of decision by Council pursuant to the Planning Act was passed by City Council on May 18, 2010. The following information is provided for the Draft Plan of Subdivision (25T201107), Official Plan Amendment (OPA-11-005), and Zoning By-law Amendment (ZAC-11-042) applications for "Foothills of Winona - Phase 2", which are the subject of these appeals.

Information:

This Information Report was prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OMB for Draft Plans of Subdivision and related applications. Applications for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision known as "Foothills of Winona - Phase 2", were submitted by 1800615 Ontario Inc. (A. DiCenzo

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and S. Manchia) on August 12, 2011, and deemed complete by the City of Hamilton on August 24, 2011. The subject lands are located at 339 and 347 Fifty Road and 1317 and 1329 Barton Street (Stoney Creek), at the northwest corner of Barton Street and Fifty Road (see Appendix "A").

The subject lands are within the Fruitland-Winona Secondary Plan study area, and are identified as "Special Policy Area F" in the City of Stoney Creek Official Plan. The lands are further identified as "Parcel A" within "Special Policy Area F". The "Special Policy Area F" designation is intended to provide for the comprehensive planning of the entire Special Policy Area in accordance with the Fruitland-Winona Secondary Plan. However, the subject lands were specifically identified as part of "Parcel A" within "Special Policy Area F" through OMB Decision No. 1202, dated April 30, 2007. The OMB Decision provides direction stating that the lands identified as "Parcel A" may proceed with development prior to the completion of the comprehensive planning for the entire area (Secondary Plan), provided that certain studies and requirements are completed. The applicant applied for an Official Plan Amendment to redesignate the subject lands from "Special Policy Area F" to "Medium Density Residential" in order to permit the development of single detached dwellings, semi-detached dwellings, and townhouse dwellings.

The Zoning By-law Amendment application proposed to rezone the subject lands from the Agricultural Specialty "AS" Zone to:

- A site-specific Residential "R5" Zone to permit single and semi-detached dwellings (Blocks 1 to 8, 10, 11, and 1317 Barton Street);
- A site-specific Multiple Residential "RM2" Zone to permit semi-detached dwellings and street townhouses (Block 9); and,
- A site-specific Multiple Residential "RM2" Zone to permit street townhouses (Blocks 12 to 20), as shown on Appendix "B".

The Draft Plan of Subdivision application proposed the creation of the following (see Appendix "B"):

- 8 blocks for single detached dwellings, for a total of 24 units (Blocks 1 to 8);
- 3 blocks for semi-detached dwellings, for a total of 20 units (Blocks 9 to 11);
- 9 blocks for street townhouse dwellings, for a total of 204 units (Blocks 12 to 20);
- 2 blocks for walkways (Blocks 21 and 22);
- 1 block for a stormwater management pond (Block 23); and,
- 1 block for a road widening (Block 24).

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The applications for "Foothills of Winona - Phase 2" were circulated on August 26, 2011. Comments were received from City Departments, outside agencies, and members of the public. The applications were not brought forward to a Public Meeting of the Planning Committee because of issues raised through the circulation, including the following:

1. Servicing: Issues were identified regarding the proposed servicing of the subject lands, particularly with regard to sanitary and stormwater management. Staff requested the submission of a revised Functional Servicing Report (FSR) to determine if the proposed servicing scheme was acceptable, and whether or not the Stormwater Management pond may need to be enlarged, which could have an impact on the lot layout.
2. Traffic: Traffic related concerns were identified, including the possible need for a street connection to Fifty Road, increased right-of-way widths, and additional local street connections to break up the large blocks of street townhouses in the northern portion of the Plan. Further, staff has identified a requirement for a land dedication adjacent to Fifty Road for the future construction of a grade separated railway crossing.
3. Integration with Adjacent Lands: Staff was concerned that approval of the proposed Draft Plan may predetermine development on adjacent lands indicated as "Future Residential" and "Future School Site" on the Draft Plan. Staff required the applicant to provide a concept plan that would indicate how development could occur in the future on the adjacent lands, and appropriately integrate with the proposed "Foothills" development. During this time, the adjacent lands were acquired by the applicant and the Hamilton-Wentworth Catholic District School Board.
4. Density: The Draft Plan proposed a total of 248 units for a net residential density of 33 units per hectare. While it is noted that the Fruitland-Winona Secondary Plan has not been approved, and is not in force and effect, this is significantly lower than the density proposed for the subject lands in the draft Fruitland-Winona Secondary Plan. Staff indicated to the applicant that a higher density could be achieved on this site, and that a form of medium density development should be included within the Plan.

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Following circulation of the applications and the identification of the above noted issues, the applicant submitted a revised Draft Plan of Subdivision (see Appendix "C"), a Concept Plan indicating potential development of adjacent lands (see Appendix "D"), and a revised draft Zoning By-law on June 1, 2012, to address comments received through the initial circulation. To date, a revised Functional Servicing Report has not been submitted. The revised Draft Plan of Subdivision proposes the following:

- 4 blocks for single detached dwellings, for a total of 16 units (Blocks 1 to 4);
- 2 blocks for semi-detached dwellings, for a total of 12 units (Blocks 6 and 7);
- 8 blocks for street townhouse dwellings, for a total of 174 units (Blocks 8 to 15);
- 3 blocks for multiple residential development, for a total of 90 units (Blocks 16 to 18);
- 1 block for a stormwater management pond (Block 23);
- 4 blocks for future development (Blocks 20 to 23); and,
- 1 block for a road widening (Block 24).

The revised Draft Plan of Subdivision proposes a total of 292 units, for a net residential density of 35 units per hectare. Staff circulated the revised Draft Plan for comment on June 6, 2012.

On July 3, 2012, the applicant's solicitor, Steve Zakem, of Aird & Berlis, filed an appeal to the OMB with respect to the Draft Plan of Subdivision, Official Plan Amendment, and Zoning By-law applications for "Foothills of Winona - Phase 2" for failure of Council to make a decision on the applications in accordance with the applicable provisions of the Planning Act.

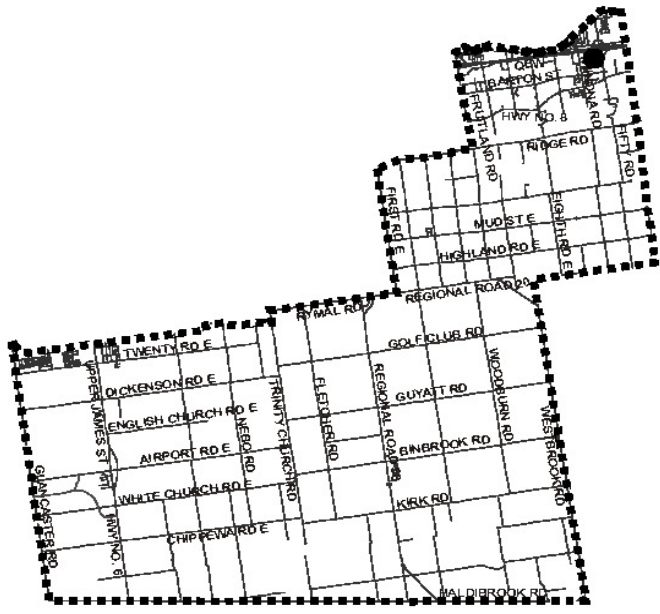
Appendices:

- Appendix "A": Location Map
- Appendix "B": Proposed Draft Plan of Subdivision "Foothills of Winona, Phase 2"
- Appendix "C": Proposed Draft Plan of Subdivision "Foothills of Winona, Phase 2" (Revised May 16, 2012)
- Appendix "D": Proposed Overall Concept Plan

:HT
Attachs. (4)



● Site of the Application



Ward 11 Key Map

N.T.S.

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
OPA-11-005/ZAC-11-042/25T-201107

Date:
September 21, 2011

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
HT/NB

Subject Property

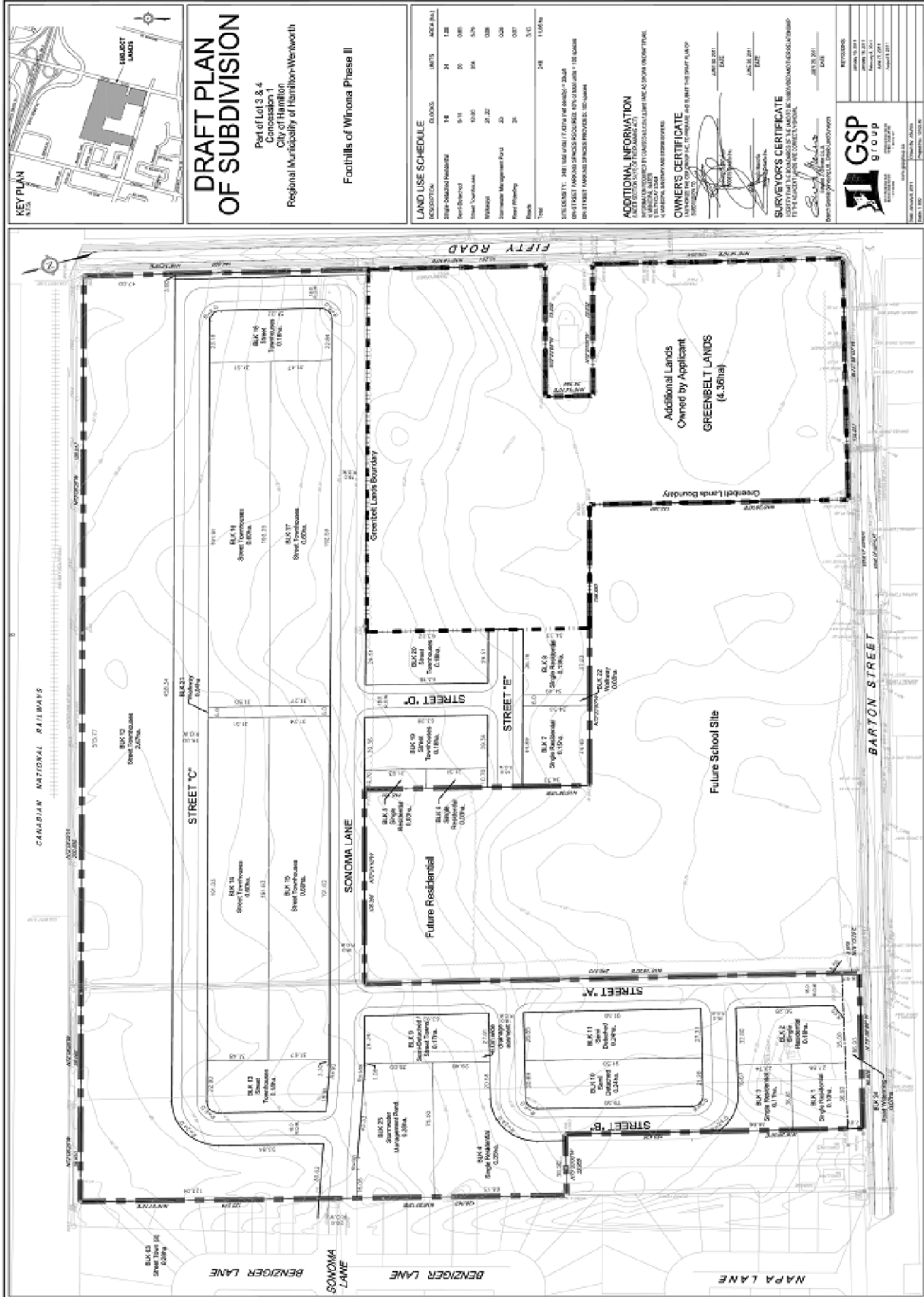
250 & 347 Fifty Road, and 1317 & 1329 Barton Street

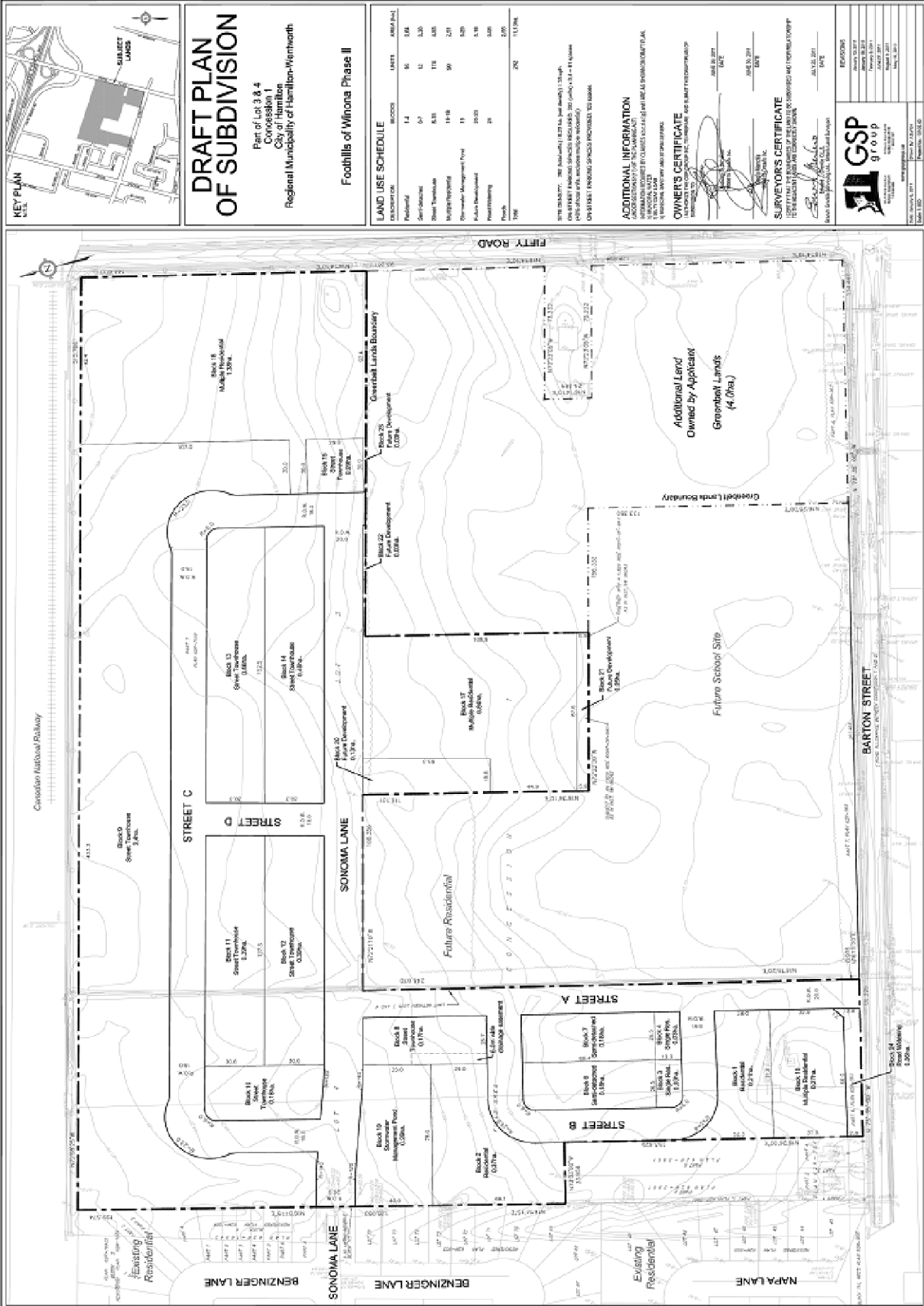


Lands subject to Official Plan Amendment and Zoning By-law Amendment Applications
OPA-11-005 and ZAC-11-042



Greenbelt Lands (Remaining Lands of the Applicant)







OVERALL CONCEPT PLAN

Part of Lot 3 & 4
 City of Hamilton
 Regional Municipality of Hamilton-Wentworth
 Footfalls of Winona Phase II

LAND USE SCHEDULE	BLOCKS	LOTS	AREA (sqm)
Residential	14	18	634
Street Frontage	8.7	12	638
Street Frontage	8.15	14	433
Multiple Residential	16.8	91	3,611
Street Frontage	18	18	629
Other	16.23	61.1	611
Other	34	628	628
Other	282	11,036	2,816
Total			

FUTURE PHASES	LOTS
Street Frontage	81
Multiple Residential	78
Total	159

DATE: 2017-11-15
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

GSP group

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REVIEWS

NO. 1	DATE