



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 20, 2015
SUBJECT/REPORT NO:	Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan (UHOP) and Township of Glanbrook Zoning By-law No. 464, and to Approve a Draft Plan of Subdivision "Caterini", for Lands Located at 2515 Fletcher Road (Glanbrook) (PED15160) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Heather Travis Senior Project Manager (905) 546-2424 Ext. 4168 Steve Robichaud Director of Planning and Chief Planner
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with subsections 22(7) and 34(11) of the *Planning Act*, an application may be appealed to the Ontario Municipal Board (OMB) 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. 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.

The following information is provided for Planning Committee's information with regards to Official Plan Amendment Application UHOPA-14-004 (OPA-06-015), Zoning By-law Amendment Application ZAC-06-056, and Draft Plan of Subdivision Application 25T200610 for 2515 Fletcher Road (Glanbrook), which have been appealed to the OMB for lack of decision.

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Information:

The subject lands are municipally known as 2515 Fletcher Road and are located at the westerly limits of Binbrook, at the northeast corner of Binbrook Road West and Fletcher Road (see Location Map attached as Appendix "A"). The lands are surrounded to the east by existing residential development and to the south by vacant lands which are designated for future residential development, but for which no approvals have been granted. Lands to the north and west are located outside of the Urban Boundary and are used for agricultural purposes.

The subject property is rectangular shaped with a lot frontage of 247.95 m on Binbrook Road West, a lot frontage of 546.67 m along Fletcher Road, and a lot area of 20.87 ha. The site is currently vacant and used for agricultural purposes, with the exception of a small accessory building at the Fletcher Road frontage.

The proposal seeks to establish a Draft Plan of Subdivision comprised of the following land uses:

- Two blocks for single detached dwellings with 11 m frontages, for a total of 49 units (Blocks 1 and 2);
- Eleven blocks for single detached dwellings with 9.2 m frontages, for a total of 121 units (Blocks 3, 7 - 10, 13 - 14, 16, 18, 20, and 21);
- Eight blocks for street townhouse dwellings, for a total of 80 units (Blocks 4 - 6, 11, 12, 15, 17, and 19);
- One block for a school (Block 22);
- One block for a park (Block 23);
- One block for a woodlot (Block 24);
- One block for a stormwater management pond (Block 25);
- One block for a road widening on Fletcher Road (Block 26);
- One block for a servicing and overland flow route (Block 27);
- Five blocks for 0.30 m reserves (Blocks 28 - 32); and,
- Seven new public roads, including the extension of Pumpkin Pass and Kinsman Drive.

Based on the above, the total unit yield for the Draft Plan of Subdivision is 250 units (see Draft Plan of Subdivision attached as Appendix "B" to this Report).

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While the applications were originally submitted in 2006, there have been a total of five revisions to the original application since that time, summarized as follows:

1. Original Submission (July, 2006) – consisting of 279 lots for single detached dwellings, one block for 48 townhouse dwellings, one block for a school, one block for a park and one block to preserve a woodlot, for a total of 327 dwelling units.
2. Second Submission (October, 2008) – consisting of seven street townhouse blocks (127 units), eight blocks for single detached dwelling lots with 9.2 m frontages (70 units), eight blocks for single detached dwelling lots with 11.0 m frontages (118 units), an elementary school block, a walkway / easement block and a woodlot block, for a total of 315 dwelling units.
3. Third Submission (June, 2009) – consisting of four street townhouse blocks (60 units), 13 blocks for single detached dwelling lots with 9.2 m frontages (154 units), six blocks for single detached dwelling lots with 11.0 m frontages (87 units), an elementary school block, a walkway / easement block, a park block, and a woodlot block, for a total of 301 units.
4. Fourth Submission (March, 2014) – consisting of 11 street townhouse blocks (110 units), one block for rear garage townhouses (16 units), 14 blocks for single detached dwelling lots on 9.2 m frontages (133 units), three blocks for single detached dwelling lots with 11.0 m frontages (48 units), a school block, a walkway / easement block, a park block, and a woodlot block, for a total of 307 dwelling units.
5. Fifth Submission (October, 2014) - consisting of two blocks for single detached dwellings with 11 m frontages (49 units), 11 blocks for single detached dwellings with 9.2 m frontages (124 units), 11 blocks for street townhouses (102 units), one block for rear garage townhouses (16 units), relocation and increased size of the park block, an increased buffer for the woodlot, as well as a phased-approach to registration, for a total of 291 dwelling units.
6. Sixth Submission (July, 2015) – consisting of two blocks for single detached dwellings with 11 m frontages (49 units), 11 blocks for single detached dwellings with 9.2 m frontages (121 units), eight blocks for street townhouses (80 units), one park block, one school block, one stormwater management pond, one block for a woodlot, with a phased approach to registration, for a total of 250 dwelling units.

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The second through sixth submissions were in response to comments received as a result of the circulation and review of the proposed development.

The most recent submission was in response to concerns related to servicing of the draft plan lands. The revised draft plan includes a permanent stormwater management pond on the Phase 2 lands.

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure and designated as "Neighbourhoods" on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan (UHOP). Further, the subject lands are identified as Low Density Residential 2e, Low Density Residential 2h, General Open Space, Natural Open Space, and Institutional on Map B.5.1-1 – Land Use Plan of the Binbrook Village Secondary Plan. Through the UHOP Amendment submitted in 2014, the applicant is proposing to modify the extent and location of the existing land use designations, as well as to add a Neighbourhood Park and Utility designation. The application also seeks to establish a site-specific policy within the Binbrook Village Secondary Plan to permit a higher maximum density for the residential uses.

Because the subject applications were originally submitted in 2006, prior to the adoption and approval of the UHOP, the policies of the Glanbrook Official Plan are also applicable to the applications. The lands are designated "Residential" and "Open Space and Conservation" on Schedule A – Land Use Plan of the Township of Glanbrook Official Plan and "Low Density Residential", "Medium Density Residential", "General Open Space", "Natural Open Space", and "Elementary Schools" on Schedule B – Land Use Plan of the Binbrook Village Secondary Plan.

The subject lands are currently zoned Restricted Agriculture (A2) Zone in the Township of Glanbrook Zoning By-law No. 464. Through the subject zoning application, as amended, the applicant is proposing to rezone the subject lands to a site-specific Residential (R4) Zone and site-specific Residential Multiple (RM2) Zone in the Township of Glanbrook Zoning By-law No. 464, and to a Community Institutional (I2) Zone, Neighbourhood Park (P1) Zone, Open Space (P4) Zone and Conservation / Hazard Land (P5) Zone in the City of Hamilton Zoning By-law 05-200.

As evidenced through the history of these applications and the multiple resubmissions, the applicant has responded to many issues that had previously been identified by staff, including the size and location of the park and school blocks, the buffer provided to protect the woodlot, and stormwater management requirements.

However, a significant issue remains in regard to servicing the proposal. There is no sanitary sewer capacity downstream for the lands to develop. Until such time as

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upgrades to the existing pumping station and forcemain are completed, the development cannot proceed. These works are scheduled to be completed in 2017.

Staff are continuing to review the most recent submission provided by the applicant in July, 2015 which included updated servicing information, including a revised Functional Servicing Report, Hydrogeological Study and Traffic Reliance Letter in addition to an updated Planning Brief and a Tree Management Plan.

As per the letter, attached as Appendix "C" to this Report, the appeal to the OMB was filed on August 26, 2015, 3345 days after the receipt of the initial application.

APPENDICIES AND SCHEDULES ATTACHED:

- Appendix "A": Location Map
- Appendix "B": Draft Plan of Subdivision
- Appendix "C": Appeal Letter

HT/th