



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 1, 2015
SUBJECT/REPORT NO:	547 King Street East, Hamilton (PED15178) (Ward 3) Outstanding Business List
WARD(S) AFFECTED:	Ward 3
PREPARED BY:	Alexander Tyutyunnik (905) 546-2424 Ext. 7024
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

Council Direction:

City Council, on September 23, 2015, approved Audit, Finance and Administration Committee Report 15-009, Item 21, referring the following item from the Audit, Finance and Administration Committee's Outstanding Business List to the Planning Committee's Outstanding Business List:

Correspondence from R. N. Donnell, R. N. Donnell & Company Limited, requesting an exemption from Development Fees for 547 King Street East, Hamilton (Initially referred from the June 24, 2015 Council Meeting to Audit, Finance and Administration).

Information:

547 King Street East is a vacant lot (approximately 9,985 square feet) on the north side of King Street East, located between Tisdale Street North and Steven Street, as shown on Appendix "A" attached to Report PED15178. The subject parcel is described as Plan 70, Part Lots 3 and 4 and is zoned "H" – Community Shopping and Commercial. All municipal services are available to the subject property.

The first Site Plan Control Application for the subject property (DA-08-117) was submitted on August 21, 2008. Conditional Approval requiring minor variances was

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granted on April 1, 2010. The Minor Variance Application was appealed to the Ontario Municipal Board and subsequently the Site Plan Control application lapsed.

On May 22, 2012, the owner of the property resubmitted a Site Plan Control Application (DA-12-064). Conditional Approval for this application was granted on August 22, 2012. All of the conditions of approval were not satisfied and the approval lapsed.

The current proposal (SPA-14-016) is to construct a three storey building, containing six “live-work” units, with commercial on the main floor and residential on the second and third floors, with a garage behind each unit. SPA-14-016 was conditionally approved by the Acting Manager of Development Planning, Heritage and Design on February 26, 2014. On February 26, 2015, a 120 day extension was granted until June 25, 2015. On June 30, 2015, a one year extension was granted until June 24, 2016.

At the end of February 2015, the owner requested an estimate of the amount of cash-in-lieu of parkland dedication due for this project. The Real Estate Section determined the cash-in-lieu to be \$47,516 and forwarded it to the applicant on March 03, 2015.

In June 2015, Mr. Donnell submitted a letter to City Council (see attached Appendix “B” to Report PED15178) requesting an exemption from development fees and cash-in-lieu of parkland fees for his proposed development at 547 King Street East. In the letter Mr. Donnell indicated that the property was improved with residential multi-unit buildings when he had purchased it in 1962, but the buildings were in such poor state that he had to tear them down soon after. Therefore, he believes that parkland dedication should not apply to this development.

Parkland Dedication By-Law 09-124 provides for the offset for demolished buildings, but it only applies if a building permit is issued for the new development or redevelopment within five years from the date the demolition permit was issued. There is no provision in the current By-Law for either the extension of time, or for “one-off” exemptions from the Parkland Dedication.

Since the date of Real Estate’s original cash-in-lieu of parkland fee estimate, Council has approved temporary changes (expiring March 1, 2017 or sooner) to the Parkland Dedication By-Law 09-124. These changes affect a reduction of the cash-in-lieu parkland dedication required for this project; accordingly, if the building permit was issued at the time of writing this Report, the new amount of cash-in-lieu would be approximately \$15,800. This amount is based on current land values, and current By-law provisions; the actual amount will be calculated at the time the building permit is applied for and issued.

This Report addresses the Planning Committee matter respecting correspondence from R. N. Donnell, R. N. Donnell & Company Limited, requesting an exemption from

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Development Fees for 547 King Street East, Hamilton and therefore, can be removed from the Planning Committee Outstanding Business List.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED15178 - Location Map

Appendix "B" to Report PED15178 - Letter

AT/sd