



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2017
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 and the Town of Ancaster Zoning By-law No. 87-57 for Lands Located 1117 Garner Road East (Ancaster) (Ward 12) (PED17040)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Valeria Maurizio (905) 546-2424 Ext. 1024
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with subsection 17(34), and subsection 34(11), of the *Planning Act*, an Official Plan Amendment Application and Zoning By-law Amendment Application, may be appealed to the Ontario Municipal Board (OMB) after 120 days (Zoning By-law Amendment) and 180 days (Official Plan Amendment) if Council has not made a decision on the application.

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 has been 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 Urban Hamilton Official Plan Amendment Application UHOPA-16-10 and Zoning By-law Amendment Application ZAR-16-026, which have been appealed to the OMB for lack of decision.

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Information

The subject lands, municipally known as 1117 Garner Road East, Ancaster are located on the north side of Garner Road East, east of Raymond Road, and approximately 160 metres west of the intersection of Garner Road East and Glancaster Road (see location map attached as Appendix "A" to Report PED17040).

The lands are bounded to the west by the Ancaster Meadows Phase 2 subdivision currently under construction (Subdivision 25T-200601), to the east and north by the City-owned municipal water reservoir and pumping station, and to the south by the Hamilton District Christian High School.

The site is rectangular in shape, with a frontage of approximately 83.82 metres along Garner Road East, a depth of 60.96 metres, and an area of approximately 0.44 hectares (1.08 acres). The site is currently vacant.

Historical Context

In 2012 the applicant submitted Official Plan Amendment (OPA-12-014, revised OPA-13-009) and Zoning By-law Amendment (ZAC-12-036) Applications in order to permit a three storey, mixed-use building. During the circulation of the application, Public Works staff initially identified the need for the lands to remain in the "Utility" designation, in case of any future need for access and the long term maintenance of the reservoir and pumping station. Prior to the Official Plan and Zoning By-law Amendment Applications proceeding to a public meeting, the applicant appealed the applications to the Ontario Municipal Board (OMB) for lack of a decision on the applications.

Upon further investigations, Public Works staff indicated that the City would not be pursuing acquisition of the subject lands and therefore did not require the "Utility" designation to remain on the subject lands. The applicant withdrew their appeal prior to the appeal proceeding to an Ontario Municipal Board hearing, and submitted revised Official Plan Amendment and Zoning By-law Amendment Applications to permit medical office uses, in addition to general office uses, on the ground floor. A total of 36 residential units were proposed on the second and third floors. The Official Plan Amendment redesignated the site from Utility to Medium Density Residential 2c in the Meadowlands Neighbourhood IV Secondary Plan, with an increase in permitted density to 82 units per net residential hectare, as well as allowing for the medical and general office uses on the ground floor of the proposed multiple dwelling. The Zoning By-law Amendment rezoned the lands from a Motor Vehicle Services "C6" Zone, Modified and Agricultural "A" Zone to the Residential Multiple "H-RM6-658" Zone, with site specific

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modifications in order to facilitate the proposed development. Council approved the revised applications on May 14, 2014.

The lands previously contained an automotive service station, which ceased operation in the 1990s. As part of the Official Plan and Zoning By-law Amendment applications discussed in the preceding paragraph, the applicant submitted a Record of Site Condition (RSC) to the Ministry of Environment (MOE), which was filed on the Environmental Registry on February 24, 2011 and acknowledged by the MOE.

Proposal

The applicant submitted an Official Plan Amendment and Zoning By-law Amendment application in order to permit the development of a twelve storey multiple dwelling containing 92 units. Approximately 87 of the 92 units are proposed as two-bedroom units while the remaining 5 units are proposed as one-bedroom units. One hundred and ninety-eight (198) parking spaces are proposed, with 114 parking spaces proposed underground, 46 parking spaces proposed on a raised, covered parking deck to the north and west of the building, and 38 parking spaces proposed at-grade, underneath the raised parking structure (see Appendix "B" to Report PED17040 for the concept plan and front elevation). The total building height is 40.5 metres (12 storeys), with a proposed density of 208 units per net residential hectare. Outdoor rooftop amenity space is provided on the top of the parking deck, at the mezzanine level, and on the twelfth floor. Indoor amenity areas are provided on the main floor of the building and on the twelfth floor. The applicant has stated that it is their intention to market the proposed condominium building to individuals looking to downsize from single detached dwellings to smaller dwellings. The residential building proposes a two storey height for the majority of the ground floor uses, but also includes storage areas, utility rooms and an entrance from the second level of the parking structure, on the mezzanine, or partial floor.

The building is proposed to be setback 5.1 metres from the front property line (once a 9.0 metre road widening is dedicated), with a one-way driveway containing a layby to provide for parking and occasional loading. The one-way driveway and associated layby are accessed from Garner Road East via two access points, as shown on Appendix "B" to Report PED17040. Part of the layby encroaches into the right-of-way road allowance to be dedicated to the City. The mezzanine level parking structure is setback from the west property line by approximately 3 metres, and the building is setback 17.7 metres from the west property line. The raised parking deck is setback 0 metres from the rear lot line, while the building is setback 21 metres from the rear property line, abutting the City owned water reservoir and pumping station. The building

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is designed to decrease in size and step back from the west and south property lines from floors 8 to 12.

Urban Hamilton Official Plan Amendment Application (UHOPA-16-010)

The application for an Official Plan Amendment is to amend the Meadowlands Neighbourhood IV Secondary Plan (Volume 2 of the Urban Hamilton Official Plan) by redesignating the subject lands from "Medium Density Residential 2c" to "High Density Residential" and to amend the wording of Site Specific Policy - Area "F" to permit the development of a twelve storey multiple dwelling with a maximum permitted density of 208 units per net residential hectare.

Zoning By-law Amendment Application (ZAR-16-026)

The Zoning By-law Amendment application is to establish further site specific performance standards in the Residential Multiple "H-RM6-658" Zone, Modified with a Holding Provision, in order to permit the proposed 12 storey multiple dwelling on the subject lands.

Revised Applications

The applications noted above were submitted on April 7, 2016 and deemed to be complete on April 21, 2016. Since that time City staff have met with the applicant several times and expressed concerns regarding the proposed height, massing and scale of the proposed building. In a letter dated September 26, 2016, the applicant advised that they are prepared to revise the development concept by reducing the floor plate of the upper six floors to be more in keeping with a 45 degree build-to-plane angle to the neighbouring residential townhouse development to the west and are willing to plant trees on the City-owned reservoir lands that abut the north property line of the subject lands. This revision would reduce the number of units by approximately 5 units, to a total of 87 units and would reduce the density from 208 units per net residential hectare to 198 units per net residential hectare. A setback study and revised landscape plan were submitted by the applicant to illustrate the proposed revisions.

The subject lands are identified as "Neighbourhoods" on Schedule E – Urban Structure of the UHOP, and are designated "Neighbourhoods" on Schedule E-1- Urban Land Use Designations. The lands are also designated "Medium Density Residential 2c" and subject to Site Specific Policy – Area "F" on Map B.2.6-1 – Meadowlands Neighbourhood IV Secondary Plan - Land Use Plan.

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The subject lands are zoned Residential Multiple "H-RM6-658" Zone, Modified under the Ancaster Zoning By-law 87-57. The Residential Multiple Zone H-RM6-658 permits a multiple dwelling to a maximum gross floor area of 82 units per hectare. The site specific modifications on the subject lands reflect the Council approval in 2014 of the application to permit a three storey, 36 unit multiple dwelling, with general office and medical office uses at grade.

Issues remain with respect to the proposal being out of character with the existing and planned neighbourhood, as well as with the height of the proposal.

The appeal to the OMB was received by the City Clerks' office on December 1, 2016, 224 days after the date the applications were deemed complete.

APPENDICES AND SCHEDULES ATTACHED

- Appendix "A": Location Map
- Appendix "B": Concept Plan and Elevations
- Appendix "C": Appeal Letter

VM:jp