



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 31, 2017
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment application UHOPA-16-019 and Zoning By-law Amendment application ZAC-16-054 to the Ontario Municipal Board (OMB) for Lack of Decision for Lands Located at 3100-3140 Regional Road No. 56 and Block 131 of Registered Plan of Subdivision 62M-1062 (Glanbrook) (PED17180) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Madeleine Giroux (905) 546-2424 Ext. 2664
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with subsections 17(40) and 17(40.1) 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 270 days (Official Plan Amendment) and 120 days (Zoning By-law 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 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 to Planning Committee with regards to Urban Hamilton Official Plan Amendment (UHOPA) application UHOPA-16-019 and Zoning By-law Amendment application ZAC-16-054 for lands located at 3100-3140 Regional Road No. 56 and Block 131 of Registered Plan of Subdivision 62M-1062, which have been appealed to the OMB for lack of decision.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

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Information:

The subject lands are a consolidation of properties municipally known as 3100, 3110, 3120, and 3140 Regional Road No. 56 and a small irregularly-shaped parcel to the west with no municipal address, but described as Block 131 on Plan 62M-1062. The subject site is located on the west side of Regional Road No. 56, south of Binbrook Road and north of Windwood and Southbrook Drives (see Location Map attached as Appendix "A" to Report PED17180).

The lands are surrounded to the north by Viking Drive and single detached dwellings; to the east by single detached dwellings converted to various local commercial uses including a veterinary clinic, a medical clinic, and a martial arts and fitness centre; to the south by a watercourse and multi-use pathway; and to the west by a three storey townhouse condominium block.

The subject site is a corner lot with frontage on both Regional Road No. 56 and Viking Drive, having an area of approximately 1.11 ha (2.75 ac). The properties at 3100-3120 Regional Road No. 56 currently contain single detached dwellings, and 3140 Regional Road No. 56 and Block 131 on Registered Plan 62M-1062 are currently undeveloped.

Applications were submitted on August 12, 2016 by Webb Planning Consultants Inc. on behalf of Losani Homes (1998) Ltd. for an Urban Hamilton Official Plan and Zoning By-law Amendment. The applications are to facilitate the development of two four storey buildings with commercial uses at grade and a total of 90 residential units above (45 units per building). There are also 198 parking spaces proposed, with access from Regional Road No. 56 and Viking Drive.

The applications were considered by Planning Committee at its meeting on September 5, 2017, where the Committee recommended denial. The applications were further considered by Council on September 13, 2017, where they were tabled by Council for further discussions between staff and the applicant.

The appeal to the OMB was received by the City Clerk's Office on September 12, 2017, 396 days after the receipt of the initial application.

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Applications:

Urban Hamilton Official Plan Amendment Application UHOPA-16-019

The purpose of the UHOPA is to permit a fourth storey on both buildings whereas Policy B.5.1.5.1.h) of the Binbrook Village Secondary Plan requires that building heights shall not exceed three storeys.

Zoning By-law Amendment Application ZAC-16-054

The purpose of the Zoning By-law Amendment application is to rezone the subject lands from the Existing Residential “ER” Zone, the Restricted Agricultural “A2” Zone and the General Commercial “C3” Zone to a modified General Commercial “C3” Zone.

Modifications are required to the General Commercial “C3” Zone with respect to limiting permitted uses to local commercial uses, prohibiting auto-oriented uses (drive-thrus) and prohibiting uses that are not compatible with adjacent sensitive land uses (outdoor patios and high traffic uses, amongst others). Modifications also include the definition of the front lot line, minimum front and side yard setbacks, maximum building height, minimum parking rates and location, general loading space provisions, minimum parking space size, permitted yard encroachments, and landscaping. Staff proposed additional modifications to the length of accessible parking spaces for consistency with the other proposed parking spaces, and a modification to height to cap the amount of floor area permitted within a fourth storey.

The applications were originally received on August 12, 2016, and deemed complete on September 1, 2016. A revised concept plan was received on April 17, 2017 to eliminate the need for site specific modifications to the side yard setback and planting strip along Viking Drive.

Urban Hamilton Official Plan & Township of Glanbrook Zoning By-law:

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and are designated “Mixed Use – Medium Density” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the UHOP. The subject lands are also designated “Mixed Use – Medium Density – Pedestrian Predominant” on Map B.5.1-1 – Binbrook Village Secondary Plan Land Use Plan in Volume 2 of the UHOP.

The subject lands are currently split zoned as follows:

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The parcels at 3100-3120 Regional Road No. 56 are zoned Existing Residential “ER” Zone. This zone permits one single detached dwelling and accessory uses thereto, per lot.

The parcel at 3140 Regional Road No. 56 is zoned Restricted Agricultural “A2” Zone. This zone permits agricultural uses and a single detached dwelling, and buildings, structures and uses accessory thereto. It also permits a commercial greenhouse operation, farm help house, seasonal farm produce stand, home occupation / profession, home industry, bed and breakfast establishment, outside parking and storage of larger vehicles, and fish, wildlife and / or forest management.

The parcel identified as Block 131 of Registered Plan of Subdivision 62M-1062 is zoned General Commercial “C3” Zone. This zone permits a range of commercial uses.

Technical Agency Circulation:

A Holding Provision is required as the Public Works Department has advised that there is no sanitary capacity for development in Binbrook at the present time. Therefore, development cannot proceed until upgrades are made to the Binbrook Sanitary Sewer Pumping Station. Based on the foregoing, a Holding Provision is required to ensure these upgrades are completed before development can proceed. At the appropriate time, a subsequent Zoning By-law Amendment will be required to remove the Holding Provision so that the proposed development can proceed.

Public Consultation:

In accordance with Council’s Public Participation Policy, the proposal was circulated as part of the Notice of Complete Application to 318 property owners within 120 m of the subject lands on September 9, 2016.

A total of eight letters were received from members of the public. Three letters requested further information / clarification, and five letters expressed concern over height, surface parking and greenspace, and the proposed location of the vehicular entrance onto Viking Drive. There was support for the proposed setbacks and buffering from the building to the existing residential uses to the rear.

APPENDICIES AND SCHEDULES ATTACHED:

- Appendix “A”: Location Map
- Appendix “B”: Original Concept Plan

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- Appendix "C": Revised Concept Plan
- Appendix "D": Letter of UHOPA Appeal
- Appendix "E": Letter of Rezoning Appeal

MG/jp