



Hamilton

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 5, 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 City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 157 Upper Centennial Parkway (Stoney Creek) (Ward 9) (PED17213)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with subsections 17(40), 17(40.1), and 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 Application) and 270 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 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 Urban Hamilton Official Plan Amendment Application UHOPA-16-20 and Zoning By-law Amendment Application ZAC-16-058, which have been appealed to the OMB for lack of decision.

OUR Vision: To be the best place to raise a child and age successfully.

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, municipally known as 157 Upper Centennial Parkway, Stoney Creek, are north of Highland Road West and south of Mud Street West (see location map attached as Appendix "A" to Report PED17213).

The lands are bounded to the west by the proposed 198 First Road West Phase 2 (Paletta Lands) Subdivision (25T-200908) (Registered June 12, 2017) and 15 Picardy Drive (Trillium Housing) proposed townhouse development (applications UHOPA-16-13 and ZAC-16-033); to the east by the City's Rural Area; to the north by 165 Upper Centennial Parkway, which is subject to an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision Applications (UHOPA-15-07, ZAC-15-015, and 25T-201503, respectively, currently under appeal to the OMB); and to the south by 56 Highland Road West (New Hamilton Development) Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment Applications (25T-201608, UHOPA-16-21 and ZAC-16-057), and existing Commercial uses.

The subject lands are rectangular in shape, with a frontage of 73.16 metres along Upper Centennial Parkway, a depth of 213.16 metres, and an area of 0.94 hectares. The lands are currently vacant. The above noted application on the adjacent lands that have been appealed to the OMB are the subject of Reports PED17026 and PED17025.

Applications:

Official Plan Amendment Application:

The proposed Urban Hamilton Official Plan Amendment Application (UHOPA-16-020) is to redesignate part of the subject lands from "Arterial Commercial" to "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations, Volume 1 of the UHOP. The UHOPA is also to redesignate the lands from "Arterial Commercial" to "Low Density Residential 3c" in the West Mountain (Heritage Green) Secondary Plan on Map B.7.6-1 – West Mountain/Heritage Green – Land Use Plan, Volume 2 of the UHOP. The effect of this application is to permit a range of townhouse dwelling forms on the subject lands.

Zoning By-law Amendment Application:

The purpose of the Zoning By-law Amendment Application (ZAC-16-056) is for a change in zoning from the Neighbourhood Development "ND" Zone to a modified Multiple Residential "RM3" Zone in order to permit the development of block and back-to-back townhouse dwellings for a total of 95 units.

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The applications were submitted on August 25, 2016 and deemed complete on September 14, 2016.

Issues remain with respect to the redesignation of a portion of the subject lands from "Arterial Commercial" to "Residential" as there are several active Official Plan Amendment Applications in the surrounding area that must be reviewed in a comprehensive manner to ensure sufficient Commercial lands remain intact for this area.

Remaining issues with respect to the engineering of the site, include, but are not limited to:

- the availability of municipal water;
- the quantity and quality of water runoff;
- lack of stormwater management facilities;
- connection to services from 165 Upper Centennial Parkway; and,
- establishment of servicing easements on the subject lands in favour of properties directly south.

Finally, Corridor Management staff cannot support driveway access from Upper Centennial Parkway for the proposed 95 units at this time. Alternative access from private lands to the west or south must be obtained in order for the site to function.

The appeals to the OMB were received by the City Clerk's Office on September 14, 2017, 371 days after the receipt of the initial applications.

Appendices and Schedules Attached

- Appendix "A": Location Map
- Appendix "B": Site Plan Concept
- Appendix "D": Letters of Appeal

MS:jp