



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	January 16, 2018
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, Town of Glanbrook Zoning By-law No. 464, and Draft Plan of Subdivision, for Lands Located at 9684, 9694, and 9714 Twenty Road West (Glanbrook) (Ward 11) (PED18009)
WARD(S) AFFECTED:	Ward 11
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), 34(11), and 51(34) of the *Planning Act*, an Official Plan Amendment Application, Zoning By-law Amendment Application, and Draft Plan of Subdivision Application may be appealed to the Ontario Municipal Board (OMB) after 120 days (Zoning By-law Amendment Application), 180 days (Draft Plan of Subdivision Application), and 270 days (Official Plan Amendment Application) 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-15-12, Zoning By-law Amendment Application ZAC-15-023, and Draft Plan of Subdivision Application 25T-201505, 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, municipally known as 9684, 9694, and 9714 Twenty Road West, Glanbrook, are located east of Glancaster Road and west of Garth Street (see location map attached as Appendix "A" to Report PED18009).

The lands are bound to the west by the Draft Approved Kopper Meadow Phase 2b Plan of Subdivision (25T-200522); to the north by the Villages of Glancaster Phases 3, 5, and 10 (Condominiums), to the east by existing single detached dwellings; and to the south by the Urban Hamilton and Rural Hamilton border.

The subject lands are irregular in shape, with broken frontage of 101.28 metres along Twenty Road West, a depth of 177.79 metres, and an area of 3.28 hectares. The lands are currently vacant.

Applications:

The applications were originally submitted on December 17, 2014, deemed incomplete on January 17, 2015, and deemed completed on April 29, 2015.

A revised submission was submitted on February 6, 2017. This revised concept proposes 27 lots for single detached dwellings, one block for 33 townhouse dwellings and one semi detached dwelling, five lots for single detached dwellings which will also function as a temporary stormwater management facility, one block for a permanent stormwater management facility, and one block for the extension of Kellogg Avenue. Additional lands at 9694 Twenty Road West were incorporated into the design to accommodate this revision (see Appendix "C" to Report PED18009).

Official Plan Amendment Application:

The proposed Urban Hamilton Official Plan Amendment Application (UHOPA-15-12) is to designate a portion of the lands from "Low Density Residential 2" to "Low Density Residential 2b" in the North-West Glanbrook Secondary Plan in Volume 2 of the UHOP, in order to permit the development of townhouse dwelling units.

Zoning By-law Amendment Application:

The purpose of the revised Zoning By-law Amendment Application (ZAC-15-023) is for a change in zoning from the Residential "H-R4-206" Holding Zone and the Existing Residential "ER" Zone to a modified Residential "H-R4" Holding Zone, a change from

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the Existing Residential "ER" Zone to a modified Residential "R4" Zone, a change from the Existing Residential "ER" Zone and the Residential "H-R4-206" Holding Zone to the Multiple Residential "RM3" Zone, a change from the Existing Residential "ER" Zone to the Residential "R4-244" Zone, Modified, and a change from the Residential "H-R4-206" Holding Zone, Modified and the Existing Residential "ER" Zone to the Conservation Hazard (P5) Zone. The effect of this revised application is for the development of 27 single detached dwellings, 33 townhouse dwellings, one semi detached dwelling, five lots for future single detached dwellings to encompass a temporary stormwater management facility, and a block for a permanent stormwater facility.

Draft Plan of Subdivision

The purpose of the Draft Plan of Subdivision Application (25T-201505) is to create 28 lots for single detached dwellings, one block for 36 townhouse dwelling units, one block for future development, 3 blocks for stormwater management purposes and one block for road widening purposes and the extension of Kellogg Avenue (see Appendix "B" to Report PED18009).

Neighbourhood meetings to discuss this proposal were held on June 3, 2015 and March 27, 2017, both organized by the applicant.

Issues remain with respect to the Stormwater Management design and design of the Silverbirch Boulevard termination. In addition, the required Tree Protection Plan is outstanding and the submitted Environmental Impact Study requires further information regarding the evaluation of vegetation protection zones. Finally, insufficient parking facilities have been proposed on site and justification for this deficiency from the applicant remains outstanding.

The appeals to the OMB were received by the City Clerk's Office on November 16, 2017, 283 days after the receipt of the revised proposal, and 931 days after the original application was deemed complete.

Appendices and Schedules Attached

- Appendix "A": Location Map
- Appendix "B": Original Draft Plan of Subdivision
- Appendix "C": Revised Draft Plan of Subdivision
- Appendix "D": Appeal Letters