

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 20, 2018
<b>SUBJECT/REPORT NO:</b>	Appeal to the Ontario Municipal Board (OMB) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 6593 for Lands Located at 575 Woodward Avenue, Hamilton (Ward 4) (PED18055)
<b>WARD(S) AFFECTED:</b>	Ward 4
<b>PREPARED BY:</b>	Adam Lucas (905) 546-2424 Ext. 7856
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning Division
<b>SIGNATURE:</b>	

## Council Direction:

In accordance with subsection 34(11) of the *Planning Act*, a Zoning By-law Amendment Application may be appealed to the Ontario Municipal Board (OMB) after 120 days 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 Zoning By-law Amendment Application ZAC-17-031, which has been appealed to the OMB for lack of decision.

## Information:

The subject lands municipally known as 575 Woodward Avenue, Hamilton are located south of Brampton Street and north of Rennie Street (see location map attached as Appendix "A" to Report PED18055).

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*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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The subject lands are surrounded to the north by Woodward Park, to the east by single detached dwellings, to the south by a manufacturing use (Sling-Choker Manufacturing (Hamilton) Ltd.) and transportation depot (Connell Transport Co. Ltd); and to the west by a manufacturing use (Hamilton Stamping).

The subject lands are rectangular in shape with a frontage of 79.96 m on Woodward Avenue, a depth of 215 m and an area of 1.72 ha (4.25 ac). There currently is an existing one storey institutional building, Woodward Public School, on the subject lands that is vacant, and the intent of the proposal is to demolish the existing building.

**Applications:**

On March 10, 2017, Draft Plan of Condominium, Draft Plan of Subdivision and Zoning By-law Amendment Applications were submitted to the City and deemed incomplete on March 31, 2017. More specifically, the submitted applications did not include the following required information:

- Survey Plan;
- Transportation Demand Management Report;
- Public Consultation Strategy;
- Tree Protection Plan review fee;
- Draft Plan of Subdivision Application form;
- Draft Plan of Subdivision drawing;
- Draft Plan of Condominium (digital copy);
- Building elevations (hard copy); and,
- The correct application fees.

On June 5, 2017, the applicant resubmitted their proposal with Draft Plan of Condominium and Zoning By-law Amendment Applications only, and did not include a Draft Plan of Subdivision Application. On July 5, 2017, the Draft Plan of Condominium and Zoning By-law Amendment Applications were deemed to be complete.

**Zoning By-law Amendment Application:**

The purpose of Zoning By-law Amendment Application ZAC-17-031 is to change the zoning of the subject lands from “C” (Urban Protected Residential etc.) District to a site specific “RT-20” (Townhouse – Maisonette) District under Zoning By-law No. 6593 in order to permit a maximum of 120 dwellings units (72 townhouse dwellings and 48 maisonette dwellings) and site specific amendments to facilitate the proposal.

Draft Plan of Condominium Application:

The applicant has also submitted a Draft Plan of Condominium Application. The purpose of Draft Plan of Condominium (Common Element) Application 25CDM-201705 is to establish a Draft Plan of Condominium (Common Element) consisting of 16 blocks, being 12 blocks comprised of 72 townhouse dwellings and four blocks for 48 maisonette dwellings, for a total of 120 dwelling units. The Draft Plan of Condominium will create 120 parcels of tied land, with the common elements that include a private road, sidewalks, landscape areas and 32 visitor parking spaces. The Draft Plan of Condominium Application has not been appealed.

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” Schedule “E-1” – Urban Land Use Designations of the UHOP, to which the proposal complies with the land use designations.

The subject lands are currently zoned “C” (Urban Protected Residential, etc.) District in City of Hamilton Zoning By-law No. 6593. This zoning permits the existing use of the lands as a school as well as a single family dwelling, retirement home and other public uses. A Zoning By-law Amendment is required to permit the proposed townhouse and maisonette dwellings and site specific modifications to accommodate the proposed design.

**Public Consultation:**

Three e-mails, one letter and one petition were received from residents as a result of the public circulation of the applications. Of the four pieces of correspondence, two indicated concerns with respect to traffic, noise, privacy, loss of sunlight, property values, compatibility and environmental issues associated with the proposal. The remaining two were inquiries about the proposal. The petition that was submitted was in opposition to the proposed development from a compatibility perspective.

The applicant met with City staff in November 2017 to discuss the proposal as submitted, Department / Agency comments received to date, and how to move the applications forward for Council consideration. The applicant was advised that staff had concerns with the proposal and that additional information would be required prior to further consideration of the applications. More specifically, staff have concerns with the interface between the proposed built form and Woodward Park, pedestrian circulation throughout the site, the lack of amenity area and integration with the surrounding context. To date, the applicant has not submitted any revisions from the original submission in June 2017 to address staff or resident concerns.

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The appeal of the non-decision of the Zoning Application to the OMB was received by the Clerks' office on November 27, 2017 for the Zoning By-law Amendment Application only, 175 days after the receipt of the initial application. The applicant has not appealed the Condominium Application to the OMB.

**APPENCIES AND SCHEDULES ATTACHED**

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

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