

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 6, 2018
SUBJECT/REPORT NO:	Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-17-03), Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application (ZAC-17-013) and Draft Plan of Subdivision Application (25T-201702) for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129, 131, 135 and 137 Trudell Circle (Flamborough) (Ward 15) (PED18031)
WARD(S) AFFECTED:	Ward 15
PREPARED BY:	Brynn Nheiley 905-546-2424 Ext 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with the provisions of the *Planning Act* in effect at the time of the application, specifically subsections 17 (40), 17 (40.1), 22 (7), 34 (11) and 51 (34), an Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Application may be appealed to the Ontario Municipal Board (OMB) after 270 days (Official Plan Amendment Application), 120 days (Zoning By-law Amendment Application) and 180 days (Plan of Subdivision 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 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-17-03, Zoning By-law Amendment Application ZAC-17-013 and Draft Plan of Subdivision Application 25T-201702, which have been appealed to the OMB for lack of decision.

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Information:

The subject lands municipally known as 609 & 615 Hamilton Street North, 3 Nisbet Boulevard and 129, 131, 135 and 137 Trudell Circle are located north-west of the intersection of Hamilton Street North and Parkside Drive in Waterdown (see location map attached as Appendix "A" to Report PED18031).

The subject lands are surrounded to the north by existing single detached dwellings and a youth centre; to the east by existing townhouses, Waterdown Memorial Park and by a commercial plaza; to the south by existing single detached dwellings, semi detached dwellings and townhouses; and, to the west by existing townhouses.

The subject lands make up an irregular shaped site with a frontage of 69.8 m on Hamilton Street North, having a depth of approximately 106 m (irregular), and an area of 1.15 hectares. The subject lands are currently vacant and contain remnant parcels from the Parkside Hills Subdivision, including temporary turning circles.

Applications:

The original Applications proposed to construct 63 residential units in a mix of housing types that included two (2) semi detached units fronting on a public road (Trudell Circle), 15 block townhouses on a private condominium road (Trudell Circle), two (2) back-to-back townhouses which front on a public road (Trudell Circle), seven (7) back-to-back townhouses which front on a public road (Nisbet Boulevard), and 37 back-to-back townhouses which front onto a private condominium road (Trudell Circle). 126 parking spaces and 12 visitor parking spaces were also proposed on a private road (Trudell Circle).

Official Plan Amendment Application:

The purpose of the Urban Hamilton Official Plan Amendment Application (UHOPA-17-013) is to establish a Site Specific Amendment within the Neighbourhoods Designation of the Urban Hamilton Official Plan, to remove all portions of the subject lands from the Waterdown North Secondary Plan and to permit a mix of dwelling types considered to be low and medium density housing types. The effect of this amendment will be to permit the development of the subject lands to allow for 63 residential units, composed of 3% semi detached residential units with the remaining proposed units to consist of a mix of block townhouses or multiple dwellings.

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Zoning By-law Amendment Application:

The subject lands are located within three zones of the Town of Flamborough Zoning By-law No. 90-145-Z:

- 609 and 615 Hamilton Street North are located within the Automotive Commercial “AC-2” Zone, Modified;
- 129-137 Trudell Circle are located within the Urban Residential (Single Detached) “R1-34” Zone; and,
- 3 Nisbet Boulevard is located within the Medium Density Residential “R6-16” Zone, Modified.

The purpose of the Zoning By-law Amendment Application (ZAC-17-013) is to change the zoning to a Site Specific Medium Density “R6” Zone and Urban Residential (Single Detached) “R1” Zone to implement the proposed semi detached block townhouses or multiple dwellings. The proposed Zoning modifications were adapted from the “R6-27” and “R1-34” Zones in the Town of Flamborough Zoning By-law No. 90-145-Z.

Plan of Subdivision Application:

The purpose of the Plan of Subdivision Application (25T-201702) is to create two (2) semi detached dwelling lots and two (2) blocks containing 61 units with a proposed extension of the public roadway, known as Trudell Circle, to the east, and connecting to the south end of Trudell Circle by a private condominium road.

The Applications were submitted on December 23, 2016 and deemed complete on January 19, 2017, once the required Archaeological Assessment and electronic copy of all information / reports / documents were received.

On September 29, 2017, the Applicant submitted four new concept plans for consideration, and met with City Staff on November 2, 2017. The four concepts are described as follows:

- Proposal #1: 91 residential units, consisting of 84 stacked townhouses fronting on a private condominium road which includes one dead-end road and 115

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parking spaces, and seven (7) street townhouses fronting on a public road. Existing temporary cul-de-sacs were proposed to remain.

- Proposal #2: 56 residential units, consisting of 35 back-to-back townhouses and 14 townhouses fronting on a private condominium road which includes one dead-end road and 17 visitor parking spaces, and seven (7) back-to-back townhouses fronting on a public road. Existing temporary cul-de-sacs were proposed to remain.
- Proposal #3: 56 residential units, consisting of 35 back-to-back townhouses and 14 townhouses fronting on a private condominium road which includes one dead-end road, a second road loop, and 21 visitor parking spaces, and seven (7) back-to-back townhouses fronting on a public road. Existing temporary cul-de-sacs were proposed to be removed.
- Proposal #3-R: 58 residential units, consisting of 37 back-to-back townhouses and 14 townhouses fronting on a private condominium road which includes three dead-end roads and 10 visitor parking spaces, and seven (7) back-to-back townhouses fronting on a public road. Existing temporary cul-de-sacs were proposed to be removed.

Proposal #3-R, was indicated to the Applicant as being the preferred option by Staff, but that it will require revisions. Many of the comments pertaining to the original Applications, and which were circulated by Staff to the Applicant, persist as issues in the four concepts most recently provided. These issues included, but were not limited to the following:

- Access to the proposed condominium road is from two points on the existing public road, Trudell Circle. A cul-de-sac is required at each location where there is a division between the public right of way and the private road to provide for movement of maintenance vehicles within the public right of way;
- Continuous sidewalks, which connect pedestrians through the site to public sidewalks and transit stops, and avoid the need for multiple pedestrian crossings;
- In accordance with the Functional Service Report produced by Urbantech West, Staff cannot confirm there is sufficient capacity available for the existing municipal services to accommodate the proposed development; and,

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- The applicant shall ensure that the total number of residential units, including proposed units and the existing 43 units, will not exceed the maximum of 100 serviced units on a single access road.

There was a general discussion between Staff and the Applicant of the necessity to revise any reports or studies that will be impacted by changing the development proposal. To date, the Applicant has not submitted any revisions, as discussed at the November 2, 2017 meeting, of the concepts, nor to the reports and studies of the original completed Application.

The appeal to the OMB was received by the City Clerks' office on October 27, 2017, 308 days after the receipt of the initial Application.

APPENDICES AND SCHEDULES ATTACHED

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

BN:jp