



# INFORMATION REPORT

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| <b>TO:</b>                | Chair and Members<br>Planning Committee  |
| <b>COMMITTEE DATE:</b>    | February 6, 2018   |
| <b>SUBJECT/REPORT NO:</b> | 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 the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 261 King Street (Stoney Creek) (Ward 10) (PED18033) |
| <b>WARD(S) AFFECTED:</b>  | Ward 10  |
| <b>PREPARED BY:</b>       | Jacob Larsen<br>(905) 546-2424 Ext. 5277   |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department  |
| <b>SIGNATURE:</b>         |  |

## 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), and 34 (11), 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 the Urban Hamilton Official Plan Amendment Application UHOPA-16-028 and Zoning By-law Amendment Application ZAC-16-068, which have been appealed to the OMB for lack of decision.

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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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**Information:**

The subject lands, municipally known as 261 King Street East, Hamilton, are located between Corman Avenue and Green Road (refer to Appendix "A" to Report PED18033).

The subject property is irregular in shape and has a lot frontage of 45 metres, an average lot depth of 203 metres, and an area of 0.39 ha. The subject lands are currently developed with a two storey single detached dwelling. The subject property is surrounded by residential development, mainly in the form of single detached dwellings, with institutional, commercial, and multiple dwelling uses located nearby at the intersection of King Street East and Highway 8. Additional commercial uses are located to the west on King Street East. The applications were submitted on October 24, 2016 and deemed complete on November 4, 2016.

**Applications:**

**Official Plan Amendment Application:**

The applicant applied for an Official Plan Amendment Application to the Western Development Area Secondary Plan in Volume 2 of the Urban Hamilton Official Plan to redesignate the site to "Medium Density Residential 3", to permit a multiple dwelling. Additionally, a site specific exception is required to increase the density to 116 units per net hectare. This application is proposed to permit a 45 unit multiple dwelling development in the form of a four storey building, with a stepped backed fourth floor.

**Zoning By-law Amendment Application:**

The applicant has applied for a Zoning By-law Amendment to rezone the subject lands from the Multiple Residential "RM3-16" Zone, Modified, to the Multiple Residential "RM4" Zone, Modified, within the Stoney Creek Zoning By-law No. 3692-92. 58 parking spaces are proposed, 54 spaces and 2 barrier-free spaces underground, and two spaces are provided at grade, at a rate of one space per dwelling unit plus 0.28 visitor spaces per unit. A number of site specific modifications are proposed to implement the proposed development, including a parking reduction of 24 spaces (29%) (refer to Appendix B to Report PED 18033).

The application was modified to address concerns raised by residents and staff and a revised development concept was submitted on June 16, 2017. These proposed design changes included a stepped-back fourth floor plate and modulation of the façade.

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Public Consultation:

As per the statutory requirements of the *Planning Act*, and the Applicant's Public Consultation Strategy, an Open House was held on November 10, 2016. Notice of the Open House was mailed to all property owners within 120 metres of the subject lands, and the Ward Councillor. Twenty-five (25) people attended the Open House and seven (7) written submissions were received from residents opposed to the development. In addition, a petition was received signed by 144 individuals opposed to the development.

A number of outstanding issues remain, including the massing of the proposed structure, the proposed height, potential for shadows and overlook concerns, and compatibility with adjacent single detached dwellings.

The appeal to the OMB was received by the City Clerk's Office on November 27, 2017; 396 days after the receipt of the initial application (refer to Appendix "C" to Report PED18033).

**Appendices and Schedules Attached**

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

AF/JL:jp