



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	July 10, 2018
SUBJECT/REPORT NO:	Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED18149) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Adam Lucas (905) 546-2424 Ext. 7856
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

Pre Bill 139, in accordance with subsection 34(11) of the *Planning Act*, a Zoning By-law Amendment Application may be appealed after 120 days if Council has not made a decision on the application. An Official Plan Amendment Application could be appealed after 180 days, as per Section 22(7) of the *Planning Act*.

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 Local Planning Appeals Tribunal (LPAT).

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment Application ZAC-17-065, which has been appealed to the LPAT for lack of decision. Official Plan Amendment Application UHOPA-17-028 has not been appealed.

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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.

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Information:

The subject lands are municipally known as 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue South, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton and located south of Traymore Avenue, east of Forsyth Avenue South, north of Main Street West, and west of Dalewood Crescent (see location map attached as Appendix "A" to Report PED18149).

The subject lands are surrounded to the north by single detached dwellings, to the east by the Dalewood Recreation Centre and Dalewood Middle School, to the south by low and high rise residential uses and commercial uses, and to the west by the McMaster University campus.

Collectively the subject lands are generally rectangular in shape and consist of 14 residential lots fronting onto Traymore Avenue and Forsyth Avenue and a vacant block of land fronting on Main Street West. The subject lands have frontage on four streets and a total lot area of 7,976 sq m (1.97 ac). There are currently 14 existing low density residential dwellings on the property. The intent of the proposal is to demolish the said dwellings.

Applications:

On August 15, 2017, Official Plan and Zoning By-law Amendment Applications were submitted to the City to develop two, 12 storey lodging houses having a maximum height of 52.0 m and consisting of a total of 1,406 beds and six surface parking spaces. These applications were deemed incomplete on March 21, 2017. More specifically, the applications did not include the following required information:

- Public Consultation Strategy;
- Visual Impact Study;
- Right-of-Way Impact Assessment;
- Noise Impact Study;
- Water and Wastewater Servicing Study; and,
- Signed Cost Acknowledgement Agreement.

On September 15, 2017, with the exception of the signed Cost Acknowledgement Agreement, the applicant provided the above information to the City. On October 23, 2017, the signed Cost Acknowledgement Agreement was provided. On November 14, 2017, the Official Plan and Zoning By-law Amendment Applications were deemed to be complete.

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Official Plan Amendment Application (UHOPA-17-028)

The subject lands are identified as “Primary Corridor” on Schedule “E” – Urban Structure and designated “Mixed Use – Medium Density” Schedule “E-1” – Urban Land Use Designations of the Urban Hamilton Official Plan. The subject lands are further designated “Mixed Use – Medium Density” on Map B.6.2-1 in the Ainslie Wood Westdale Secondary Plan.

The purpose of the proposed Urban Hamilton Official Plan Amendment is to change the designation of the subject lands under the Ainslie Wood Westdale Secondary Plan from “Mixed Use – Medium Density” to “Institutional”, to permit two, 12 storey buildings containing a student residence with a maximum building height of 52.0 m.

Zoning By-law Amendment Application (ZAC-17-065)

The purpose of the proposed Zoning By-law Amendment is to rezone the subject site from Transit Oriented Corridor - Mixed Use (TOC1, H63 and TOC1, 296, H63) Zone to a site specific Major Institutional (I3) Zone under Zoning By-law No. 05-200, in order to permit two, 12 storey lodging houses (student residences) having a maximum height of 52.0 m. Further, a number of site specific modifications are requested to accommodate the proposal.

Public Consultation:

Thirty-eight pieces of correspondence were received from residents as a result of the public circulation of the applications. Of the 38 pieces of correspondence, four were in support of the application, while the remainder had concerns with respect to the following matters: lack of consultation with the public; scale of the development; sun shadow impacts; traffic, insufficient parking; noise; compatibility with the surrounding area; natural heritage preservation; reduction to property values; and, design of the building.

The applicant met with City staff on March 15, 2018 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 a revised submission would be required to address concerns with the proposed massing/scale, transition in built form and sun shadow impacts to the low rise residential area to the north and east, reduction in vehicular parking, proposed use of the intergenerational research space and implications on parking demands, and access points into the proposed building. To date, the applicant

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has not submitted any revisions from the original submission to address staff or resident concerns.

The appeal of the non-decision of the Zoning By-law Amendment Application to the LPAT was received by the Clerk's Office on March 29, 2017 for the Zoning By-law Amendment Application only, 226 days after the receipt of the initial application. The applicant has not appealed the Official Plan Amendment Application to the LPAT.

APPENCIES AND SCHEDULES ATTACHED

Appendix "A" – Location Map
Appendix "B" – Concept Plan
Appendix "C" – Appeal Letter