

INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	August 14, 2018
SUBJECT/REPORT NO:	Appeal to the Local Planning Appeals Tribunal (LPAT) for Lack of Decision for an Amendment to City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 16 and 18 King Street West, Stoney Creek (PED18143) (Ward 9)
WARD(S) AFFECTED:	Ward 9
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
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 to the Local Planning Appeals Tribunal (LPAT) (formerly known as the “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 LPAT.

The following information is provided for Planning Committee’s information with regards to Zoning By-law Amendment Application ZAC-17-044 which has been appealed to the LPAT for lack of decision.

Information:

The subject lands municipally known as 16 and 18 King Street West, Stoney Creek, are located on the north side of King Street West, east of Second Street North and west of Lake Avenue Drive (see location map attached as Appendix “A” to Report PED18143).

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The subject lands are surrounded to the north and east by existing three storey multiple dwellings; to the south by two storey commercial buildings; and to the west by a one storey medical clinic. The subject lands are currently vacant.

Application:

The purpose of Zoning By-law Amendment Application ZAC-17-044 is to change the zoning of the subject lands from “CA1-1” (Central Area Commercial – One) Zone to a site specific “CA1” (Central Area Commercial – One) Zone in the City of Stoney Creek Zoning By-law No. 3692-92, in order to permit an eight storey mixed use building, with a maximum of 62 dwelling units and 221.9 sq m of at grade commercial floor area. A total of 66 parking spaces are proposed within two levels of underground parking. The Zoning By-law Amendment Application was submitted on May 12, 2017 and deemed to be complete on June 7, 2017.

The subject lands are identified as “Community Node” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP).

The subject lands are designated “Mixed Use – Medium Density Pedestrian Predominant” on Map B.7.2-1 in the Old Town Secondary Plan.

The subject lands are currently zoned “CA1-1” (Central Area Commercial – One) Zone in the City of Stoney Creek Zoning By-law No. 3692-92. This zoning permits a range of commercial uses and dwelling units. The zoning also restricts the maximum building height to 11 m. An amendment to the City of Stoney Creek Zoning By-law No. 3692-92 is required in order to increase the maximum permitted height, reduce the minimum number of on-site parking spaces, and to permit a number of other site specific modifications as necessary to accommodate the proposal.

The subject lands are also subject to the Council adopted Commercial and Mixed Use (CMU) Zoning, which is currently under appeal, and zoned Mixed Use Medium Density – Pedestrian Focus (C5a) Zone in the City of Hamilton Zoning By-law No. 05-200. The (C5a) Zone permits a range of commercial and dwelling units in conjunction with commercial uses. A minimum building height of 7.5 m and a maximum building height of 22.0 m is permitted in the C5a Zone. An amendment to the City of Hamilton Zoning By-law No. 05-200 is required to increase the maximum building height from 22.0 m to 31.25 m.

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Public Consultation:

Nine pieces of correspondence were received from interested parties as a result of the public circulation of the application. Additionally, two public open houses were held by the applicant on September 26, 2017 and November 21, 2017. The interested parties identified a number of areas of concern including:

- Traffic congestion;
- Access point visibility and pedestrian safety;
- Air quality;
- Height, scale and massing of the proposed development;
- Setback from adjacent properties and the street;
- Impact on historic character of the area;
- Compatibility of design;
- Loss of greenspace and limited landscaping;
- Noise impacts;
- Limited visitor parking and no commercial parking; and,
- Site drainage.

On February 9, 2018, City staff met with the applicant to discuss changes to the proposed design in order to improve the transition in scale between the proposed built form and the existing low rise residential and commercial buildings. It was agreed that a partial step back of the front portion of the seventh and eighth storeys would improve the integration and transition in scale between the proposed development and the existing built form. Additionally, the size of the underground parking spaces and reductions to the required road widening were discussed. The applicant agreed to explore whether an increase in parking space size could be provided but required clarification in respect to the road widening before proceeding. A revised submission addressing the design changes, parking space size and road widening has not been submitted.

A road widening of approximately 3.0 m is required along King Street West in order to meet the prescribed road width requirements identified in the UHOP Volume 1 Chapter C. Further comments respecting the Right-of-Way Impact Assessment were provided on March 22, 2018 outlining that a reduction in the required road widening was not supported by Transportation Planning staff, and that the road widening of approximately 3.0 m is required at the front of the property along King Street West. This requirement is consistent with Schedule C-2 of the UHOP as well as other developments in the area specifically 13-15 King Street West to provide for the ability to enhance the streetscape, including street trees and street furniture in accordance with complete street principles.

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The appeal to the LPAT was received by the Clerk's Office on March 29, 2018, which is 312 days after receipt of the initial application.

APPENCIES AND SCHEDULES ATTACHED

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