



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 11, 2018
SUBJECT/REPORT NO:	Non-Statutory Public Meeting for a Zoning By-law Amendment for Lands Located at 16 and 18 King Street West (Stoney Creek) (PED18229) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Daniel Barnett (905) 546-2424 Ext. 4445
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Report PED18229 advising Planning Committee of the scheduling of a Non-Statutory Public Meeting relating to an appeal to the Local Planning Appeal Tribunal (LPAT – formerly known as OMB) of Zoning By-law Amendment Application ZAC-17-044, be received;
- (b) That Report PED18229, together with any written submissions and input from delegations received at Planning Committee, be referred to staff for consideration and incorporated into a further report for direction to be given to the City Solicitor.

EXECUTIVE SUMMARY

Planning Committee was advised on matters relating to an appeal to the Local Planning Appeal Tribunal (LPAT – formerly known as OMB) with regards to Zoning By-law Amendment Application ZAC-17-044, on August 14, 2018, as part of Report PED18143, in accordance with Council’s policy for staff to advise the Planning Committee and City Council of appeals for non-decision.

Although the application has been appealed to the Local Planning Appeal Tribunal (LPAT) prior to a Statutory Public Meeting being held, a Non-Statutory Public Meeting has been scheduled as per Council’s recently amended Procedures for Appeals adopted February 28, 2018, which, in part, reads:

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“(i) Where an appellant has agreed to postpone the scheduling of any hearing event until such time as Planning Committee has had an opportunity to consider the matter and that agreement has been communicated to the Ontario Municipal Board or its successor, that Planning staff be directed to process those matters accordingly and bring those matters to Planning Committee at a non-statutory public meeting for consideration and for direction to be given to the City Solicitor.”

A Non-Statutory Public Meeting has been scheduled for December 11, 2018 to allow residents and neighbours an opportunity to speak to this application. Input received from delegations at Planning Committee, along with any written submissions, will be referred to staff for consideration and incorporated into a further report for direction to the City Solicitor.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: The appeal to the Local Planning Appeal Tribunal (LPAT) was received by the City Clerk’s Office on March 29, 2018. A Non-Statutory Public Meeting has been scheduled for December 11, 2018 to allow residents and neighbours an opportunity to speak to this application.

HISTORICAL BACKGROUND

The subject lands, municipally known as 16 and 18 King Street West, Stoney Creek, are located on the north side of King Street West between Lake Avenue Drive and Second Street North (refer to Appendix “A” to Report PED18229).

The subject property has a lot frontage of 35.3 m and a lot area of 0.16 ha and is currently vacant.

Application:

Zoning By-law Amendment Application:

An application to amend the Stoney Creek Zoning By-law No. 3692 was submitted on May 12, 2017 and deemed to be complete on June 7, 2017. The application sought to rezone the subject lands from the “CA1-1” (Central Commercial – One) Zone to a site specific “CA1” (Central Area Commercial) Zone to permit an eight storey mixed use

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building, with a maximum of 62 dwelling units and 221.9 sq m of at grade commercial floor area, with 66 parking spaces within two levels of underground parking (refer to Appendix “B” to Report PED18229). The proposed density is 389 uph.

To address the comments received on the application, the applicant was required to submit a revised submission addressing the design changes required, parking space size and road widening prior to moving the application forward to Planning Committee. At the time the appeal was filed the revised submission addressing the design changes, parking space size and road widening had not been submitted to the City.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The appeal to the Local Planning Appeal Tribunal (LPAT) was received by the City Clerk’s Office on March 29, 2018; 312 days after receipt of the initial application (refer to Appendix “C” to Report PED18229).

RELEVANT CONSULTATION

In accordance with the provisions of the *Planning Act* and the Council-approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation was sent to 333 property owners within 120 metres of the subject property on June 14, 2018, for the proposed Zoning By-law Amendment Application. In addition, a Public Notice sign was placed on the property on July 13, 2018. Nine written submissions were received in respect to the notice of complete application.

As per the Applicant’s Public Consultation Strategy, an Open House was held on September 26, 2017. Notice of the Open House was mailed to all property owners within 120 metres of the subject lands and the City on September 11, 2018 and 15 people attended the Open House and signed the Open House Sign-In sheet. Notice of a second Open House held on November 21, 2017 was mailed to all property owners within 120 metres of the subject lands, the Ward Councillor, and the City on November 1, 2017 and 13 people attended the Open House and signed the Open House Sign-In sheet.

Notice of the Non-Statutory Public Meeting was sent to 333 property owners within 120 m of the subject property, as well the people who either provided written comments or who attended the two Open House meetings.

Alternatives for Consideration – N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

Culture and Diversity

Hamilton is a thriving, vibrant place for arts, culture, and heritage where diversity and inclusivity are embraced and celebrated.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Location Map

Appendix “B” – Original Concept Plan

Appendix “C” – Appeal Letter

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