



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 18, 2018
SUBJECT/REPORT NO:	Non-Statutory Public Meeting for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 261 King Street East (Stoney Creek) (PED18209) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Yvette Rybensky (905) 546-2424 Ext. 5134
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That Report PED18209 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 Urban Hamilton Official Plan Amendment Application UHOPA-16-028 and Zoning By-law Amendment Application ZAC-16-068, be received.
- (b) That Report PED18209, 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 Urban Hamilton Official Plan Amendment Application UHOPA-16-028 and Zoning By-law Amendment Application ZAC-16-068, on February 6, 2018, as part of Report PED18033, in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision.

Although the applications have been appealed to the Local Planning Appeal Tribunal (LPAT) prior to a Statutory Public Meeting being held, a Non-Statutory Public Meeting

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has been scheduled as per Council's recently amended Procedures for Appeals, adopted February 28, 2018, which, in part, reads:

“(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 September 18, 2018 to allow residents and neighbours an opportunity to speak to these applications. 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 November 27, 2017. A Non-Statutory Public Meeting has been scheduled for September 18, 2018 to allow residents and neighbours an opportunity to speak to these applications.

HISTORICAL BACKGROUND

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 PED18209).

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 No. 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 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 four (4) storey 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 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. to permit a 45 unit, four storey multiple dwelling with 58 parking spaces, with 54 spaces and 2 barrier-free spaces being underground and two spaces 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 PED18209).

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.

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.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The appeal to the Local Planning Appeal Tribunal (LPAT) 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 PED18209).

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 109 property owners within 120 m of the subject property on November 18, 2016, for the proposed Urban Hamilton Official Plan Amendment and Zoning By-law

Amendment Applications. In addition, a Public Notice sign was placed on the property on November 16, 2016. As per 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, the Ward Councillor, and the City.

Twenty-five people attended the Open House and seven written submissions were received from residents opposed to the development. In addition, a petition was received signed by 144 individuals opposed to the development.

Notice of the Non-Statutory Public Meeting was sent to the 75 property owners within 120 m of the subject property, as well as the people who attended the previous neighbourhood meeting associated with this proposal, on August 31, 2018.

ALTERNATIVES FOR CONSIDERATION

Not Applicable.

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.

Healthy and Safe Communities

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

Built Environment and Infrastructure

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

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": - Site Plan

Appendix "C": - Letter of Appeal

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