



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 20, 2020
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029 to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision for Lands Located at 73, 77, 83, 89 Stone Church Road West and 1029 West 5 th , Hamilton (PED20171) (Ward 8)
WARD(S) AFFECTED:	Ward 8
PREPARED BY:	James Van Rooi (905) 546-2424 Ext. 4283
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

Council Direction:

In accordance with subsections 22(7) and 34(11), of the *Planning Act*, an Official Plan Amendment Application and a UHOPA-19-008, may be appealed to the Local Planning Appeal Tribunal (LPAT) 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 Urban Hamilton Official Plan Amendment Application UHOPA-19-008 and Zoning By-law Amendment Application ZAC-19-029, which have been appealed for lack of decision.

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 property is municipally known as 73, 77, 83, 89 Stone Church Road West and 1029 West 5th Street (refer to Appendix “A” to Report PED20171).

The subject property is rectangular in shape, having a lot area of 0.8 ha (1.97 ac) and is located along two frontages, being Stone Church Road West and West 5th Street. The property is bound by Stone Church Road West to the north, St. Mari’s Assyrian Church to the east, a currently vacant, but site plan approved lot for a retirement facility to the south, and West 5th Street to the west. The property is located within the Mewburn Neighbourhood.

The lands that are subject of the applications were previously developed with single detached dwellings, however 83 and 89 Stone Church Road West obtained demolition permits in 2013 and 2015 respectively. The demolition permits were obtained in anticipation of a prior development application approval known as ZAC-13-018 to permit 18 stacked townhouses. This previous application was abandoned and superseded by the current applications for an Official Plan and Zoning By-law Amendment to permit a multiple dwelling. The details of the proposal are outlined below.

Applications UHOPA-19-008 and ZAC-19-029 were submitted on April 23, 2019 and were deemed complete on May 23, 2019.

PROPOSED DEVELOPMENT

First Submission:

The applications originally proposed a 237-unit multiple dwelling in the form of a ten-storey building with 70 surface parking spaces, 171 underground parking spaces and 179 bicycle parking spaces. The applicant had proposed both interior and exterior amenity space. The first proposal provided little opportunity for buffering between the multiple dwelling and neighbouring lands to the north, east and west, for example, in some cases the building setback ranged from 1.4 metres to 1.54 metres along West 5th Street and 0.97 metres along Stone Church Road West. These setbacks were considered inadequate in order to achieve appropriate separation between at-grade units and the public realm and inadequate to provide appropriate screening.

Staff also had concerns with the proximity and interface between the multiple dwelling and the property to the east. In addition to concern with setbacks, Staff also had concerns with the design and impact of massing and height in context of surrounding properties and concern with amenity space as there appeared to be no outdoor

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communal amenity area. Access to the site was proposed to be provided from West 5th Street to a parking area, and it was noted by Staff, that the parking area had inadequate landscaping along the perimeter of the site.

Second Submission:

On February 7, 2020 a revised submission was received. The second submission proposed a 226-unit multiple dwelling in the form of a ten-storey building with 59 surface parking spaces, 167 underground parking spaces and 85 bicycle parking spaces. The revised submission provided a setback that Staff considered appropriate between the subject property and the property to the east, and landscaping within the parking lot was increased, however staff continued to have concerns with the design and impact of massing and height in the context of surrounding properties. One of Staff's recommendations to reduce massing was to provide a stepback design for the building facing Stone Church Road West and West 5th Street and to also provide stepbacks along the southern portion of the building closest to the proposed retirement facility. There were also still concerns with the setbacks along Stone Church Road West and West 5th Street.

Third Submission:

On June 17, 2020 a third submission was received, proposing a 216-unit multiple dwelling in the form of a nine-storey building with 54 surface parking spaces, 243 underground parking spaces and 92 bicycle parking spaces. Although this proposal reduced the height, the building footprint was increased, resulting in the eastern side yard setback being reduced to 4.72 metres for the above ground portion of the multiple dwelling and to 2.57 metres for the underground parking structure. The applicant did increase the setback along Stone Church Road West and West 5th Street, however in Staff's opinion massing and height remained an issue.

Urban Hamilton Official Plan & City of Hamilton Zoning By-law 6593:

The subject lands are identified as "Neighbourhoods" on Schedule "E" – Urban Structure and are designated "Neighbourhoods" on Schedule "E-1" – Urban Land Use Designations in Volume 1 of the UHOP. The subject lands are also designated "Single and Double" and "Attached Housing" in the Mewburn Neighbourhood Plan.

The subject lands are currently split zoned as follows:

- 73 Stone Church Road West – "C" (Urban Protected Residential, Etc.) District;

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- 77 Stone Church Road West – “C” (Urban Protected Residential, Etc.) District;
- 89 Stone Church Road West - “DE-2/S-1700” (Multiple Dwelling) District, Modified;
- 83 Stone Church Road West - “DE-2/S-1700” (Multiple Dwelling) District, Modified; and,
- 1029 West 5th Street - “AA” (Agricultural) District.

Official Plan Amendment Application:

The revised Official Plan Amendment Application was to add a Site Specific Policy Area for the subject lands that would increase the overall density from 100-200 units per net hectare to 309 units per net hectare to permit a nine-storey storey multiple dwelling.

Zoning By-law Amendment Application:

The Zoning By-law Amendment Application proposed to rezone the lands from the “C” (Urban Protected Residential, Etc.) District, “AA” (Agricultural) District, and “DE-2/S-1700” (Multiple Dwelling) District, Modified to a site specific “DE-2” (Multiple Dwelling) District, in Former City of Hamilton Zoning By-law No. 6593.

In addition, a number of site specific modifications were proposed to implement the proposed development, including an increase in height, reduction in front, side, flankage and rear yard requirements, an increase in floor area ratio, a reduction in landscaped area, a reduction in number of parking spaces required, modification to the parking stall size, reduction in buffering of parking areas from adjoining properties, and modifications related to projections for canopies, terraces, porches or platforms. The requested site specific modifications are shown on the concept plan in Appendix “B” to Report PED20171.

Public Consultation:

As part of the Applicant’s Public Consultation Strategy and in consultation with the Ward Councillors office, a neighbourhood meeting was held on September 19, 2019. Notice of the neighbourhood meeting was sent out by the applicant to residents within 120 metres of the subject lands and additional notice was provided to residents on Pantano Drive and Giovanna Drive through the Councillors office.

To date staff have received a total of 47 written submissions by residents opposed to the development. In addition, a petition has been received, signed by 76 individuals opposed to the development.

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Issues raised by the public related to traffic and parking, the notification and circulation process, infrastructure and site servicing capacity, overdevelopment of the site, construction, tenure, community benefit and compatibility with adjacent existing low density development.

The appeal of both applications was received by the City Clerk's Office on July 31, 2020, 465 days after the receipt of the initial application (refer to Appendix "C" to Report PED20171).

APPENDICES AND SCHEDULES ATTACHED

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

AF:jvr