



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	October 19, 2021
<b>SUBJECT/REPORT NO:</b>	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044 and Draft Plan of Subdivision 25T-2019005 for Lands Located at 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (Waterdown) (PED21199) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	Rino Dal Bello (905) 546-2424 Ext. 1024
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## Council Direction:

In accordance with Subsections 22(7) and 34(11) of the *Planning Act*, an Official Plan Amendment Application together with a Zoning By-law Amendment Application may be appealed to the Ontario Land Tribunal ((OLT), formerly 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 Council's non-decision, 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 OLT.

The following information is provided to Planning Committee with regards to Urban Hamilton Official Plan Amendment Application UHOPA-19-012, Zoning By-law Amendment Application ZAC-19-044, and Draft Plan of Subdivision Application 25T-2019005 which have been appealed by the proponent for non-decision.

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*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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**Background:**

The subject lands are municipally known as 522 Highway 6, 50 Horseshoe Crescent, 30 Dundas Street East, 36 Dundas Street East and 46 Dundas Street East (shown on Appendix “A” attached to Report PED21199). The applicant is The Krpan Group and The Flamborough Power Centre c/o John Krpan.

The subject lands are approximately 25.5 hectares in total area commonly known as Clappison’s Corners, east of Highway 6, north and south of Dundas Street East (Highway 5), in the community of Waterdown. A portion of the subject lands are located along the east side of Highway 6 and are bisected by Dundas Street East (Highway 5) into an 18.58 hectare parcel referred to as iConnect Residential North (refer to Appendix “A” attached to Report PED21199) and the remaining 6.9 hectare parcel is referred to as iConnect Residential South (refer to Appendix “A” attached to Report PED21199). The subject lands are located south of the Flamborough Business Park and west of the Power Centre.

The applicant has applied for amendments to the Urban Hamilton Official Plan (Application UHOPA-19-012), Zoning By-law (Application ZAC-19-044) and Draft Plan of Subdivision Application 25T-2019005. These applications were deemed complete on July 8, 2019.

The purpose and effect of the applications is to facilitate the development of approximately 2,000 new housing units in a range of forms including townhouses, stacked townhouses and multiple dwellings ranging from two to 22-storeys in height. The concept, referred to as the iConnect Community, also includes over four hectares of new publicly accessible parkland and a range of commercial, community services, and institutional uses as well as a long-term care facility. The applicant has provided a concept plan (see Appendix “B” attached to Report PED21199).

The applicant has submitted the following plans and studies in support of the proposal:

- Draft Plan of Subdivision, prepared by MHBC;
- Plan of Survey and Topography, Part of Lots 12 & 13, prepared by J.D. Barnes;
- Registered Plan 62M-1133 and 62M-1081;
- Concept Plan, prepared by WMHZ Architects;
- Conceptual Master Plan, prepared by WMHZ Architects;
- Planning Justification Report (including draft OPA & draft ZBA), prepared by MHBC;

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- Urban Design Guidelines, prepared by WMHZ Architects;
- Draft Plan of Subdivision;
- Conceptual Master Plan;
- Preliminary Karst Assessment, prepared by Karst Solutions;
- Market Needs Assessment, prepared by Ward Land Economics Inc.;
- Noise Control Pre-Feasibility Study, prepared by SS Wilson Associates;
- Outdoor Recreation / Parks Issues Assessment, prepared by MHBC;
- Stage 1 Visual Impact Assessment, prepared by MHBC;
- General Vegetation Inventory, prepared by Stantec;
- Stage 1 – 2 Archaeological Assessment, prepared by Amick;
- Draft Phase 1 Environmental Site Assessment- Parcel 1;
- Scoped Environmental Impact Statement, prepared by Stantec;
- Phase 1 Environmental Site Assessment – Parcel 2, prepared by Stantec;
- Phase 1 Environmental Site Assessment – Parcel 2 Update, prepared by Stantec;
- Draft Phase 1 Environmental Site Assessment – Parcel 1, prepared by Stantec;
- Functional Servicing and Stormwater Management Report (including preliminary grading plan and preliminary site servicing plan), prepared by S. Llewellyn & Associates;
- Preliminary Grading and Servicing Plan- North;
- Preliminary Grading and Servicing Plan - South;
- Geotechnical Investigation and Preliminary Hydrogeological Assessment, prepared by Soil-Mat Engineers & Consultants Ltd.; and,
- Transportation Impact Study prepared by WSP.

The applications were circulated to internal departments and external review agencies for comment on July 18, 2019. Based on comments received on the technical submission, the applicant provided the City with a resubmission on December 20, 2020 that updated the following:

- Concept Plan rendering - Phase 1;
- Concept Plan rendering – Future;
- Concept Plan;
- Draft Official Plan and Zoning By-law Amendment and Plan of Subdivision;
- Economic Benefit Analysis;
- Environmental Impact Study;
- Functional Servicing Report North;
- Functional Servicing Report South;
- General Vegetation Inventory;

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- Phase 1 Environmental Site Assessment North;
- Phase 2 Environmental Site Assessment LTC;
- Phase 2 Environmental Site Assessment North;
- Planning Justification Report Addendum;
- Stage I Visual Impact Assessment;
- Transportation Impact Study;
- Transportation Impact Study Response Memo;
- Urban Design Guidelines; and,
- Vehicular Access Arrangements Rationale.

The applicant had also requested to phase the Planning Applications and approvals and requested that the City first consider the Official Plan Amendment followed by the Zoning By-law Amendment and Plan of Subdivision.

### **URBAN HAMILTON OFFICIAL PLAN (UHOP)**

The subject lands are designated as “District Commercial” on Schedule E-1 – Urban Land Use Designations and identified as “Neighbourhoods” on Schedule E – Urban Structure in Volume 1 of the Urban Hamilton Official Plan (UHOP). The lands are within a Special Policy Area (OPA 75) and Area Specific Policies UF-1 as shown on Map F-1 of the UHOP. The subject lands are partly outside of the Built Boundary, as delineated on Appendix G - Boundaries Map. A portion of the subject lands are identified as Core Areas on Schedule B-4 - Natural Heritage Feature and Key Hydrologic Feature Wetlands.

### **CITY OF HAMILTON ZONING BY-LAW NO. 05-200**

The subject lands are currently zoned District Commercial (C6, 326, H91) Zone. The District Commercial (C6) Zone permits retail and service commercial uses which cater to the weekly and daily shopping needs of residents in the immediate and surrounding neighbourhoods. Residential uses are permitted but the intent of the zone is predominantly for commercial uses.

The District Commercial (C6) Zone also permits residential uses in mixed use buildings, above commercial uses and contains gross floor area restrictions for residential, commercial and office uses and built form requirements which generally promote street-oriented design. A maximum height of 14 metres is permitted. Special regulations are provided for motor vehicle gas bars and service stations.

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The site specific provision 326 reflects most of the use permissions and regulations established under the old Prestige Industrial “M1-14(H)” Zone in the Town of Flamborough Zoning By-law No. 90-145-Z which implements the commercial node envisioned by Area Specific Policy UF-1.

The Holding Provision H92 prohibits development on the southern portion of the subject lands until a municipal road allowance connecting the lands to Dundas Street East has been dedicated to the City by way of a Plan of Subdivision.

### **OFFICIAL PLAN AMENDMENT APPLICATION**

The Official Plan Amendment application is to add a site-specific policy area in order to permit for a broad range of land uses and building forms including the development of approximately 2,000 new housing units in a range of forms including townhouses, stacked townhouses, street townhouses and multiple dwellings ranging from two to 22-storeys in height. The concept includes over four hectares of new publicly accessible parkland and a range of commercial, community services and institutional uses.

The application proposes to amend the existing “Area Specific Policy UF-1” that applies to the site to permit the uses as noted above in addition to the commercial uses permitted by the existing Area Specific Policy.

The proposed Urban Hamilton Official Plan Amendment will also amend Schedule “B” – Natural Heritage Systems and Schedule “B-4” – Detailed Natural Heritage Features, Key Natural Heritage Features and Key Hydrologic Features Wetlands to update the mapping to remove isolated natural features identified on the subject lands.

### **ZONING BY-LAW AMENDMENT APPLICATION**

The Zoning By-law Amendment application proposes to change the zoning from the District Commercial (C6, 326, H92) Zone to a modified District Commercial (C6) Zone in order to permit a range of residential uses (e.g. multiple dwellings, stacked townhouse dwellings, maisonette dwellings, block and street townhouse dwellings, retirement homes and residential care facilities), educational establishments, places of worship and community gardens in addition to the range of commercial uses permitted by the existing zoning.

The requested modifications are shown conceptually on the Concept Plan, in Appendix “B” attached to Report PED21199.

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**DRAFT PLAN OF SUBDIVISION APPLICATION**

Application 25T-2019005 is a Draft Plan of Subdivision for the lands north of Dundas Street East (522 Highway 6 and 30 and 50 Horseshoe Crescent) and consists of 16 blocks of lands, the extension of Horseshoe Crescent and five proposed roads (refer to Appendix “C” attached to Report PED21199).

**CONSULTATION**

At the time of appeal, the following outstanding issues, among others, have been identified:

**Development Engineering**

- As per City policy, a second vehicle access is required for the iConnect North lands when there is more than 100 units proposed as well as an additional north/south connection onto Dundas Road East;
- An additional road connection from the south lands should be considered since there is only one access; and,
- Submission of a stormwater management and servicing concept that would not preclude the redevelopment of the private properties along Dundas Street East.

**Development Planning**

- An updated Environmental Impact Study is required that includes detailed habitat restoration plans to replicate the ecological function of the Core Areas to be removed from the subject lands;
- Revisions to the proposed Official Plan Amendment to include appropriate land use, urban design and phasing/implementation policies using Holding Provisions;
- The distribution and location of density amongst the blocks and proposed building forms; and,
- Additional pedestrian connections and an alternative location for the park.

**Transportation Planning**

- A second vehicle access is required for the iConnect North and South lands;
- Additional analysis through a revised Transportation Impact Study would be required to phase the iConnect North lands to identify the specific timing of when a second access would be required off Dundas Street East; and,
- There is no current timeline for the Highway 5 and Highway 6 interchange to be constructed. As such following MTO direction, additional separate scenarios are

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required under the 5-year and 10-year horizon reviewing Highway 5 (Dundas Street East) and Highway 6 with the interchange improvements in place.

#### Conservation Halton

- A restoration strategy is required to identify the removal of the regulated wetlands and demonstrate the wetland function will be successfully replicated in a suitable location and will achieve net gain;
- An updated Environmental Impact Study (EIS) is required and if supported will require a permit and will be subject to approval from the CH's Board of Directors;
- The EIS and the Karst Assessment reports require updates to summarize background information, provide justification, demonstrate no negative impacts; discuss potential ecological and hydrological downstream impacts from the drainage diversion, and to incorporate associated mitigation measures including maintenance of base flows. The proposed drainage will be subject to the review and approval of the wetland replication plan;
- Verification of the proposed SWM Strategy (iConnect North lands) using an updated watershed model may be warranted considering substantial development has occurred, which was not assessed by the past drainage study that is currently being relied upon; and,
- A holistic assessment and hydrological models are required for the iConnect South lands to verify the receiving SWM facility will achieve the quantity control requirements previously defined for its contributing drainage area. An evaluation of the Regional storm must also be included.

#### **PUBLIC CONSULTATION**

Notice of Complete Application for the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment was circulated to property owners within 120 metres of the subject property on July 8, 2019.

To date staff have received two written submissions by residents opposed to the development. Issues raised by the public relate to the traffic that the development would cause.

The appeal of the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision filed by Wood Bull, agent for The Krpan Group and The Flamborough Power Centre, was received by the City Clerk's Office on August 23, 2021, 776 days after the applications were deemed complete.

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**APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED21199 – Location Map  
Appendix “B” to Report PED21199 – Concept Plan  
Appendix “C” to Report PED21199 – Draft Plan of Subdivision  
Appendix “D” to Report PED21199 – Appeal Letter

RD:sd