



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	February 1, 2022
SUBJECT/REPORT NO:	Appeal of Zoning By-law Amendment Application ZAC-20-043 and Draft Plan of Subdivision Application 25T-202009 for Lands Located at 262 McNeilly Road and 1036 - 1090 Barton Street, Stoney Creek (PED22022) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Melanie Schneider (905) 546-2424 Ext. 1224
SUBMITTED BY:	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

In accordance with Subsection 34(11) of the *Planning Act*, a Zoning By-law Amendment Application and Draft Plan of Subdivision Application may be appealed to the Ontario Land Tribunal (OLT) 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 Zoning By-law Amendment Application ZAC-20-043, and Draft Plan of Subdivision Application 25T-202009, which have been appealed by the proponent for non-decision. The appeal of the Zoning By-law Amendment, and Draft Plan of Subdivision Applications, filed by Nancy Smith, counsel for 1312733 Ontario Inc. (Owner), was received by the City Clerk's Office on October 26, 2021, 347 days after the receipt of the initial application (refer to Appendix "D" attached to Report PED22022).

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 property is municipally known as 262 McNeilly Road and 1036 to 1090 Barton Street (see Appendix “A” attached to Report PED22022). The Applicant, GSAI, c/o Mark Condello, on behalf of 1312733 Ontario Inc. (Owner), applied for a Zoning By-law Amendment (Application No. ZAC-20-043) and Draft Plan of Subdivision (Application No. 25T-202009) for the development of 545 residential units. These Applications were deemed complete on November 13, 2020.

The subject property, located on the south side of Barton Street between McNeilly Road and Lewis Road, is irregular in shape and 21.05 hectares in size. The lands are comprised of former agricultural lands and former estate rural residential lots. The lands located at 262 McNeilly Road have frontage on both McNeilly Road and Barton Street.

The purpose and effect of these Applications is to facilitate the development of 545 residential units, being 154 single and semi detached dwellings, 206 street townhouses, and 185 block townhouses, the creation of a neighbourhood park, and a block for a stormwater management pond (see Appendix “B” attached to Report PED22022).

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” with Barton Street identified as “Secondary Corridor” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in Volume 1 of the Urban Hamilton Official Plan.

The subject lands are further designated “Low Density Residential 2”, “Low Density Residential 3”, and “Medium Density Residential 2”, and “Neighbourhood Park” on Map B.7.4-1 in the Fruitland-Winona Secondary Plan. A Stormwater Management Pond is also conceptually identified on the same map.

City of Stoney Creek Zoning By-law No. 3692-92

The subject lands are zoned Rural Residential “RR” Zone and Agricultural Specialty “AS” Zone in the Stoney Creek Zoning By-law No. 3692-92.

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Zoning By-law Amendment Application

Zoning By-law Amendment Application ZAC-20-043 seeks to change the zoning from the Rural Residential “RR” Zone and Agricultural Specialty “AS” Zone to:

- A modified Single Residential “R4” Zone;
- A modified Multiple Residential “RM2” Zone; and,
- A modified Multiple Residential “RM3” Zone.

In addition, the Application seeks to incorporate a portion of the lands into the Hamilton Zoning By-law No. 05-200 under the Neighbourhood Park (P1) Zone and a modified Conservation / Hazard Land (P5) Zone.

Modifications to the “R4”, “RM2”, and “RM3” Zones include adjustments to lot area, lot frontage, minimum front, side and rear yards, maximum lot coverage, building heights, landscaped open space, and adjustments to yard projections.

The requested site specific modifications are shown conceptually on the Concept Plan in Appendix “B” attached to Report PED22022.

Draft Plan of Subdivision Application

Application 25T-202009 is a Draft Plan of Subdivision Application consisting of 203 lots/blocks as follows:

- Lots 1-154 for 154 single detached dwellings;
- Blocks 155-186 for 206 street townhouses;
- Two Blocks for 185 block townhouses;
- Three Blocks for future residential development with adjacent lands;
- One Block for a Neighbourhood Park;
- One Block for a pedestrian pathway;
- One Block for a stormwater management pond;
- Five Blocks for 0.3m reserves; and,
- Two Blocks for road widenings on Barton Street and McNeilly Road.

The proposal also includes the creation of eight public local roads, as shown on Appendix “C” attached to Report PED22022.

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As a result of the circulation and technical review of the applications, the following issues/concerns have been identified:

- Reduction of yard setbacks and unit widths;
- On street parking design does not meet municipal requirements;
- Narrow lot frontages hinder adequate Engineering design;
- Overall the Engineering design does not meet municipal standards, nor does it meet the Block 3 Servicing Strategy of the Fruitland-Winona Secondary Plan;
- Natural Heritage considerations from the Block 3 Servicing Strategy have not been incorporated into the development proposal;
- Revised Noise Study required with up to date data;
- Further detail is required in the Urban Design Report with revisions to the lot fabric; and,
- Inadequate information for waste collection serviceability.

PUBLIC CONSULTATION

As part of the Applicant's Public Consultation Strategy and in consultation with the Ward Councillor, a neighbourhood meeting was held on March 31, 2021. Notice of the neighbourhood meeting was sent to 80 properties within 120 metres of the subject lands and the local ward councillor.

To date, staff have received three submissions from the public; one in support of the development, one opposed to the proposal, and one seeking further information on the Application.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – Location Map
Appendix "B" – Concept Plan
Appendix "C" – Draft Plan of Subdivision
Appendix "D" – Letter of Appeal