



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 20, 2022
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (PED22191) (Ward 10)
WARD(S) AFFECTED:	Ward 10
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 Zoning By-law Amendment Application, may be appealed to the Ontario Land Tribunal (OLT) after 120 days if Council has not made a decision on the applications.

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 OLT.

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment application ZAC-22-015, 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 522 and 526 Winona Road (refer to Appendix “A” attached to Report PED22191).

The subject property is irregular in shape, having a lot area of 3.42 hectares and has frontage along Winona Road, Liuna Court and East Street. The property is bound by Lake Ontario to the north, East Street to the east, Winona Road to the west and Liuna Court, single detached dwellings, as well as a utility building to the south. The property is located within the Winona North Neighbourhood.

The subject lands at 526 Winona Road were formally used as a banquet hall/convention facility and a construction training centre by LiUNA, these buildings have been demolished. There is a single detached dwelling municipally known as 530 Winona Road that remains and is unoccupied. The subject lands being 522 Winona Road are vacant after demolition of a single detached dwelling.

Applications UHOPA-22-007 and ZAC-22-015 were submitted on December 24, 2021 and were deemed complete on January 20, 2022.

PROPOSED DEVELOPMENT

The proposed development is for two, 24-storey multiple dwellings and two, 15-storey multiple dwellings connected by a two-storey podium. Also proposed are two, four-storey stacked townhouse blocks and five, two-storey townhouse dwellings blocks which front onto a waterfront trail, a two-storey amenity building and a private road. In total, 1,212 units are proposed and would be supported by approximately 1,067 parking spaces and 727 bicycle parking spaces.

OFFICIAL PLAN AMENDMENT APPLICATION

The Official Plan Amendment Application is to redesignate the lands from Low Density Residential 2b and Local Commercial to General Open Space and Medium Density Residential 3 and establish a Site Specific Policy Area that would increase the overall density from 50-99 units per net hectare to 425 units per net residential hectare and increase the overall height from nine storeys to 24 storeys.

ZONING BY-LAW AMENDMENT APPLICATION

The Zoning By-law Amendment application proposes to remove a portion of the lands from the City of Hamilton Zoning By-law No. 05-200, being Community Commercial (C3, 579) Zone, and to add the lands to Stoney Creek Zoning By-law No. 3692-92 as a Multiple Residential “RM5” Zone, Modified and a Single Residential “R1” Zone. Additionally, the lands north of the proposed development abutting Lake Ontario are proposed to be rezoned from Community Commercial (C3, 579) Zone to Open Space (P4) Zone. Lastly, a portion of the land is proposed to be rezoned from the Single Residential “R2” Zone to a Multiple Residential “RM5” Zone, Modified in Stoney Creek Zoning By-law No. 3692-92.

In addition, a number of site specific modifications were proposed to implement the proposed development, including a reduced front yard, reduced side yard, reduced rear yard, increase in maximum lot coverage, increase in maximum density, increase in maximum landscaped open space, modification for a minimum distance between buildings, and modification for a minimum parking ratio. The requested site specific modifications are shown on the concept plan in Appendix “B” attached to Report PED22191.

Public Consultation

As part of the applicant’s Public Consultation Strategy and in consultation with the Ward Councillor’s office, a virtual open house meeting was held on March 29, 2022. Notice of the virtual open house meeting was sent out by the applicant to residents roughly +/-230 metres west, +/-280 metres east and +/- 430 metres south of the subject lands.

To date staff have received a total of 34 written submissions by residents opposed to the development.

Issues raised by the public related to character, height, density, traffic and parking, pedestrian and vehicular safety, pedestrian and public transit connectivity, visual impact, lack of commercial uses, lack of open space, notification and circulation process, infrastructure, crime, site servicing capacity, overdevelopment of the site, vegetation, construction, sun and shadow impacts, 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 June 6, 2022, 164 days after the receipt of the application (refer to Appendix “C” to Report PED22191).

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED22191 - Location Map

Appendix "B" to Report PED22191 - Site Plan

Appendix "C" to Report PED22191 - Letter of Appeal

Appendix "D" to Report PED22191 - Virtual Open House Circulation Map

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