



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	November 29, 2022
<b>SUBJECT/REPORT NO:</b>	Appeal of Zoning By-law Amendment Application ZAC-21-003 to the Ontario Land Tribunal for Lands Located at 125 Pirie Drive, Dundas (PED22145(a)) (Ward 13)
<b>WARD(S) AFFECTED:</b>	Ward 13
<b>PREPARED BY:</b>	Aminu Bello (905) 546-2424 Ext. 5264
<b>SUBMITTED BY:</b>	Steve Robichaud Director, Planning and Chief Planner Planning and Economic Development Department
<b>SIGNATURE:</b>	

## COUNCIL DIRECTION

In accordance with subsection 34(11), of the *Planning Act*, a Zoning By-law Amendment application, may be appealed to the Ontario Land Tribunal (OLT) after 120 days for the Zoning By-law Amendment 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 OLT.

The following information is provided for Planning Committee's information with regards to Zoning By-law Amendment application ZAC-21-003, which has been appealed for lack of decision.

## INFORMATION

The subject property is municipally known as 125 Pirie Drive, Dundas (refer to Appendix "A" attached to Report PED22145(a)).

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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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The Applicant, Wellings Planning Consultants Inc. on behalf of FGL Pirie Inc., applied for a Zoning By-law Amendment (ZAC-21-003) to permit development of 16 townhouse dwellings with 32 parking spaces, and a four storey building containing a Retirement Home for a maximum of 100 residents with 84 dwelling units designed for seniors, a rooftop amenity area, 13 visitor parking spaces, 36 parking spaces for the Retirement Home and 84 parking spaces proposed for the dwelling units designed and oriented towards seniors, as shown on Appendix "B" attached to Report PED22145(a).

The subject property is rectangular shaped with a lot area of 1.42 hectares and is located northeast of the Pirie Drive and Governor's Road street intersection. The subject lands are current vacant.

Application ZAC-21-003 was submitted on December 23, 2020 and was deemed complete on January 22, 2021.

On September 6, 2022, the statutory Public Meeting was scheduled for Zoning By-law Amendment application ZAC-21-003 and the Planning Committee received Report PED22145 Planning Division staff recommended approval of the application. Planning Committee passed a motion to defer the statutory Public Meeting, including the associated written public submissions, to Q1 of 2023. On September 12, 2022, the applicant appealed the application to the Ontario Land Tribunal for non-decision.

### **Zoning By-law Amendment**

The subject property is currently zoned Urban Reserve (UR) Zone and Single Detached Residential "R2" Zone in the Town of Dundas Zoning By-law No. 3581-86, as shown on Appendix "A" attached to Report PED22145a. The proposed Zoning By-law Amendment application is to change the zoning from the Urban Reserve "UR" Zone and Single Detached Residential "R2" Zone under the Town of Dundas Zoning By-law No. 3581-86 to a site specific Community Institutional (I2) Zone in Hamilton Zoning By-law No. 05-200 and a site specific Low to Medium Density Multiple Dwelling "RM1" Zone in Dundas Zoning By-law No. 3581-86.

The proposed modifications to the Community Institutional (I2) Zone include definition of the front lot line, permit the use of Multiple Dwellings in conjunction with the development of a Retirement Home, increase the maximum building height and increase the maximum capacity for a Retirement Home.

The proposed modifications to the Low to Medium Density Multiple Dwelling "RM1" Zone include the definition of the front lot line, reduce the minimum front yard, reduce the minimum landscaped area, and exemptions to the planting strip and visitor parking requirements.

## **Public Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the applications were sent to 166 property owners within 120 metres of the subject lands on February 5, 2021. Pursuant to the City's Public Consultation Strategy Guidelines, the Applicant prepared a Public Consultation Strategy which included a neighbourhood meeting virtually hosted by the Applicant. A notice advising of the neighbourhood meeting was sent to all residents within 120 metres of the subject lands. Approximately 100 people, including the Ward 13 Councillor, Applicant and their Agent attended the virtual meeting held on May 6, 2021. At the virtual public meeting, the Applicant provided a general overview of the proposed development and facilitated opportunities for public comments and direct feedback on the proposal.

On August 19, 2022, a notice of Public Meeting was sent to 128 property owners within 120 metres of the subject lands. The Applicant had updated the Public Notice sign to indicate the September 6, 2022 Public Hearing date. Following the Public Hearing notice, staff received nine additional letters in opposition of the Zoning By-law Amendment application.

To date, staff have received a total of 102 written submissions from residents regarding the proposed development (100 residents in opposition and two residents in support). Issues raised by the public relate to increased traffic, stormwater management concerns, pedestrian safety, land use compatibility, increase in the maximum height, increased residential density, loss of greenspace, disturbance from construction and privacy invasion resulting from the proposed four storey Retirement Home.

At the September 6, 2022 Planning Committee meeting, a motion was passed to defer the statutory Public Hearing and decision on Zoning By-law Amendment ZAC-21-003 for a future Planning Committee date in Q1 2023.

The appeal of the Zoning By-law Amendment application was received by the City Clerk's Office on September 12, 2022, 628 days after the receipt of the application.

## **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED22145(a) – Location Map  
Appendix "B" to Report PED22145(a) – Concept Plans  
Appendix "C" to Report PED22145(a) – Letter of Appeal

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