



Hamilton

# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	March 21, 2023
<b>SUBJECT/REPORT NO:</b>	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 909 North Waterdown Drive, Waterdown (PED23062) (Ward 15)
<b>WARD(S) AFFECTED:</b>	Ward 15
<b>PREPARED BY:</b>	James Van Rooi (905) 546-2424 Ext. 4283
<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 (OPA) 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 (UHOPA) Application UHOPA-22-018 and Zoning By-law Amendment Application ZAC-22-032, which have been appealed for lack of 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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**INFORMATION**

The subject property is municipally known as 909 North Waterdown Drive. The subject property is rectangular in shape and is located on the northside of North Waterdown Drive having a total lot area of 16.21 hectares. The portion of the lands that are proposed to be developed are irregular in shape (refer to Appendix “A” attached to Report PED23062) and roughly 1.86 hectares in size and fall within the Hamilton Urban Boundary.

Applications UHOPA-22-018 and ZAC-22-032 were submitted on April 25, 2022 and were deemed complete on May 16, 2022. On October 20, 2022, 178 days after the receipt of the application, an appeal was received.

**PROPOSED DEVELOPMENT**

The proposed development is for 84, three storey stacked townhouse dwellings arranged in six blocks, referred to as “Kaleidoscope Phase 3”, and for an eight to 15 storey multiple dwelling of up to 150 units, referred to as “Kaleidoscope Phase 4”.

The stacked townhouse dwellings would be supported with two parking spaces (one driveway parking space, and one garage parking space), as well as 24 surface parking spaces for visitors. The multiple dwelling would be supported with 128 underground parking spaces and 11 surface parking spaces. Also proposed are two amenity areas totalling 1,594 square metres and a private road (refer to Appendix “B” attached to Report PED23062).

The subject lands were previously subject to an UHOPA Application (UHOPA-17-006) and a Zoning By-law Amendment Application (ZAC-17-016) to permit 104 stacked townhouses arranged in ten blocks at three storeys high, with density of approximately 45 units per gross hectare. These applications were appealed to the OLT in March 2020, due to lack of decision, and on November 8, 2021 the OLT issued decision PL200274 ordering the appeals to be refused as the previous proposal’s reduced density did not align with or contribute to the City’s vision for the Waterdown North Secondary Plan.

The Applicant submitted the following studies/reports in support of the proposal:

- Planning Justification Report;
- Functional Servicing Report;
- Stormwater Management Report;

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- Traffic Impact Study;
- Geotechnical Report;
- Hydrogeological Report;
- Environmental Impact Study;
- Tree Protection Plan;
- Noise Study; and,
- Urban Design Report.

These reports and studies were circulated to internal and external review agencies for comment on May 19, 2022.

### **OFFICIAL PLAN AMENDMENT APPLICATION**

The OPA Application is to amend the Waterdown North Secondary Plan to redesignate the lands from Low Density Residential 2 to High Density Residential 1, redesignate a portion of the High Density Residential 1 lands to Natural Open Space and establish a Site Specific Policy Area in the Secondary Plan that would permit a minimum density of 100 units per gross residential hectare and a maximum density of 175 units per gross residential hectare.

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

The Zoning By-law Amendment application proposes to rezone the property from Agriculture “A” Zone to a site specific Medium Density Residential “R6” Zone, in Town of Flamborough Zoning By-law No. 90-145-Z and to add a portion of the lands to City of Hamilton Zoning By-law No. 05-200 as a site specific Conservation/Hazard Land (P5) Zone.

A number of site specific modifications are proposed to implement the proposed stacked townhouses, including:

- Reductions to the minimum setback requirements;
- Reductions to the minimum parking requirements; and,
- Reductions to the minimum landscaping requirements.

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**City Staff's Review and Comments:**

Issues/concerns identified through the circulation include:

- An updated Environmental Impact Study based on up to date staking of the Core Area features on site was not provided. Staking occurred in 2014 as part of the previous Official Plan and Zoning By-law Amendment applications submitted; however, as per the City of Hamilton's Environmental Impact Statement (EIS) Guidelines, field data from previous studies may be used as a secondary source of information, but must be updated if collected more than five years ago;
- An updated Traffic Impact Study including an updated parking review, truck access and circulation and an updated Transportation Demand Management section is required;
- An updated Noise Study with the most recent traffic data is required;
- A revised draft amending Zoning By-law is required; and,
- A revised concept plan showing an enhanced primary pedestrian route to the interior and rear of the site.

**Public Consultation**

The applicant's Public Consultation Strategy was to follow the public notification process prescribed by the *Planning Act*. On May 19, 2022, a notice of complete application was sent to residents within 120 metres of the subject lands.

To date staff have not received written submissions from residents in opposition or support of the development.

**APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23062 - Location Map  
Appendix "B" to Report PED23062 - Site Plan  
Appendix "C" to Report PED23062 - Letter of Appeal

JVR:sd