



# 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-22-024 and Zoning By-law Amendment Application ZAC-22-051 for Lands Located at 3160, 3168, 3180 and 3190 Regional Road No. 56, Glanbrook (PED23058) (Ward 11)
<b>WARD(S) AFFECTED:</b>	Ward 11
<b>PREPARED BY:</b>	Devon Morton (905) 546-2424 Ext. 1384
<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) 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-22-024 and Zoning By-law Amendment Application ZAC-22-051, 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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**INFORMATION**

The subject lands are municipally known as 3160, 3168, 3180 and 3190 Regional Road No. 56 (refer to Appendix “A” attached to Report PED23058). The applicant, MHBC Planning Urban Design and Landscape Architecture, c/o Stephanie Mirtitsch, on behalf of 1583123 Ontario Inc. (Owner), has applied for amendments to the Urban Hamilton Official Plan (UHOPA-22-024) and Zoning By-law No. 05-200 (ZAC-22-051).

The subject lands encompass four lots, all rectangular in shape, with a combined area of approximately 6,102.15 square metres (approximately 1.5 acres). The lots front onto Regional Road No. 56 with a total of 97.25 metres of frontage. The subject lands are surrounded by low density residential (single detached and townhouse dwellings) and commercial uses. Two lots are currently occupied with single detached dwellings; one lot is occupied by an accessory structure and the remaining lot is vacant. A pedestrian pathway is located at the northern limit of 3160 Regional Road No. 56 adjacent to a watercourse regulated by the Niagara Peninsula Conservation Authority.

The Owner proposes to develop a six-storey mixed-use building with 121 dwelling units, 135 vehicular parking spaces and approximately 394.28 square metres of ground floor commercial gross floor area. The applicant has provided a Concept Plan and Architectural Renderings, along with required studies and reports in support of the application (see Appendix “B” and Appendix “C” attached to Report PED23058).

The application was received on July 20, 2022, deemed complete on July 22, 2022 and circulated to internal departments and external review agencies for comment on August 5, 2022. The appeal of the Official Plan Amendment and Zoning By-law Amendment, filed by Jennifer Meader (Turkstra Mazza), agent for 1583123 Ontario Inc. (Owner), was received by the City Clerk’s Office on November 22, 2022, 123 days after the applications were deemed complete.

A Submission to the City’s Design Review Panel (DRP) was requested by City staff. To date, a submission to DRP has not been made.

**Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200**

The subject lands are designated “Mixed Use - Medium Density” on Schedule E-1 – Urban Land Use Designations of the Urban Hamilton Official Plan (UHOP) and further designated “Mixed Use - Medium Density – Pedestrian Focus” on Land Use Plan Map B.5.1-1 of the Binbrook Village Secondary Plan.

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The subject lands are zoned Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone pursuant to City of Hamilton Zoning By-law No. 05-200 (refer to Appendix “A” attached to Report PED23058).

### **Official Plan Amendment Application**

The Applicant is requesting an Official Plan Amendment to establish a site-specific policy area to:

- Permit a multiple dwelling whereas the use is not permitted; and,
- Permit a maximum building height of six storeys whereas the maximum permitted building height is three storeys.

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

The Applicant is requesting a Zoning By-law Amendment to change the zoning from Mixed Use Medium Density – Pedestrian Focus (C5a) Zone to a site specific Mixed Use Medium Density – Pedestrian Focus (C5a) Zone to:

- Allow a Multiple Dwelling as a permitted use whereas the use is not permitted;
- Permit a minimum interior side yard of 5.0 metres whereas a minimum interior side yard of 7.5 metres is permitted;
- Permit a maximum building height of 21.5 metres whereas a maximum building height of 11.0 metres is permitted;
- Permit a minimum of 35% of the ground floor façade facing the street to be composed of doors and windows whereas 60% of the ground floor façade facing the street is to be composed of doors and windows; and,
- Permit a maximum first storey height of 5.5 metres whereas a maximum first storey height of 4.5 metres is permitted.

The requested modifications are conceptually shown on the Concept Plan and Architectural Renderings (see Appendix “B” and Appendix “C” attached to Report PED23058).

### **City Staff’s Review and Comments**

Staff have concerns with the proposed building height and introduction of residential units on the ground floor. More specifically, the proposed building height does not achieve the planned vision of the area as established in the Binbrook Village Secondary Plan and the introduction of residential units on the ground floor of a pedestrian-focused

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area equates to a loss of potential commercial development and impacts the commercial function of the Community Core.

In addition, City staff have additional technical concerns with the Functional Servicing Report.

### **Public Consultation**

Notice of Complete Application was circulated to property owners within 120 metres of the subject property on July 28, 2022.

To date staff have received a total of eight written submissions opposed to the development. Concerns raised relate to the increase in height, loss of privacy, increased noise, increased traffic, loss of tree canopy, loss of character, lack of available services, demand on services, and parking.

The Applicant submitted a Public Engagement Strategy which suggested a Community Information Meeting may be required following discussions with the Ward Councillor and City staff. Given the amount of public input received related to the proposal, staff recommended the Applicant proceed with the Community Information Meeting, however, the applications were appealed before the Community Information Meeting was scheduled.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix “A” to Report PED23058 – Location Map  
Appendix “B” to Report PED23058 – Concept Plan  
Appendix “C” to Report PED23058 – Architectural Renderings  
Appendix “D” to Report PED23058 – Letter of Appeal

DM:sd