



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	March 21, 2023
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-023 and Zoning By-law Amendment Application ZAC-22-050 for Lands Located at 3064, 3070, 3078 and 3084 Regional Road No. 56, Glanbrook (PED23057) (Ward 11)
WARD(S) AFFECTED:	Ward 11
PREPARED BY:	Devon Morton (905) 546-2424 Ext. 1384
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 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-22-023 and Zoning By-law Amendment Application ZAC-22-050, which have been appealed by the proponent for non-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 lands are municipally known as 3064, 3070, 3078 and 3084 Regional Road No. 56 (refer to Appendix “A” attached to Report PED23057). 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-22-023) and Zoning By-law No. 05-200 (ZAC-22-050).

The subject lands encompass four interior lots, a corner lot and a small land-locked lot, all generally rectangular in shape, with a combined area of approximately 5,441.52 square metres (approximately 1.35 acres). Four lots front onto Regional Road No. 56 with a total of 81.42 metres of frontage and one lot has 19.12 metres of frontage onto Viking Drive. The subject lands are surrounded by low density residential (single detached and townhouse dwellings) and commercial uses. The lots fronting onto Regional Road No. 56 are currently occupied with vacant single detached dwellings, of which, one was previously used for commercial purposes (chiropractic clinic).

The Owner proposes to develop a six-storey residential building with 116 dwelling units and 145 vehicular parking spaces. The applicant has provided a Concept Plan and Architectural Renderings and the required studies and reports in support of the application (see Appendix “B” and Appendix “C” attached to Report PED23057).

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.

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 PED23057).

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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;
- Permit a maximum building height of six storeys whereas the maximum permitted building height is three storeys; and,
- Redesignate a portion of the lands from “Neighbourhoods” to “Mixed Use-Medium Density – Pedestrian Focus”.

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 maximum building height of 20.0 metres whereas a maximum building height of 11.0 metres is permitted;
- Permit a maximum setback from Viking Drive of 7.84 metres whereas a maximum setback of 3.0 metres is permitted;
- Permit a minimum rear yard setback of 7.0 metres whereas a minimum rear yard setback of 7.5 metres is required; and,
- Permit a minimum of 35% of the area of the ground floor façade facing the street to be composed of doors and windows whereas 60% of the area of the ground floor façade facing the street is to be composed of doors and windows.

The requested modifications are conceptually shown on the Concept Plan and Architectural Renderings (see Appendix “B” and Appendix “C” attached to Report PED23057).

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

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At the time of appeal, City staff have 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 August 3, 2022.

To date staff have received a total of eleven written submissions opposed to the development. Concerns raised relate to loss of privacy, increased noise, increased traffic, depreciation of home values, reduced safety, loss of views, loss of sunlight, increased pollution, increased taxes, added pressure on education system, length of construction, loss of tree canopy, loss of character, compensation, access 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 PED23057 – Location Map
Appendix “B” to Report PED23057 – Concept Plan
Appendix “C” to Report PED23057 – Architectural Renderings
Appendix “D” to Report PED23057 – Letter of Appeal

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