



# INFORMATION REPORT

<b>TO:</b>	Chair and Members Planning Committee
<b>COMMITTEE DATE:</b>	April 4, 2023
<b>SUBJECT/REPORT NO:</b>	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-022 and Zoning By-law Amendment Application ZAC-22-048 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 2900 King Street East, Hamilton (PED23073) (Ward 5)
<b>WARD(S) AFFECTED:</b>	Ward 5
<b>PREPARED BY:</b>	Daniel Barnett (905) 546-2424 Ext. 4445
<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 34(11) and 51(34) of the *Planning Act*, an Official Plan Amendment application and a Zoning By-law Amendment application may be appealed by the Applicant to the Ontario Land Tribunal (OLT) after 120 days, if Council has not made a decision on the respective applications.

A motion to direct staff to advise the Planning Committee on matters relating to appeals of 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-22-022 and Zoning By-law Amendment Application ZAC-22-048 which have been appealed by the proponent for non-decision.

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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 2900 King Street East (refer to Appendix “A” attached to Report PED23073). The Applicant, Urban Solutions Planning & Land Development Consultants Inc. c/o Matt Johnston, applied for an Urban Hamilton Official Plan Amendment (UHOPA) (Application UHOPA-22-022) and Zoning By-law Amendment (Application ZAC-22-048) to permit a mixed use development consisting of a six storey podium with two towers (20 storeys and 18 storeys), containing 564 dwelling units, 356 sq. m. of ground floor commercial and 422 parking spaces. The proposed development would represent a density of approximately 969 units per net hectare.

The subject property is approximately ±0.5 ha in size and is located at the intersection of King Street East and Centennial Parkway North. The subject lands are currently vacant with no existing buildings or structures on site.

The UHOPA and Zoning By-law Amendment Applications were received on July 18, 2022 and deemed complete on July 20, 2022. The details of the proposal are outlined below.

The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment, filed by WeirFoulds LLP c/o Denise Baker counsel for 2626364 Ontario Inc. c/o Kyle Camarro, was received by the City Clerk’s Office on November 23, 2022, 128 days after the receipt of the initial applications (refer to Appendix “C” attached to Report PED23073).

**Urban Hamilton Official Plan**

The subject lands are identified as “Secondary Corridor” and “Neighbourhoods” on Schedule E – Urban Structure and designated “Neighbourhoods” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan.

Application UHOPA-22-022 is an Official Plan Amendment to change the designation of the subject lands from “Neighbourhoods” to “Mixed Use Medium Density” with a Site Specific Policy Area to permit a maximum building height of 20 storeys.

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**Zoning By-law Amendment Application**

The subject property is currently zoned Community Commercial (C3) Zone in City of Hamilton Zoning By-law No. 05-200, as shown on Appendix “A” attached to Report PED23073.

Application ZAC-22-048 is a Zoning By-law Amendment Application to change the zoning from the Community Commercial (C3) Zone to a site specific Mixed Use Medium Density (C5) Zone under Hamilton Zoning By-law No. 05-200.

Issues/concerns identified through the circulation include:

- The proposed development does not comply with the policies of the Urban Hamilton Official Plan as it relates to compatibility with the scale and character of existing residential neighbourhoods, on-site landscaping, appropriate massing and setbacks and building height;
- The proposed development is not consistent with the City-Wide Corridor Planning Principles and Design Guidelines, specifically to Policy 4.3.2 which states that new buildings should be limited in height by a 45 degree build to plane;
- An updated Sun Shadow study to include the as of right shadows impacts;
- An updated Pedestrian Level Wind Study to reflect the subject lands where the study submitted is based on a different property;
- The proposed development is premature as the applicant has not demonstrated that the existing municipal infrastructure has sufficient sanitary servicing capacity to support the proposed development, and an updated Functional Servicing Report complete with Sanitary Capacity Analysis and a Watermain Hydraulic Analysis were required;
- An updated Transportation Impact Study (TIS) to include revisions to the proposed driveway access to prevent unsafe in and out turning movements;
- An updated Tree Protection Plan (TPP) to address staff concerns with the number of trees to be removed and to retain trees based on condition, aesthetic, age and species which has not been taken into consideration; and,

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- Submission of a Visual Impact Assessment (VIA) to evaluate street views, the development's compatibility with the established context along the streetscape, and visual impacts with respect to the Niagara Escarpment.

### **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 was sent to 28 property owners within 120 m of the subject lands on August 2, 2022.

To date staff have received no written submissions regarding the applications.

### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" to Report PED23073 - Location Map  
Appendix "B" to Report PED23073 - Concept Plans  
Appendix "C" to Report PED23073 - Letter of Appeal

DB:sd