



INFORMATION REPORT

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	September 5, 2023
SUBJECT/REPORT NO:	Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-23-010 and Zoning By-law Amendment Application ZAC-23-025 to the Ontario Land Tribunal for Lack of Decision for Lands Located at 509 Southcote Road, Ancaster (PED23127) (Ward 12)
WARD(S) AFFECTED:	Ward 12
PREPARED BY:	Michael Fiorino (905) 546-2424 Ext. 4424
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 and a Zoning By-law Amendment application may be appealed to the Ontario Land Tribunal 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 Ontario Land Tribunal.

The following information is provided for Planning Committee's information with regards to Urban Hamilton Official Plan Amendment application UHOPA-23-010 and Zoning By-law Amendment application ZAC-23-025, which have been appealed 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 property is municipally known as 509 Southcote Road (refer to Appendix “A” attached to Report PED23127). The Applicant, UrbanSolutions Planning & Land Development Consultants Inc., on behalf of Southcote Hills Inc., applied for an Urban Hamilton Official Plan Amendment (UHOPA-23-010) and Zoning By-law Amendment (ZAC-23-025) to permit 57 three storey townhouse dwellings arranged in ten blocks fronting onto a private condominium roadway. The townhouse dwellings would be supported with two parking spaces (one driveway parking space and one garage parking space), as well as 23 surface parking spaces for visitors (refer to Appendix “B” attached to PED23127).

The subject property is 1.07 ha in size, is rectangular in shape and is located on the east side of Southcote Road.

The Urban Hamilton Official Plan Amendment and Zoning By-law Amendment applications were received on December 23, 2022 and deemed complete on January 20, 2023.

The appeal of the Urban Hamilton Official Plan Amendment and Zoning By-law Amendment filed by Aird & Berlis LLP c/o Patrick J. Harrington, agent for Southcote Hills Inc. was received by the City Clerk’s Office on June 29, 2023, 188 days after the initial applications (refer to Appendix “C” attached to Report PED23127).

Urban Hamilton Official Plan

The subject property is designated Neighbourhoods on Schedule E-1 -Urban Land Use Designations, in the Urban Hamilton Official Plan and designated “Low Density Residential” and “Low Density Residential 2a” in the Meadowlands Neighbourhood III Secondary Plan.

The Urban Hamilton Official Plan Amendment application is being sought to redesignate the subject lands from “Low Density Residential” and “Low Density Residential 2a” to “Low Density Residential 3b” in the Meadowlands Neighbourhood III Secondary Plan and to establish a site-specific exception to permit block townhouses with a density of 53 units per gross/net residential hectare.

Zoning By-law Amendment Application

The subject property is currently zoned Agriculture “A” in Ancaster Zoning By-law No. 87-57, as shown on Appendix “A” attached to Report PED23127. The proposed Zoning By-law Amendment is to change the zoning from the Agriculture “A” Zone to a site specific Residential Multiple “RM2” Zone.

A number of site specific modifications are required to implement the proposed townhouse dwellings, as shown on the Concept Plan in Appendix “B” attached to Report PED23127, including:

- Reductions to the required minimum lot area, lot frontage, and lot depth;
- Reductions to the required minimum front, side, and rear yard;
- Reductions to the minimum distance separation between townhouse dwellings;
- Increase to the maximum building height requirements;
- Reductions to the minimum landscaping area requirements;
- To permit a front yard to abut a rear yard of a detached dwelling;
- Increase to the maximum yard encroachment for unenclosed porches;
- Reductions to the minimum planting strip along a lot line which abuts a parking area;
- Reductions to the minimum distance between a parking area and street; and,
- Reductions to the minimum required number of parking spaces.

Issues identified through the circulation include:

- Incomplete Tree Management Plan, to include an inventory of the rear portion of the subject lands and determine alternative techniques for the retention and preservation of trees along the perimeter as per Urban Hamilton Official Plan Policy C.2.11.1;
- Incomplete Traffic Impact Study, to include trip generation, distribution and description of the road network as well as the operational analysis of the Southcote Road and Garner Road East intersection as per Urban Hamilton Official Plan Policy C.4.5.9;
- Incomplete Noise Study, to include clarification of the noise barrier location and abutting grade changes as well as clarification on the commercial operations located to the south of the subject lands (along the southerly side lot line); and,
- Incomplete Functional Servicing and Stormwater Management Report which needs to demonstrate that there is adequate water system and sanitary sewer

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capacity in the existing municipal infrastructure system as per Urban Hamilton Official Plan Policies C.5.3.11 and C.5.4.3.

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 property owners within 120 metres of the subject lands on February 2, 2023.

To date staff have received a total of 21 written submissions by residents expressing concerns with the proposed development. Issues raised by the public relate to traffic congestion, loss of mature vegetation (tree canopy) and habitat, safety, loss of privacy, water runoff, snow removal, air quality and contribution to climate change, lack of amenity space, property values, and lack of onsite parking.

The appeal of both applications was received by the City Clerk's Office on June 29, 2023, 188 days after the receipt of the application.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED23127 - Location Map
Appendix "B" to Report PED23127 - Site Plan and Building Elevations
Appendix "C" to Report PED23127 - Letter of Appeal

MF:sd