



INFORMATION REPORT

TO: Chair and Members Planning Committee	WARD(S) AFFECTED: WARD 13
COMMITTEE DATE: November 6, 2012	
SUBJECT/REPORT NO: Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Dundas Official Plan and Zoning By-law for Lands Located at 231 York Road (Dundas) (PED12198) (Ward 13)	
SUBMITTED BY: Tim McCabe General Manager Planning and Economic Development Department	PREPARED BY: Chris Bell (905) 546-2424 Ext. 1262
SIGNATURE:	

Council Direction:

An application may be appealed to the Ontario Municipal Board (OMB) in accordance with the Planning Act after 180 days (Plan of Subdivision), or 120 days (Official Plan Amendment/Zoning By-law Amendment), if Council has not made a decision on the application(s). 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. The following information is provided for the Official Plan Amendment (OPA-11-019) and Zoning By-law Amendment (ZAC-11-066) applications, for the lands located at 231 York Road, (Dundas), which are the subject of these appeals.

Information:

This Information Report was prepared in accordance with Council's policy for staff to advise the Planning Committee and City Council of appeals for non-decision to the OMB for Planning Act applications. Applications for an Official Plan Amendment and Zoning By-law Amendment were submitted by David A. Stevens, c/o Hines & Stevens, on November 18, 2011, and deemed complete by the City of Hamilton on November 30, 2011. The subject lands are located at 231 York Road, (Dundas) (see Appendix "A").

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The subject lands are within the “Neighbourhood Residential” designation of the Town of Dundas Official Plan. The applicant applied for an Official Plan Amendment to redesignate the subject lands to a site-specific residential designation to allow a residential density of up to 43 units per hectare in order to permit the development of up to 18 group townhouses, whereas the policies of the Official Plan contemplates infill development within the “Neighbourhood Residential” designation of up to 28 units per net hectare.

The Zoning By-law Amendment application proposed to rezone the subject lands from the Single Detached Residential “R2” Zone to a site-specific Low to Medium Density Multiple Dwellings “RM1” Zone in order to allow an 18-unit group townhouse development with site-specific special provisions to allow:

- A front yard of 3.45m, whereas the current provisions of the “RM1” Zone require a minimum front yard of 6.0m;
- A side yard of 6.3m for yards facing walls with windows, whereas the current provisions of the “RM1” Zone require minimum side yards of 7.5m;
- A rear yard of 6.2m, whereas the current provisions of the “RM1” Zone require a minimum rear yard of 7.5m;
- A maximum density of 43 units per hectare, whereas the current provisions of the “RM1” Zone require a maximum density of 37 units per hectare; and,
- A landscaped area of 44.8% of the total site area, whereas the current provisions of the “RM1” Zone require a minimum landscaped area of 50%.

The applications were circulated on December 1, 2011. The original submission included the concept plan, included as Appendix “B” to this Report. Comments were received from City Departments, outside agencies, and members of the public. The applications were not brought forward to a Public Meeting of the Planning Committee because of issues raised through the circulation, including the following:

1. Non-Compliance with the Intent of the Town of Dundas Official Plan: Planning staff was of the position that the proposal does not adequately demonstrate that 18 block townhouse units on the 0.42 hectare subject parcel is a form of intensification envisioned in local planning documents. On the basis that the proposal does not comply with the intent of the Official Plan, staff was of the opinion that the proposed development would not be compatible with the surrounding neighbourhood.

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2. Unsafe Sight-Lines Along a Curve of York Road: A review of the Sight-Line Study, submitted with the original application, indicated that the available sight distance looking east from the originally proposed driveway is only 67m, whereas 85m is required.

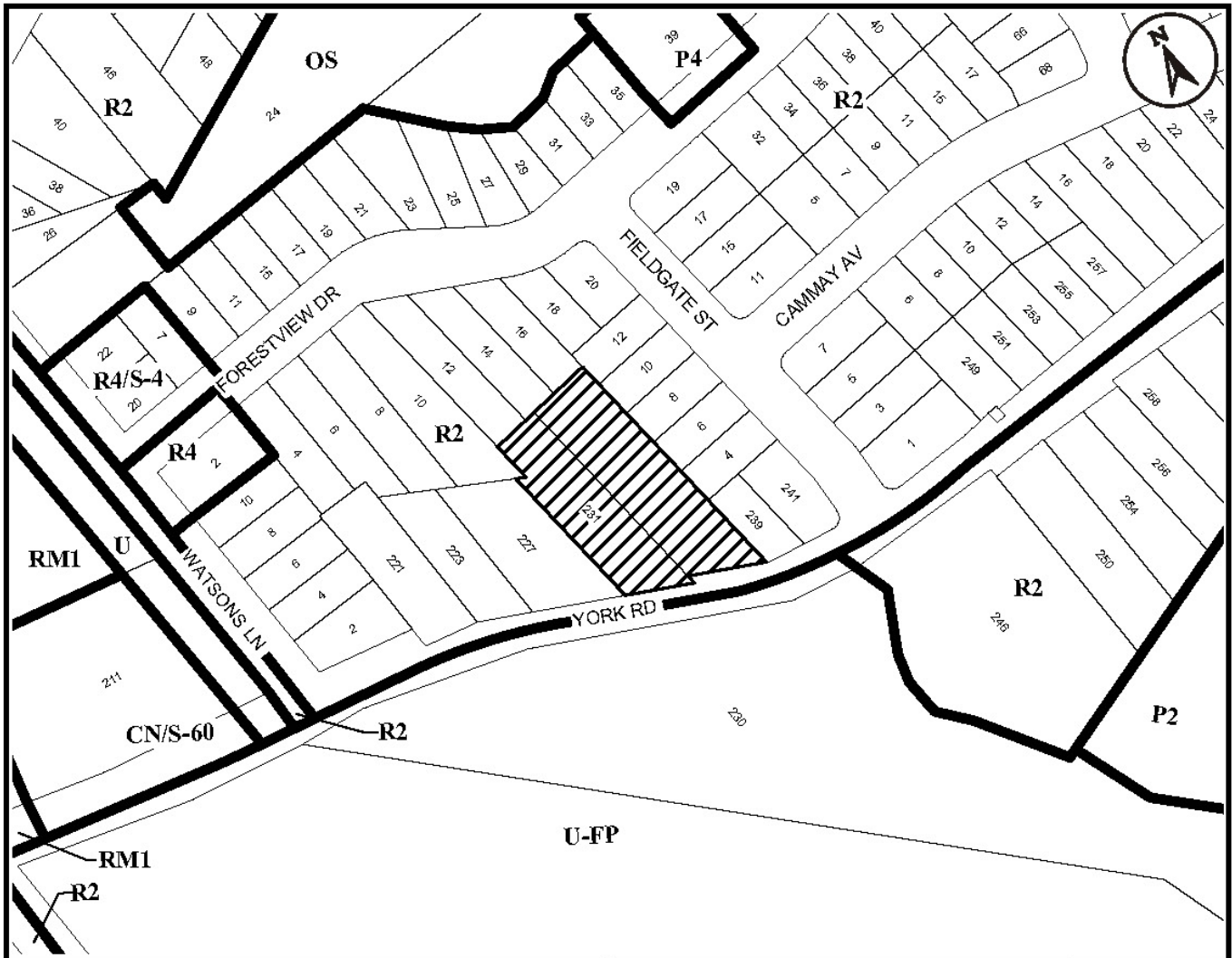
Following circulation of the applications and the identification of the above noted issues, the applicant submitted a number of revised concepts, and supporting rationale from their agent, Fothergill Planning & Development, illustrating developments consisting of 15 units in May, 2012 (see Appendix "C"), and 14 units in July, 2012 (see Appendix "D"), in an attempt to address outstanding issues. Planning staff has remained in the position that the concepts have not yet identified a townhouse proposal that maintains the intent of the policies of the Town of Dundas Official Plan respecting infill development within the "Neighbourhood Residential" designation. In particular, the large unbroken mass of the townhouse blocks are, in staff's opinion, not compatible with surrounding development from a massing perspective. Further, until a supportable built form is identified, it is uncertain whether the driveway(s) required to access said future use will provide adequate site lines along York Road.

On August 28, 2012, the applicant's solicitor, Nancy Smith of Turkstra Mazza Associates, filed an appeal to the OMB with respect to the Official Plan Amendment and Zoning By-law applications for failure of Council to make a decision on the applications, in accordance with the applicable provisions of the Planning Act.

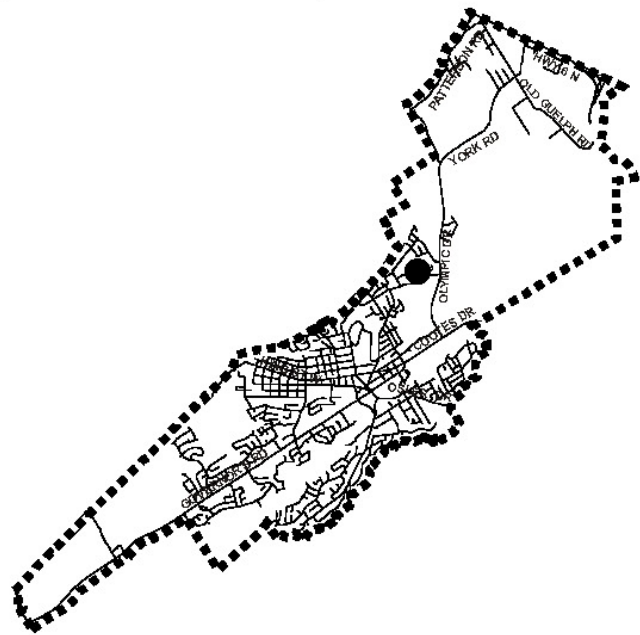
Appendices:

- Appendix "A": Location Map
- Appendix "B": Original Concept Plan
- Appendix "C": Revised Concept Plan 1
- Appendix "D": Revised Concept Plan 2


:CB
Attachs. (4)



● Site of the Application



Ward 13 Key Map

N.T.S. 

Location Map



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

File Name/Number:
ZAC-11-066/OPA-11-019

Date:
November 29, 2011

Appendix "A"

Scale:
N.T.S.

Planner/Technician:
CB/NB

Subject Property

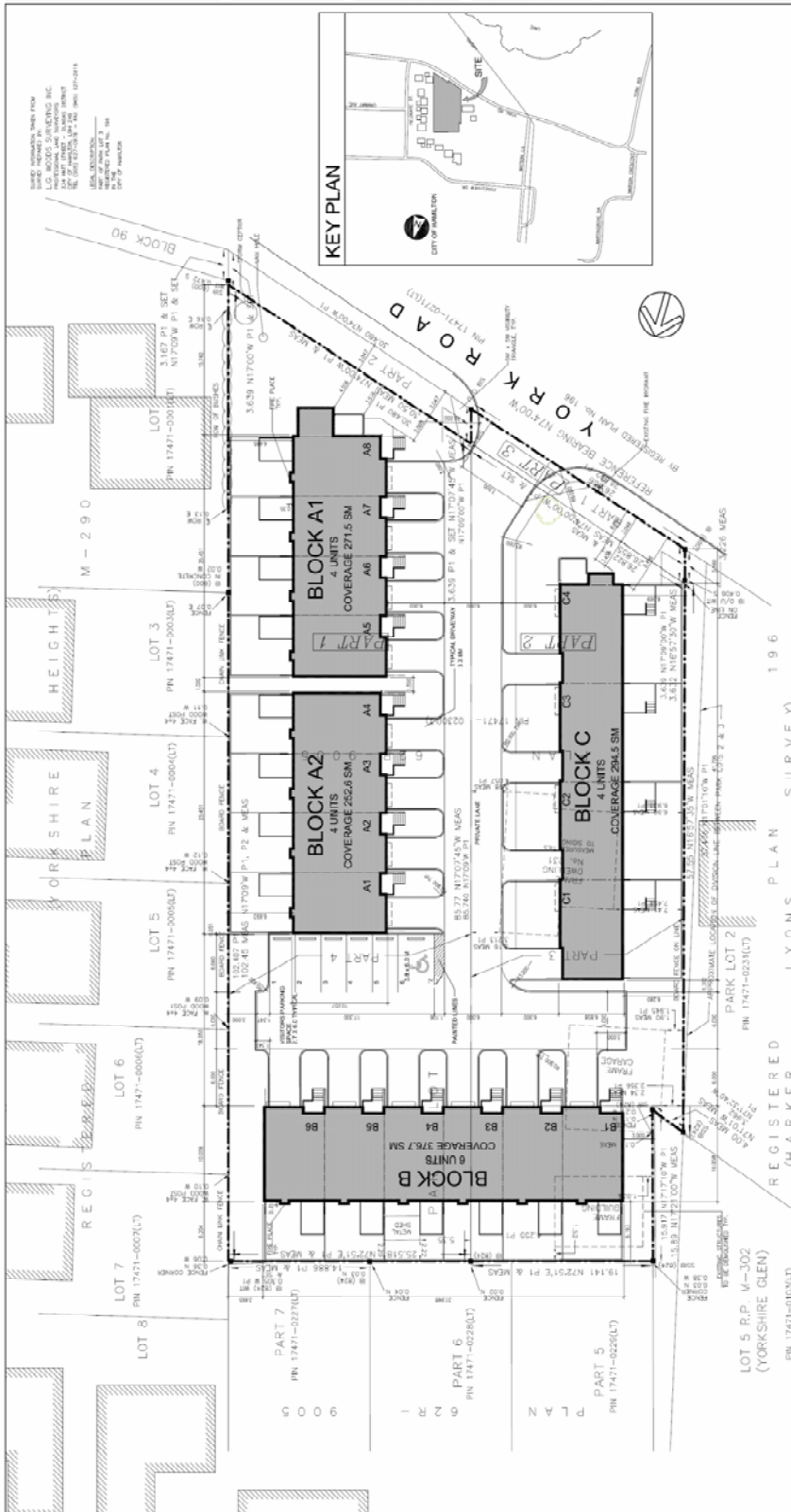


231 York Road, Dundas

Town Home Development
 231 York Road
 Dundas, Ontario

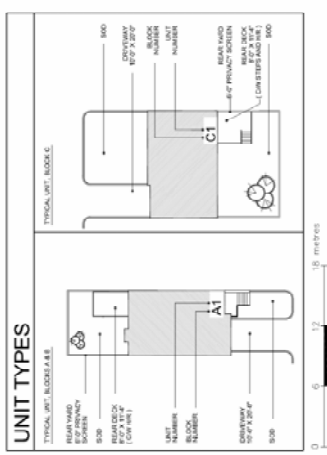
SITE PLAN
 Drawing No. **A1.1**
 Date: _____
 Title: 1000
 Scale: 1:500
 Date: JANUARY 10, 2008

TCA
 143 JANA ST. SUITE 201
 MISSISSAUGA, ONTARIO L4W 1M7
 TEL: (905) 277-0985
 FAX: (905) 277-0986



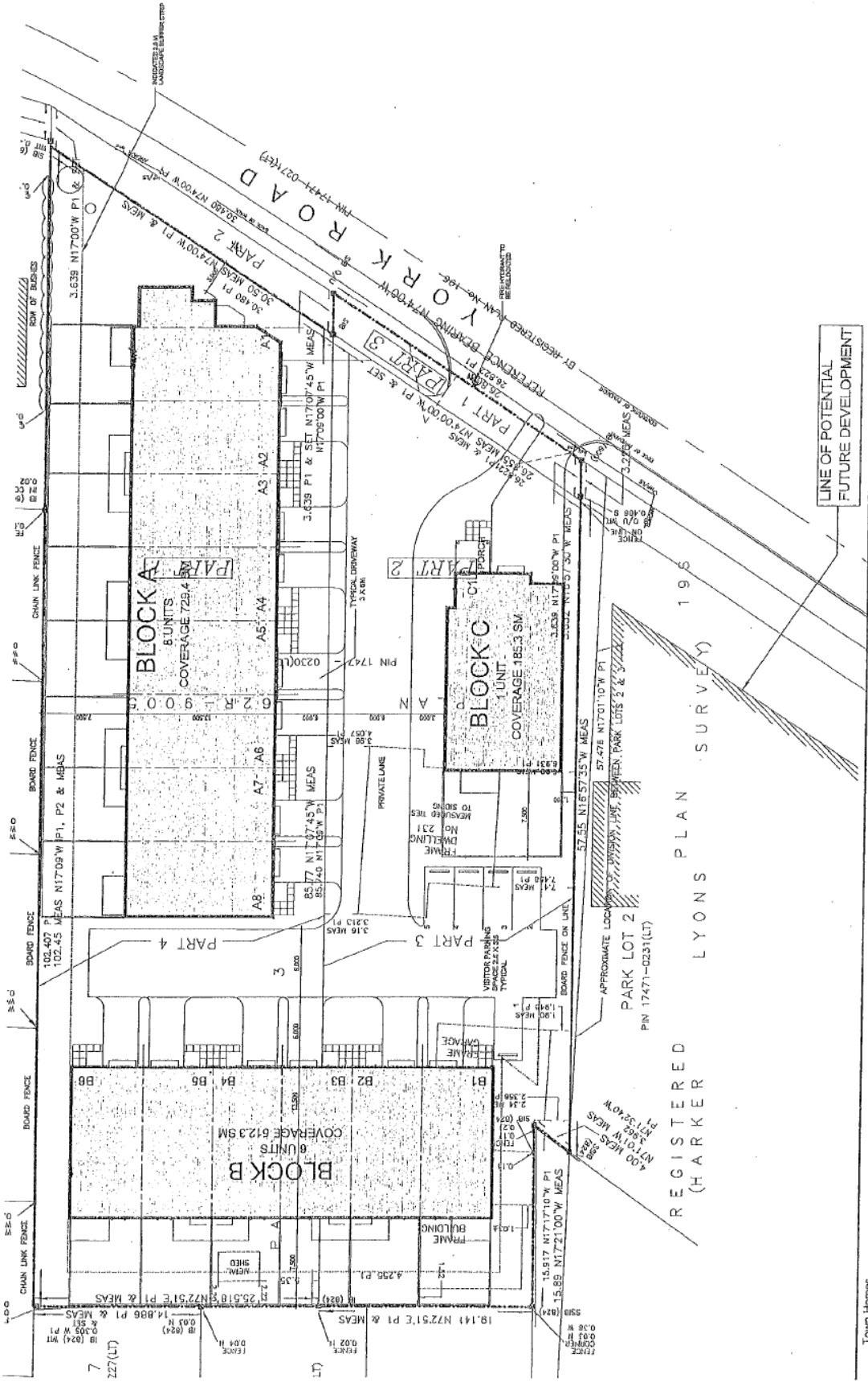
SITE STATISTICS

IMPERIAL	METRIC	PERCENTAGE
LOT AREA	4,112.00 FT ²	100.0%
PERMITTED COVERAGE	2,719.00 FT ²	66.1%
RESERVED COVERAGE	1,393.00 FT ²	33.9%
TOTAL	4,112.00 FT ²	100.0%
PERMITTED FLOOR AREA	1,295.00 FT ²	31.5%
RESERVED FLOOR AREA	1,100.00 FT ²	26.8%
TOTAL FLOOR AREA	2,395.00 FT ²	58.3%
PERMITTED GARAGE AREA	1,484.00 FT ²	36.1%
RESERVED GARAGE AREA	664.00 FT ²	16.1%
TOTAL GARAGE AREA	2,148.00 FT ²	52.2%
PERMITTED PARKING	30 SPACES	
RESERVED PARKING	42 SPACES	
TOTAL PARKING	72 SPACES	
PERMITTED BIKE STORAGE	10 BIKES	
RESERVED BIKE STORAGE	10 BIKES	
TOTAL BIKE STORAGE	20 BIKES	



SITE PLAN NOTES:

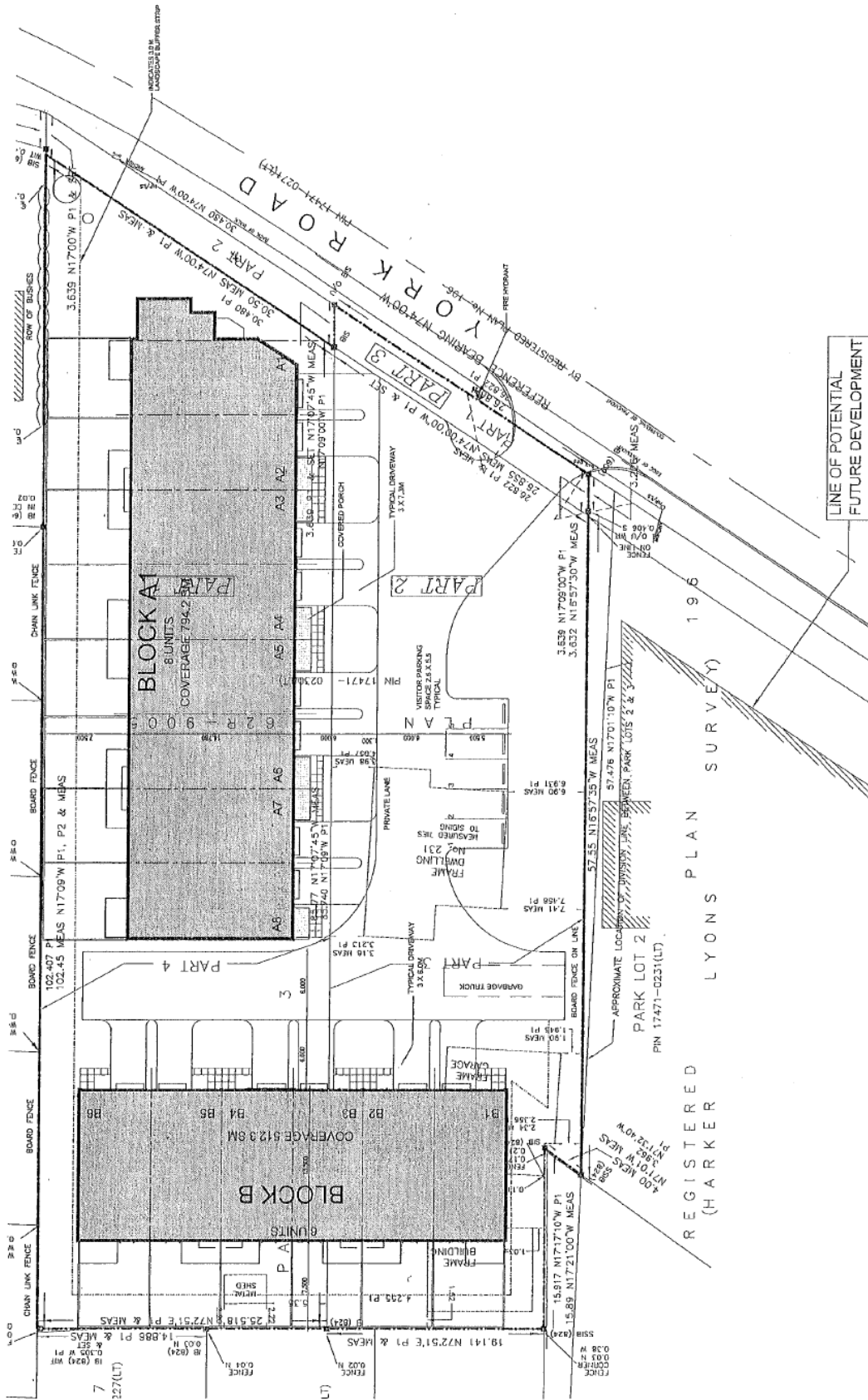
- ALL WORK SHOWN ON THIS CONSTRUCTION, RELOCATION, REPAIRS OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE DIRECTOR OF PLANNING, TRADING AND ECONOMIC DEVELOPMENT DEPARTMENT.
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- ALL DIMENSIONS AT THE PROPERTY LINE BOUNDARIES ARE PLUS OR MINUS 75mm UNLESS OTHERWISE STATED.
- THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER FROM OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE MUNICIPALITIES AND AGENCIES.
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TCA
 150 James Street West, Suite 201
 Hamilton, Ontario, L8R 2P2
 Tel: (905) 571-2100
 Fax: (905) 571-2101

SITE PLAN
 May 11, 2012
 Scale: 1:300

Town Homes
234 York Road
 Hamilton, Ontario



TCA
 The + Curtis Architects Inc.
 115 James Street North, Suite 201
 Hamilton, Ontario, L8R 2G7
 Fax: 905.277.0886

SITE PLAN
 July 5, 2012
 Scale: 1:1500

Town Homes
 234 York Road
 Hamilton, Ontario