



# INFORMATION REPORT

<b>TO:</b> Chair and Members Planning Committee	<b>WARD(S) AFFECTED:</b> WARD 12
<b>COMMITTEE DATE:</b> July 9, 2013	
<b>SUBJECT/REPORT NO:</b> Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 1117 Garner Road East (Ancaster) (PED13113) (Ward 12)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning and Economic Development Department	<b>PREPARED BY:</b> Heather Travis (905) 546-2424 Ext. 4168
<b>SIGNATURE:</b>	

## **Council Direction:**

An application may be appealed to the Ontario Municipal Board (OMB), in accordance with the Planning Act, after 180 days (Official Plan Amendment) or 120 days (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 Official Plan Amendment (OPA-12-014) and Zoning By-law Amendment (ZAC-12-036) applications for 1117 Garner Road East (Ancaster), which have been appealed to the OMB for lack of decision.

## **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 Official Plan and Zoning By-law Amendment applications. Applications for an Official Plan Amendment and Zoning By-law Amendment were submitted by Sonoma Homes Inc. on September 21, 2012, and deemed complete by the City of Hamilton on September 28, 2012. The subject lands are located at 1117 Garner Road East, in the Town of Ancaster, as shown on Appendix "A". The subject lands are located adjacent to the existing Garner Road Water Reservoir and Pump Station.

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The subject lands are designated "Utility" within the Meadowlands Neighbourhood IV Secondary Plan, as shown on Appendix "B". The applicant has applied to redesignate the lands to "High Density Residential" on Map 1 - Land Use within the Meadowlands Neighbourhood IV Secondary Plan to permit the development of a 3-storey, mixed-use building containing offices on the ground floor and 36 residential units on the second and third floors (see Appendix "C").

The subject lands are zoned Motor Vehicle Services "C6-271" Zone, Modified, and Agricultural "A" Zone, within the Town of Ancaster Zoning By-law. The applicant has applied to change the zoning on the lands to the Residential Multiple "RM6" Zone, Modified, to permit a 3-storey, mixed-use building containing offices on the ground floor and 36 residential units on the second and third floors (see Appendix "C"). If approved, modifications to the Zoning By-law would be required to address density, coverage, amenity area, and parking.

The subject applications were circulated on September 28, 2012. 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 the City of Hamilton had entered into discussions with the property owner regarding the potential acquisition of the subject lands through a proposed land exchange. To date, these discussions have not been successful. These discussions were initiated because the Hamilton Water Division of the Public Works Department is reviewing its requirements for the subject lands in respect of future maintenance and infrastructure renewal pertaining to the reservoir and the pump station located on the adjoining lands.

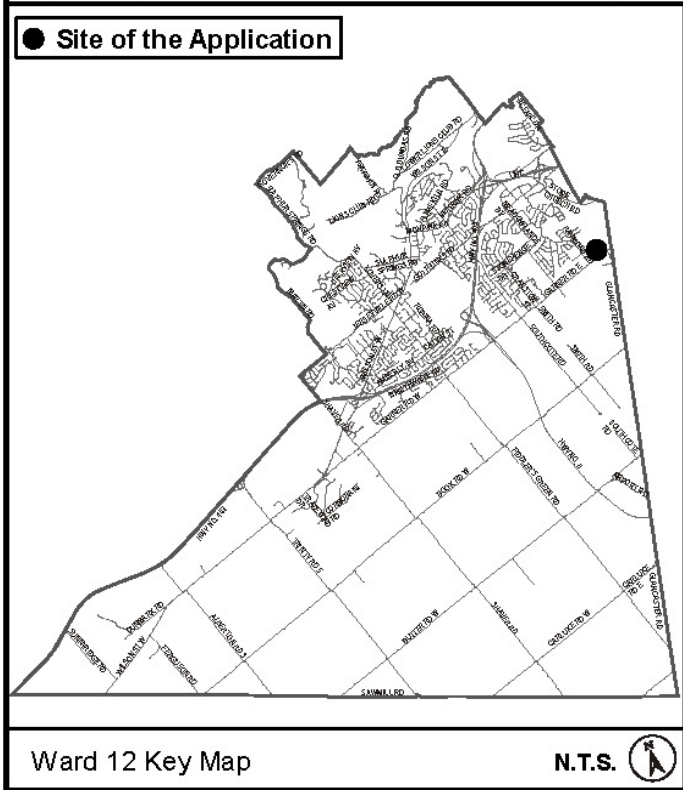
On May 2, 2013 (216 days after Complete Application), the applicant's solicitor, Jack Restivo of Yachetti, Lanza & Restivo, filed an appeal to the OMB with respect to the Official Plan Amendment and Zoning By-law applications for the subject lands for failure of Council to make a decision on the applications, in accordance with the applicable provisions of the Planning Act.

**Appendices:**

- Appendix "A": Location Map
- Appendix "B": Appendix "B": Meadowlands Neighbourhood IV Secondary Plan, Map 1 - Land Use
- Appendix "C": Proposed Overall Concept Plan

:HT

Attachs. (3)



## Location Map





**Hamilton**

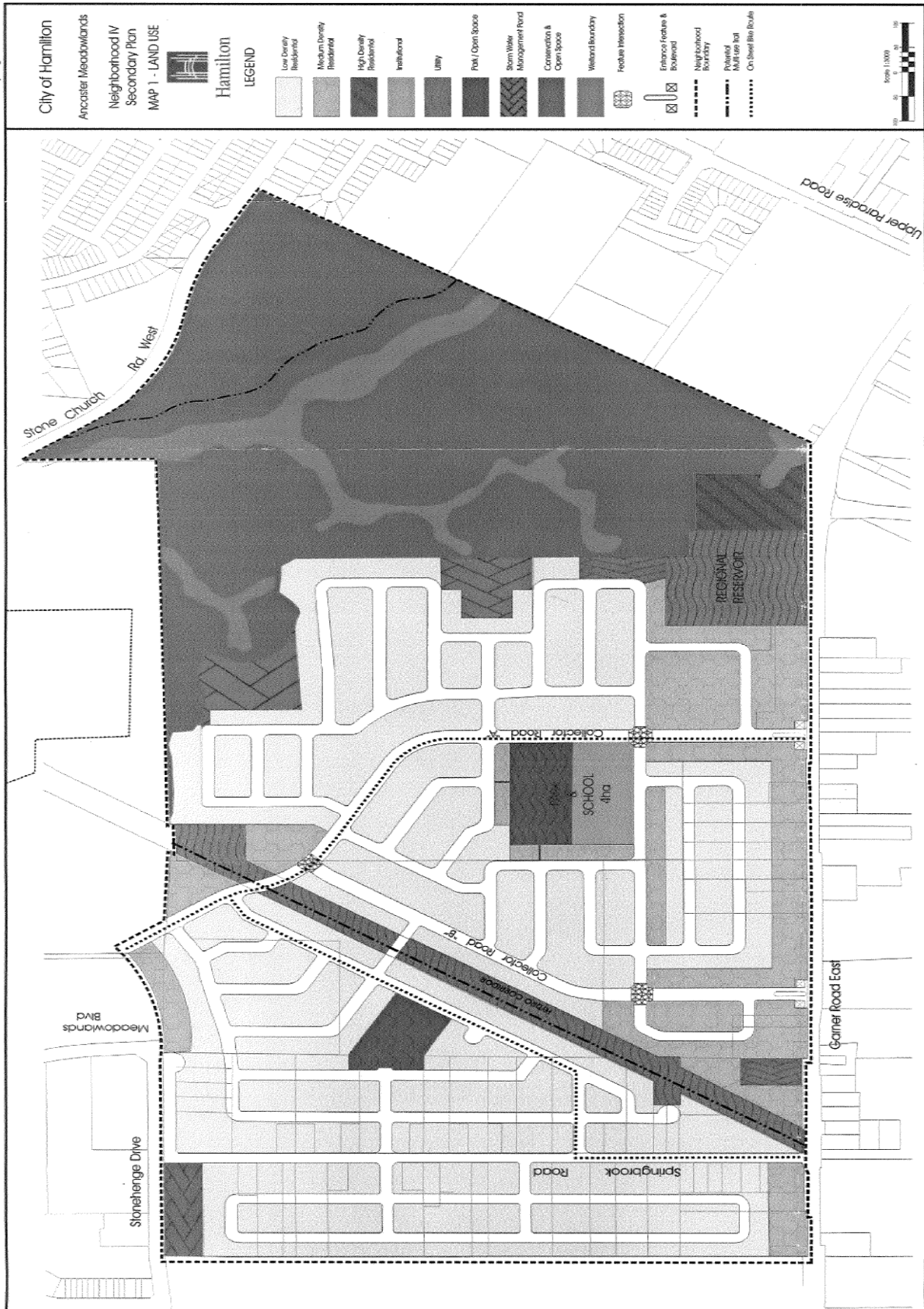
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

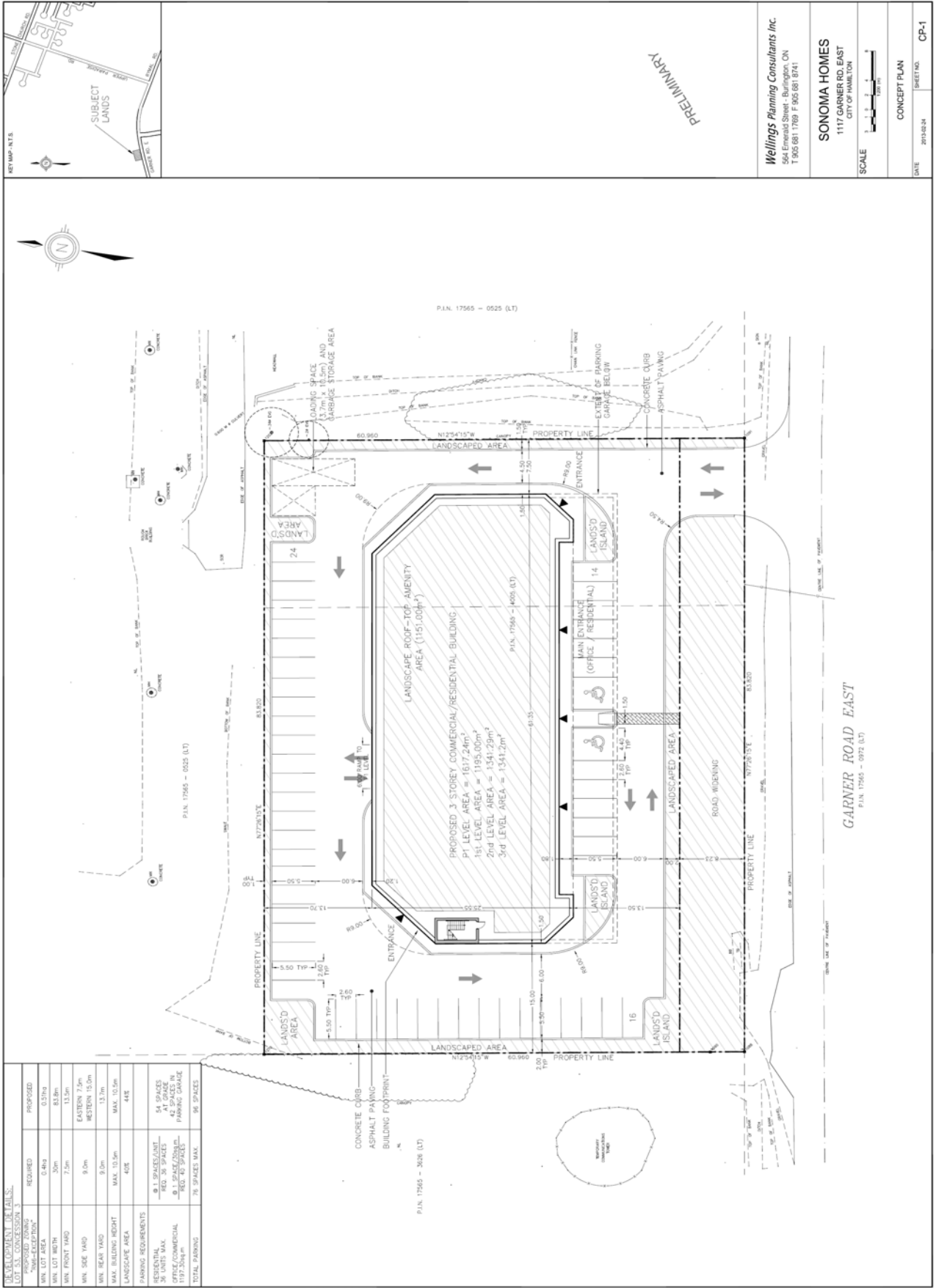
<b>File Name/Number:</b> ZAC-12-036/OPA-12-014	<b>Date:</b> October 1, 2012
<b>Appendix "A"</b>	<b>Scale:</b> N.T.S.
<b>Planner/Technician:</b> HT/NB	

**Subject Property**

 1117 Garner Road East, Ancaster

N.T.S. 





**DEVELOPER DETAILS:**

REQUIREMENT	PROPOSED	REQUIRED	STATUS
MIN. LOT AREA	0.4ha	0.57ha	PROPOSED
MIN. LOT WIDTH	30m	83.8m	THRU-EXCEPTION
MIN. FRONT YARD	7.5m	13.5m	
MIN. SIDE YARD	9.0m	EASTERN 7.5m WESTERN 15.0m	
MIN. REAR YARD	9.0m	13.7m	
MAX. BUILDING HEIGHT	MAX. 10.5m	MAX. 10.5m	
LANDSCAPE AREA	44%	44%	
<b>PARKING REQUIREMENTS</b>			
RESIDENTIAL	84 SPACES/UNIT	84 SPACES/UNIT	
OFFICE/COMMERCIAL	36 UNITS MAX.	36 UNITS MAX.	
TOTAL PARKING	119,330sqm	119,330sqm	
	REQ. 40 SPACES	78 SPACES MAX.	

**PRELIMINARY**

**Wellings Planning Consultants Inc.**  
564 Emerald Street - Burlington, ON  
T 905 681 1769 F 905 681 8741

**SONOMA HOMES**  
1117 GARNER RD. EAST  
CITY OF VANCOUVER

SCALE: 1" = 100'

DATE: 2016/04/24 SHEET NO.: CP-1



**GARNER ROAD EAST**  
P.L.N. 17565 - 0925 (LT)

P.L.N. 17565 - 2008 (LT)

P.L.N. 17565 - 0025 (LT)

P.L.N. 17565 - 0025 (LT)

P.L.N. 17565 - 4005 (LT)