SUBJECT: Request for Comments by Ministry of Municipal Affairs and Housing (MMAH) Regarding an Amendment to the Parkway Belt West Plan (PED09059) (Ward 13)

RECOMMENDATION:

That Council advise the Ministry of Municipal Affairs and Housing (MMAH) that sufficient time is needed to allow for a comprehensive and co-ordinated review of the currently circulated Official Plan Amendment (OPA-08-010) and Zoning Amendment (ZAC-08-040) applications, with consultation with all necessary stakeholders to take place, in order that the proposal be appropriately assessed in accordance with Special Policy ‘A’ of the Council Adopted Rural Official Plan. Accordingly, Council requests that no decision be made by the MMAH regarding the application by Mattiacci and Strobel for an amendment to the Parkway Belt West Plan until such time that a comprehensive land-use review has been completed by the City.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

This report has been circulated to Council by staff, following a request for comments made to the City of Hamilton, by the Ministry of Municipal Affairs and Housing (MMAH), on December 12, 2008, regarding a proposed amendment to the Parkway Belt West Plan.

BACKGROUND:

Proposal

The application is seeking to permit a lifestyle retirement community complex, comprising of 100 single detached dwellings, 150 townhouse units, 360 units within low-rise apartments, a nursing home of a 150 units, and a wellness centre. The site is located on York Road at Valley Road, in an area of Dundas known as Pleasantview (please refer to Appendix “A”).

The subject lands are comprised of two separately owned parcels of land. The parcels are situated on either side of York Road. The northerly portion would represent 16.2ha. (40.2ac.) and would provide for dwelling units in the form of single detached, townhomes, and low rise apartments, for a total of 210 units, and a community centre. The Southerly portion would represent 43.3ha. (107.1ac.) and would provide for single detached, townhomes, low rise apartments, a nursing home and a wellness centre, for a total of 550 units. The application, therefore, would consist of a total of 760 residential units on approximately 60ha. (147 ac.).

Location: Lands located at York Road at Valley Road, known as Pleasantview (Dundas) (see Appendix “A”).

Owner: Joe and Lou Mattiacci (Mattwood Homes), and Helmuth Strobel (c/o Global Architect Inc.).

Property Description: Frontage: (North Portion) 411m ± (York Road)

Frontage: (South Portion) 700m ± (York Road)

Depth: (North Portion) - 552m ±

Depth: (South Portion) - 600m ±

Total Land Area: (North Portion) 16.28ha (40.23 acres)
Total Land Area: (South Portion) 43.35ha (107.13 acres)

**Existing Land Use and Zoning:**

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<tr>
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<th>Existing Land Use</th>
<th>Existing Zoning</th>
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<tr>
<td><strong>Subject Land:</strong></td>
<td>Open Space</td>
<td>Rural Zone (RU) and Open Space - Conservation Zone (OS)</td>
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<td><strong>Surrounding Land:</strong></td>
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<td>North:</td>
<td>Open Space</td>
<td>Conservation Zone (OS)</td>
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<td>West:</td>
<td>Residential</td>
<td>Rural Zone (RU) S-58 / Conservation Zone (OS)</td>
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<td>(Single-Detached) and Open Space</td>
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<td>South:</td>
<td>Rail Line and Open Space</td>
<td>Conservation Zone (OS)</td>
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<tr>
<td>East:</td>
<td>Open Space</td>
<td>Rural Zone (RU), Utilities (U) and Open Space - Conservation Zone (OS)</td>
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**ANALYSIS/RATIONALE:**

Information:

On December 12, 2008, staff received a formal request for comments regarding an application submitted to the MMAH to amend the Parkway Belt West Plan (PBWP). The application was made on behalf of Joe and Lou Mattiacci (Mattwood Homes), and Helmuth Strobel (c/o Global Architect Inc.), (Owners), by Ed Fothergill of Fothergill Planning and Development Inc. (Agent). The lands subject to the application are located on York Road at Valley Road, known as Pleasantview (Dundas) (see Appendix “A”).

The proposed amendment to the PBWP will, in part, facilitate a comprehensive development of the lands proposed by the applicants in order to develop a retirement style village complex. The owners have also submitted applications to the City of Hamilton for an Official Plan Amendment and Rezoning, which is currently under review.
Background:

The subject lands were placed under the Parkway Belt West Plan (PBWP) in July 1978. The intent of the PBWP is to provide a framework for identifying and separating urban areas consistent with transportation corridors, Open Space, and to provide a land reserve for future linear facilities.

With specific regard to the subject lands, an amendment to the Town of Dundas Official Plan (OPA 13) was adopted in May, 1987, by the Town of Dundas, to permit development within the Pleasantview area, with a minimum lot size of 1 acre. A further amendment to the Dundas Official Plan in 1994, which sought to require a minimum 2 acre lot size in response to health concerns over septic systems, was appealed to the Ontario Municipal Board. The hearing resulted in a decision in 1995, which modified the minimum lot size from 0.4 ha. (1 ac.) to 10 ha. (25 ac.). These density provisions currently remain in effect.

In 2003, these lands were included in the Greenbelt Plan. However, only the natural heritage system policies of the Greenbelt Plan apply; the remaining lands are still governed by the Parkway Belt West Plan. Since then (2005-6), the lands have been reviewed as part of GRIDS to determine if these lands should be included in the Urban Area. The lands were excluded from the preferred growth management strategy adopted by Council for a number of planning and engineering related reasons.

In 2006, the Rural Official Plan designated the area as ‘Rural’ and placed it within Special Policy Area A. This Special Policy Area identified the need to conduct a future study to determine more appropriate Official Plan policies for this area in order to address the ‘unique circumstances of these lands and permanently resolve their status under the Parkway Belt West Plan’.

In April, 2007, Council passed a motion that requested the Ministry of Natural Resources and MMAH to discuss, with the City, what would be the most appropriate legislation to govern this area (see Appendix “B“). At the present time, the lands to the north and south of Pleasantview are within the Niagara Escarpment Plan. The Pleasantview area itself is governed by PBWP and the Greenbelt Plan. No staff report was prepared, although discussion with staff was held on the direction of the motion. In June 2007, the Niagara Escarpment Commission posted draft proposed Regulation 827 on the EBR requesting comments on the inclusion of the Pleasantview Area within the Niagara Escarpment Plan. Staff forwarded the April, 2007 motion as part of the EBR record.

Current Proposal:

On July 4, 2008, Ed Fothergill, on behalf of several land owners, submitted an Official Plan Amendment and Rezoning application to the City to develop the property, as detailed in this report. Staff reviewed the applications made to the City, and concluded
that they were incomplete on the basis that they were not in conformity with the PBWP. Staff directed the applicant to first apply to the MMAH for an amendment to the PBWP prior to consideration of the applications made to the City. Following confirmation from the MMAH that an application had been made, and a request for comments had been received, staff was in a position to deem the application complete on January 6, 2009. The applications have now been circulated to internal and external agencies, and a public notice was sent to property owners within a 120m of the subject lands, and a sign placed on site, in accordance with the Planning Act and City Council procedures.

Since the OPA and Rezoning applications are still early in the review process, staff considered the request by MMAH to have comments returned by January 2, 2009, premature. Staff considers that these applications require comprehensive review, and request that the MMAH accept our request that “NO DECISION BE MADE by MMAH until such time that a comprehensive land-use review has been completed”, in order to permit staff the necessary opportunity to recommend a considered and consolidated opinion on the applications currently before the City.

**ALTERNATIVES FOR CONSIDERATION:**

The MMAH may pass a decision on the application in the absence of any comments from the Municipality.

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

Financial: N/A.

Staffing: N/A.

Legal: N/A.

**POLICIES AFFECTING PROPOSAL:**

**Provincial Policy Statement**

Policy 1.1.3.1 - Settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted

Furthermore, Policy 1.1.1(c) outlines that healthy, liveable, and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns.
Policy 2.1.6 outlines that development shall not be permitted on adjacent lands to the natural heritage feature identified (i.e. significant wetlands) unless the ecological function of the adjacent lands has been evaluated, and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

Policy 2.6.2 outlines that development and site alteration may be permitted on lands containing archaeological resources or areas of archaeological potential if significant archaeological resources have been conserved by removal and documentation, or preservation on site. Where significant archaeological resources must be preserved on site, only development and site alteration which maintains the heritage integrity of the site may be permitted.

**Parkway Belt West Plan**

The intent of the PBWP is to provide a framework for identifying and separating urban areas consistent with transportation corridors, Open Space, and to provide a land reserve for future linear facilities.

**Hamilton-Wentworth Official Plan**

The subject property is designated as “Parkway Belt West Policy Areas” within the Hamilton-Wentworth Official Plan.

**Town of Dundas Official Plan**

The Designation of the subject lands on Schedule “A” - Land Use is RURAL, OPEN SPACE. However, this has been deleted from the plan following OPA 13.

**Rural Official Plan (Ministerial approved - under appeal)**

Volume 3, Chapter A - Rural Special Policy Areas - 1.0 SPA A - PLEASANTVIEW Policy 1.1, which states:

“Notwithstanding Section C.1.3.1, or any other applicable policies in Volume 1 of this Plan, the lands identified as Special Policy Area A on Map A - Special Policy Areas, remain subject to the provisions of the Official Plan of the former Town of Dundas, as set out by the Ontario Municipal Board Decision (dated June 28, 1995). Following completion of a comprehensive growth management study known as GRIDS (Growth Relation Integrated Development Strategy), Council has approved SPA A to remain as part of the Rural Area. To reflect the unique circumstances of these lands, and to permanently resolve their status under the Provincial Parkway Belt West Plan, the City shall conduct future studies, prepare Secondary Plan policies, and undertake community consultation to adopt a future amendment to this Plan for SPA A in conformity with the applicable provincial plans and policies.”
RELEVANT CONSULTATION:

N/A.

PUBLIC CONSULTATION

N/A.

CITY STRATEGIC COMMITMENT:

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

Community Well-Being is enhanced. □ Yes □ No ☑ N/A
Formal comprehensive review has not taken place to date.

Environmental Well-Being is enhanced. □ Yes □ No ☑ N/A
Formal comprehensive review has not taken place to date.

Economic Well-Being is enhanced. □ Yes □ No ☑ N/A
Formal comprehensive review has not taken place to date.

Does the option you are recommending create value across all three bottom lines? □ Yes □ No ☑ N/A

Do the options you are recommending make Hamilton a City of choice for high performance public servants? □ Yes □ No ☑ N/A

:EJ
Attachs. (2)
7.2
CITY OF HAMILTON
MOTION

Council Date: April 25, 2007
MOVED BY COUNCILLOR POWERS…………………………………………………………………
SECONDED BY:…………………………………………………………………………………………………

PleasantView Lands, Town of Dundas

(a) That Hamilton City Council request that the Hon. David Ramsay, Minister of Natural Resources and the Hon. John Gerretsen, Minister of Municipal Affairs and Housing enter into discussion with the City to determine the appropriate provincial legislation that should govern the PleasantView area situated in the former Town of Dundas and establish the applicable land use planning designation for this area. Pending this determination, the Province consider including these lands within the Niagara Escarpment Plan area.

(b) That the Province of Ontario give consideration to the purchase of appropriate lands in that area for the creation of a Provincial and/or National Park including and surrounding Cootes Paradise, and further;

(c) That the relevant M.P.P., M.P., agencies and organizations including the Royal Botanical Gardens, Conservation Halton, the Hamilton Conservation Authority, Valley Ratepayers Association amongst others be advised.