TO: Chair and Members  
Economic Development and Planning Committee

WARD(S) AFFECTED: WARD 8

COMMITTEE DATE: August 9, 2010

SUBJECT/REPORT NO:
Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the Hamilton Official Plan, Hamilton Zoning By-law No. 6593, Hamilton Zoning By-law 05-200, and a Plan of Subdivision by Deanlee Management Inc., Located at Part of Lot 57, Concession 2, City of Hamilton (PED10182) (Ward 8)

SUBMITTED BY:  
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PREPARED BY:  
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SIGNATURE:

Council Direction:

An application may be appealed to the Ontario Municipal Board in accordance with the Planning Act after 180-days (Subdivision), or 120-days (Official Plan Amendment/Zoning By-law Amendment), if Council has not made a decision on the application(s). On May 18, 2010, City Council passed a motion directing staff to advise the Economic Development and Planning Committee on matters related to appeals regarding lack of decision by Council pursuant to the Planning Act. The information below provides some background on the applications with respect to the recent appeals submitted.

Information:

Applications were submitted by Deanlee Management Inc., and accepted by the City of Hamilton on September 13, 2007, for an Official Plan Amendment and Zoning By-law Amendment; and on October 16, 2007, for a Plan of Subdivision. The applications affect an area known as the Brow Lands, located north of Scenic Drive, and east and west of Sanatorium Road at the escarpment edge (see Appendix “A”, Location Map). The lands are located within the Westcliffe West Neighbourhood (east of Sanatorium Road) and the Mountview Neighbourhood (west of Sanatorium Road). The application,
as originally submitted, proposed the development of up to 750 residential dwelling units (76,696 square metres of gross floor area) in multiple dwellings (e.g. townhouses and apartment buildings), and proposed buildings up to 10-storeys in height on the eastern portion of the subject lands. While the principle of developing the lands for residential purposes was supported by staff, the number of units and building heights were not supported.

Due to the complexity of the application, and at the request of the Ward Councillor, Planning staff undertook an intensive process for collecting public input through a Modified Secondary Planning Public Consultation Process. This process consisted of four Public Information Centres held at a location within the community. This consultation process was completed over a four month time period, from September to December, 2007, to obtain community input and determine the community’s preferred vision for development of the site. Ultimately, the process led to a plan that more than half (54%) of the participants endorsed. The Community Plan was considered by staff through the review process, but was not supported. The development of single-detached dwellings would under-utilize the site, and would not support the provincial direction of creating liveable communities through development which efficiently uses existing services and transit.

Through detailed discussions with the applicant, and review of the supporting documentation, it was determined that a maximum of 600 residential dwelling units, at a gross floor area of 68,500 square metres, could be supported on the site (see Appendix “B”, Brow Lands Concept Plan). The applicant also requested consideration of a retirement/active lifestyle community, in addition to the residential uses. Provisions were made to allow an equivalency factor for up to 100 units to be allocated for retirement dwelling units at a 1:2 ratio. This would translate to 500 residential units, and up to 200 retirement dwelling units, for a total of 700 units. In addition, a cap of 7,800 square metres of gross floor area is recommended for the retirement/active lifestyle community for amenity uses. Limited convenience commercial uses will also be permitted on the ground floor of multiple dwelling buildings. Alternatively, the applicant would have the option of developing the site as a full retirement/active lifestyle community not to exceed 700 units. Deanlee Management Inc. agreed with the staff position and modified the applications accordingly.

A staff report was presented to the Economic Development and Planning Committee on June 10, 2010, for approval of the modified application, as noted in the paragraph above. Following Committee’s discussion and presentations from a number of members of the public, the Economic Development and Planning Committee decided to table the applications in order to allow time for the community group to hire a planning consultant to peer review the staff report and provide a planning opinion on appropriate
development for the Brow Lands site. There was discussion on the report coming back to Committee in the fall, but no date was determined.

On July 7, 2010, the City Clerk advised that an appeal to the Ontario Municipal Board was received from Deanlee Management Inc. on the basis of Council’s refusal or neglect to make a decision on the applications. As of the time of the preparation of this Report, a date for the OMB hearing on this matter has not been set.

Appendices:

- Appendix “A”: Location Map
- Appendix “B”: Brow Lands Concept Plan

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Attachs. (2)
Chedoke Brow Lands Concept