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 and Economic Development 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 Draft Plan of Subdivision and Zoning By-law Amendment applications, 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 and Economic Development Committee and City Council of appeals for non-decision to the OMB for draft plan of subdivision and related applications. Applications were submitted by Parkside Hills Inc. on February 26, 2010, and accepted by the City of Hamilton on March 25, 2006, for a Draft Plan of Subdivision (25T-2010003) and a Zoning By-law Amendment (ZAC-10-011). The applications affect Phase 2 of the lands being developed by Parkside Hills Inc. in North Waterdown, which
are located south of Centre Road and west of Nisbet Boulevard (see Appendix “A”). The “Parkside Hills - Phase 1” draft plan of subdivision, approved by the OMB on March 12, 2007, is located southeast of Phase 2, and is currently under construction. They comprise approximately 7.03 hectares (17.37 acres) of lands which extend from Centre Road to Waterdown High School, and from Parkside Drive to north of Nisbet Boulevard.

The “Parkside Hills - Phase 2” draft plan of subdivision affects lands which are under the Waterdown North Secondary Plan. The draft plan proposes 36.72 hectares for residential, commercial, and open space uses (see Appendix “B”). More specifically, the subdivision is proposed for the creation of the following:

- 1 block for low density residential consisting of 6 lots for single-detached dwellings (Block 12);
- 1 block for Medium Density 1 residential development consisting of 166 units within low rise apartment buildings (Block 7);
- 1 block for 25 street townhouses (Block 13);
- 1 block for commercial development on 3.73 ha. (Block 8);
- 1 block for a stormwater management pond (Block 10); and,
- 2 open space blocks for the re-channelization of Borer’s Creek (Blocks 9 and 11).

The “Parkside Hills - Phase 2” draft plan of subdivision also proposes the extension of White Gates Drive and Cole Street from the Phase 1 lands to connect to the future east-west arterial road within the northerly and westerly part of the plan.

The Zoning Application (ZAC-10-011) is intended to permit the following changes in zoning from the Agricultural “A” Zone and the Conservation Management “CM” Zone to:

- A Site-Specific Urban Residential (Single-Detached) “R1-34” Zone to permit single-detached dwellings (Block 12);
- A Site-Specific Medium-High Density Residential “R7” Zone to permit apartment dwellings (Block 7);
- A Site-Specific Urban Commercial block to permit commercial and mixed-use development (Block 8);
• A Site-Specific Medium Density Residential “R6-16” Zone to permit street townhouses (Block 13); and,

• The Conservation Land (P5) Zone to accommodate open space blocks for the re-channelized portion of Borer’s Creek and associated floodplain (Blocks 9 and 10).

The applications for “Parkside Hills - Phase 2” were circulated on March 25, 2010, but have not been the subject of a Public Meeting of the Planning Committee. Draft plan conditions and the recommended zoning have also not been developed as the following issues have not been resolved:

1. The final alignment of the East-West Corridor Transportation EA has not been determined, and there is now a requirement by the Ministry of Natural Resources to undertake a more comprehensive Species at Risk (SAR) review. This is a significant issue, which may ultimately affect the location of the East-West Arterial Road and the proposed development blocks within this draft plan, if it is determined that the lands are habitat for any Species at Risk;

2. The proposed location of the stormwater management ponds on lands located outside of the urban boundary is still under review;

3. The proposal is subject to the approval of a floodline analysis by the Hamilton Conservation Authority to address the re-channelization of Borer’s Creek; and,

4. The applicant’s proposal introduces medium density residential uses onto Block 13, which is designated “Urban Commercial” in the Waterdown North Secondary Plan. As this designation does not permit free-standing residential development, an Official Plan Amendment (OPA) is required. To date, the applicant has not applied for an OPA.

With respect to the East-West road alignment, draft plan applications previously under appeal since 2009, such as MC2 Homes, Phase 2 (also in Waterdown North), have been recently addressed through negotiated settlements at the OMB. The approval of the MC2 Homes, Phase 2 draft plan, however, is subject to further environmental work to satisfy the Species at Risk requirements through the OMB Decision. This may affect the design and layout of the MC2 Homes Phase 2, draft plan.

On October 7, 2010, the applicant’s solicitor, Weir Foulds LLP, filed an appeal to the OMB with respect to the Draft Plan of Subdivision and Zoning By-law Amendment applications for “Parkside Hills - Phase 2” 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” - Proposed Draft Plan of Subdivision, “Parkside Hills - Phase 2”

:CT
Attachs. (2)