



# City of Hamilton

## PLANNING COMMITTEE ADDENDUM

**Meeting #:** 20-014  
**Date:** November 17, 2020  
**Time:** 9:30 a.m.  
**Location:** Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website:

<https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel:

<https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

Lisa Kelsey, Legislative Coordinator (905) 546-2424 ext. 4605

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	<b>Pages</b>
<b>5. DELEGATION REQUESTS</b>	
*5.1. Jason Allen respecting Amendments to the By-law Variance Application Process (For today's meeting)	
*5.2. Matt Johnston, Urban Solutions, respecting the Designation of 828 Sanitorium Road (Item 9.1) (For today's meeting)	<b>3</b>
<b>7. PUBLIC HEARINGS / DELEGATIONS</b>	
7.1. Applications to Amend the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-Law No. 3692-92, and for Approval of a Draft Plan of Subdivision for Lands Known as 56 Highland Road West (Stoney Creek) (PED20187) (Ward 9)	
*7.1.a. Written Submissions:	<b>4</b>
(i) Mike Tellerd	

7.2. Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027) (Ward 11)

\*7.2.a. Written Submissions:

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- (i) Dave Pitblado, Penta Properties Inc.
- (ii) Stephen Fraser, AJ Clarke & Associates
- (iii) Lynda Lukasik, Environment Hamilton

\*7.2.b. Registered Delegations:

- (i) Stephen Fraser, AJ Clarke & Associates

7.3. Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendments for Lands Located at 8475 English Church Road East, Glanbrook (PED18077) (Ward 11)

7.3.a. Written Submissions:

\*7.3.a.a. Additional Written Submissions:

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- (iv) David Brown

## 11. NOTICES OF MOTION

\*11.1. 70 Garner Road East Zoning By-law Amendment Fee Reduction

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## Request to Speak to Committee of Council

Submitted on Friday, November 13, 2020 - 12:54 pm

==Committee Requested==

**Committee:** Planning Committee

==Requestor Information==

**Name of Individual:** Matt Johnston, MCIP, RPP

**Name of Organization:** UrbanSolutions Planning & Land Development Consultants Inc.

**Contact Number:**

**Email Address:**

**Mailing Address:**

3 Studebaker Place, Unit 1  
Hamilton, ON L8L 0C8

**Reason(s) for delegation request:** To address Committee with regards to Item 9.1 on the November 17, 2020 Planning Committee agenda on behalf of the owner, Valery (Chedoke Browlands) Developments Inc.

**Will you be requesting funds from the City?** No

**Will you be submitting a formal presentation?** Yes

**M&M TABLES LTD.**

151 Highway No. 20 South  
Stoney Creek, Ontario  
L8J 2T7

Tel: (905) 578-9930

Fax: (905) 578-9422

November 15, 2020

Legislative Coordinator  
Planning Committee  
City of Hamilton  
71 Main Street West  
1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

Dear Sirs:

Re: **56 Highland Road West, Stoney Creek**  
**Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision**

M&M Tables is in receipt of the Application Report (received via mail on November 11, 2020) concerning the proposed amendment of the Urban Hamilton Official Plan and the City of Stoney Creek Zoning By-law No. 3692-92 for 56 Highland Road West, Stoney Creek.

M&M Tables is concerned with respect to the proposed elevation of the property at 56 Highland Road West, the extension of the step back retaining wall that is installed on the abutting property at 135 Upper Centennial Parkway and 151 Upper Centennial Parkway and the abutting corner of 56 Highland Road West and the extension of the existing fencing to separate the properties of 151 Upper Centennial Parkway and 135 Upper Centennial Parkway. There is also a concern as to what type of fencing will be installed to separate the residential properties at 56 Highland Road West, 135 Upper Centennial Parkway and 151 Upper Centennial Parkway. Currently there is a berm proposed and is existing between the abutting properties to 151 Centennial Parkway but no mention of a fence between the residential and commercial properties to prevent residents from traversing the berm in order to get to the plaza at 135 Upper Centennial Parkway and crossing over into 151 Upper Centennial Parkway.

M&M Tables is also concerned about the storm water management from the existing developed abutting property at 135 Upper Centennial Parkway and the future residential developments at 157 Upper Centennial Parkway and 56 Highland Road West. Due to the differences in height elevations storm water will find its way to 151 Upper Centennial Parkway and cause flooding at times of heavy rain. There is also a concern with heavily drifting snow and the resulting melt down in connection with the height elevations and the fact that 151 Upper Centennial Parkway will be eventually be in a "hole".

... cont'd Pg. 2

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Planning Committee, City of Hamilton  
November 15, 2020  
Page 2  
56 Highland Road West – Zoning Changes

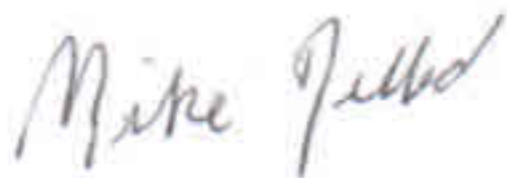
In the paperwork that was sent from the City of Hamilton, Penta Properties mentions their concerns about storm water management and the drainage into a storm water management pond. M&M Tables also has concerns about this storm water management pond and its location in relationship to the property at 151 Upper Centennial and its impact on 151 Upper Centennial. Again, this is a height elevation issue between 151 Upper Centennial and all the abutting properties.

M&M Tables is also concerned about the potential for ongoing garbage dumping onto the current existing vacant lands and onto the property at 151 Upper Centennial Parkway. At the present time, garbage from the mall property at 135 Upper Centennial Parkway or residents dumping over the fencing between 135 Upper Centennial and 151 upper Centennial exists. Garbage of all kinds is being dumped onto the proposed residential vacant lands and onto the rear property of 151 Upper Centennial which causes the owner of 151 Upper Centennial time and money to clear up the mess that others dump onto that property. This concern is an additional reason that a fence between the proposed residential properties, 135 Upper Centennial and 151 Upper Centennial is required.

The above are ongoing concerns of M&M Tables which have been issues that have not properly been addressed by the City of Hamilton since approximately 2002 when the abutting properties to 151 Upper Centennial were developed starting with 135 Upper Centennial.

Thank you for reviewing of this letter and its concerns.

Yours truly,  
M&M Tables



Mike Tellerd  
President

MT/jm



November 11, 2020

Mr. Michael Davis  
City of Hamilton  
Legislative Coordinator, Planning Committee  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

*\*\* Submitted via email to: [michael.davis@hamilton.ca](mailto:michael.davis@hamilton.ca) \*\**

Dear Mr. Davis:

**Re: 2121 and 2187 Regional Road 56, Glanbrook  
Rural Hamilton Official Plan Amendment (File No. RHOPA-19-015)**

We are in receipt of the Notice of Public Meeting of the Planning Committee dated October 30, 2020, and wish to provide the following comments for Committee's consideration at the November 17<sup>th</sup> meeting.

If we understand this application correctly, the purpose is to add a Site Specific Policy Area to permit a 300 metre extension of the municipal water services from the Binbrook Urban Area to the subject lands in the Rural Area, and add a connection to the sanitary line that exists along the west side of Regional Road 56 to service the existing and proposed future uses on these two rural properties.

We are the owner of 2289 Regional Road 56, located directly in between the Binbrook Urban Area and the subject properties, within this proposed 300 metre extension area. If this application is approved, the water service and sanitary line being referenced would extend from the Urban Area, run directly in front of our property, before ultimately reaching the subject properties.

Should Council be supportive of this application, we also request the same permission to connect our property to the urban services in order to allow for future development of our property. We would be pleased to discuss this opportunity further at your convenience.

Please include us on the distribution list for notification of the decision of the City of Hamilton on this proposed Official Plan Amendment.

Yours truly,  
**PENTA PROPERTIES INC.**

  
Dave Pitblado  
Director, Real Estate Development

Cc: [clerk@hamilton.ca](mailto:clerk@hamilton.ca)



*A. J. Clarke and Associates Ltd.*

SURVEYORS • PLANNERS • ENGINEERS

November 12, 2020

The City of Hamilton  
Clerks Department  
71 Main Street West, 1<sup>st</sup> Floor  
Hamilton, Ontario  
L8P 4Y5

**Sent via email to:** [clerk@hamilton.ca](mailto:clerk@hamilton.ca)

Attn: Chair and Members of Planning Committee

**Re: 2121 & 2187 Regional Road 56, Glanbrook  
Rural Hamilton Official Plan Amendment (“Proposed OPA”)  
City File: RHOPA-19-015  
Letter of Objection**

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Dear Chair and Members of Planning Committee,

On behalf of our Client, John Bruce Robinson Construction Limited, we are submitting this letter to formally object to the Proposed OPA at 2121 & 2187 Regional Road 56, Glanbrook. The lands located at 2187 Regional Road 56 in particular (“Subject Lands”), are currently used for commercial purposes, containing two one-storey buildings used for bus depot and motor vehicle storage uses (“Existing Uses”). The Subject Lands have also been used as a seasonal garden centre. The Subject Lands are not currently used, nor have they ever been used, as a Motor Vehicle Service Station, and/or Motor Vehicle Gas Bar, Restaurant, and/or a Car Wash as proposed through City’s Site Plan File: SPA-19-080 (“Future Uses”). The buildings are located in the front portion of the Subject Lands, which is generally paved with gravel. The rear portion is vacant, consisting of a densely vegetated area.

### **The Greenbelt Plan (2005 and 2017)**

The Subject Lands are outside of the urban boundary, approximately 300 metres from the northerly limit of the Binbrook Village Secondary Plan, which coincides with the north limit of the urban area boundary of Binbrook and are currently serviced by private water and wastewater services. The Subject Lands are designated as Protected Countryside and fall within prime agricultural areas of the Protected Countryside in the Greenbelt Plan (2005) and the Greenbelt Plan (2017).

The purpose of the Proposed OPA is to permit Existing Uses and Future Uses to connect to lake-based municipal water and wastewater services. As the following policy review indicates, such connections are only permitted outside of the urban area boundary under very rare circumstances. These circumstances do not exist in this case.

Provincial planning policy, specifically the Greenbelt Plan (2005 and 2017), generally prohibits the extension of municipal or private communal sewage or water services outside of a settlement boundary except in the following circumstances:



- in the case of health issues;
- to service existing uses; or
- to service the expansion of existing uses adjacent to the settlement.

None of these circumstances exist in this case. There is no evidence of any health issues in relation to existing private water supply for the subject lands. Notwithstanding the above, where municipal water services exist outside of settlements areas, existing uses within the service area boundary as defined by an environmental assessment may be connected to such a service. In this case, municipal water services do not exist outside the settlement area, and as mentioned previously, the Future Uses do not exist as such, they are not existing uses. The Subject Lands have never been used for Motor Vehicle Service Station, and/or Motor Vehicle Gas Bar, Restaurant, and/or a Car Wash.

In order to conform and not conflict with the Greenbelt Plan, the Existing Uses and Future Uses should continue to be serviced by private systems.

### **The Rural Hamilton Official Plan**

The Rural Hamilton Official Plan implements the policy regime established by the Greenbelt Plan.

The Subject Lands are designated both Greenbelt Protected Countryside and Key Natural Heritage Feature Significant Woodlands in Schedule B-2 of the Rural Hamilton Official Plan (RHOP). The Subject Lands are also designated as Agriculture in Schedule D of the RHOP. The City's local policy framework within RHOP sets out substantial technical criteria and requirements for development on private services; however, the Proposed OPA by-passes that policy framework in order to connect to lake-based municipal services that need to be extended well outside the urban area boundary. Pol. C.5.1 of RHOP – Private Water and Wastewater Services (OPA 5) – confirms that the objective of this Plan is to ensure all rural development establishes, and maintains in perpetuity, sustainable private services in accordance with the policies set out in section 5.1.1. The Proposed OPA does not maintain in perpetuity, sustainable private services, and such, does not conform with this objective of the RHOP.

The RHOP also provides policy direction for existing uses within the plan and is consistent with the relevant provincial policy direction of the Greenbelt Plan.

Pol. F.1.12.2 An existing use, identified as Protected Countryside area on Schedule A – Provincial Plans, that does not comply to or conform with the land use designations and policies of this Plan and/or the Zoning By-law, that existed prior to December 16, 2004 or any amendments may continue (emphasis added) provided that:

- a) The non-complying use did not conflict with the Official Plan and Zoning Bylaw in effect at the time the use was established; and
- b) The non-complying use has not been interrupted subsequent to the approval of this Plan.
- c) The non-complying use was lawfully existing on or before December 15, 2004.





The Future Uses within the corresponding site plan application (City File: SPA-19-080) are new uses proposed and therefore cannot be evaluated against the above-noted policies to determine that their use(s) may continue.

Pol. F.1.12.3 Where appropriate, the City may amend the Zoning By-law to recognize the non-complying use as an existing use provided that all the following criteria shall be met:

- a) The Zoning By-law shall permit only the existing use and the associated performance standards;
- b) The use does not constitute a danger to surrounding uses and persons by virtue of their hazardous nature or by the traffic generated; and
- c) The use does not pollute the air or water and is in compliance with appropriate provincial and municipal regulations.

Pol. F.1.12.4 The expansion or enlargement or change in non-complying uses shall be permitted provided they maintain the intent and purpose of this Plan, in particular Sections C.5.1, Sustainable Private Water and Wastewater Services and C.2.0, Natural Heritage System and any other requirements of the Planning Act. Pol. F.1.12.5 Where an existing use does not comply with the criteria in Section F.1.12.2 and is incompatible with surrounding land uses or other policies in this Plan, it shall not be zoned and shall be deemed to be a non-conforming use for the purposes of the Zoning By-law.

**Existing:** when used in reference to a use, lot, building or structure, means any use, lot, building or structure legally established or created prior to the day of final approval and coming into effect of the relevant sections of this Official Plan or at some earlier date as may be specified in the policies such as December 16, 2004 for the Greenbelt Plan policies.

Again, the Future Uses proposed within the Site Plan File: SPA-19-080 for the Subject Lands are not existing uses and are not permitted uses within the Zoning By-law.

### **City of Hamilton's Comprehensive Zoning By-law 05-200**

In 2015, the City's Comprehensive Zoning By-law 05-200, as amended by site-specific Zoning By-law No. 15-173 ("Parent ZBL") regulated the Subject Lands. The Subject Lands were zoned as "E1-151" – Existing Rural Commercial Zone and "P6" – Conservation/Hazard Lands Rural Zone. The Parent ZBL permitted the following uses:

- a. agriculture
- b. agricultural processing establishments – stand alone
- c. agricultural storage establishments
- d. farm product supply dealers
- e. kennels
- f. motor vehicle storage, sales, and repair operation
- g. office for a travel agency.
- h. uses existing at the date of the passing of the Parent ZBL



Before the Parent ZBL came into force and effect, the Subject Lands were regulated by the former Township of Glanbrook Zoning By-law No. 464 ("Former ZBL"). Under the Former ZBL, the Subject Lands were zoned as site-specific General Commercial "C3-031". The permitted uses were:

- a. The permitted uses on these lands shall be restricted to a motor vehicle storage, sales and repair operation, and an office for a travel agency, and accessory uses, buildings, and structures.

A Motor Vehicle Service Station is a defined use in the Former ZBL and the Parent ZBL. It was not a permitted use on the Subject Lands in 2015. Furthermore, the additional uses proposed through Site Plan File: SPA-19-080, specifically a Motor Vehicle Gas Bar, Restaurant, and/or a Car Wash are not permitted within the RHOP or the Zoning By-law.

### **Conclusion**

The Proposed OPA to permit Existing Uses and Future Uses that are currently not permitted within the RHOP and/or Zoning By-law and allow them to connect to lake-based municipal water and wastewater services by extending those municipal services well outside the urban area boundary should not be approved. The Proposed OPA is the antithesis of the policy regime established by the Greenbelt Plan as implemented in the Rural Hamilton Official Plan. That policy regime aims to protect rural and agricultural lands through appropriate servicing practices and ensuring appropriate land uses are implemented to meet the objectives and goals of the RHOP. The Proposed OPA does not conform to the applicable policy regime, does not represent good planning, and should be denied.

I trust this is satisfactory for your purposes and thank you for the Planning Committee's consideration in this matter. Should you have any questions or require additional information, please do not hesitate to contact the undersigned.

Yours very truly,

A handwritten signature in blue ink, appearing to read 'S. Fraser'.

Stephen Fraser, MCIP, RPP  
**A. J. Clarke and Associates Ltd.**

Encl.

Copy via email only: John Bruce Robinson Construction Limited, Attn: Coleman Robinson  
Turkstra Mazza Associates, Lawyers, Attn: Nancy Smith



November 15, 2020

**RE: Item 7.2 – Application to Amend the Rural Hamilton Official Plan for Lands Located at 2121 and 2187 Regional Road 56, Glanbrook (PED20027) (Ward 11)**

To the Chairperson & Members of the City of Hamilton’s Planning Committee,

I am writing to you on behalf of Environment Hamilton to express strong support for the recommendation from city planning staff to **DENY** the application to amend the Rural Hamilton Official Plan for lands located at 2121 and 2187 Regional Road 56 in Glanbrook.

We share staff concerns that this application **does not uphold** the policies set out in the city’s own Rural Hamilton Official Plan, and that it does not comply with important policies set out in Ontario’s Greenbelt Plan and in the Provincial Policy Statement.

This proposal represents an attempt to secure ‘leapfrog servicing’ given that it is seeking to extend municipal water/wastewater servicing beyond the Binbrook settlement area to rural locations well outside of that area. Our fear is that if this application receives approval from the city, **it will simply pave the way for the northward expansion of Binbrook into the protected Greenbelt in the future.** If provided, expanded servicing will be used by other landowners to justify their requests for future settlement area expansion. The Binbrook settlement area is one of the worst examples of ‘leapfrog development in Ontario’; it is not good planning to create new, expansive areas of mostly residential development so far outside of an urban area. When considered through a climate lens, development in this outlying area is harmful because it has created a community that is completely auto-dependent (no transit service and no active transportation links to urban Hamilton), and it has resulted in the loss of agricultural land and rural natural areas.

This form of development is also fiscally irresponsible and to continue to extend municipal services - as planning staff point out in their report - only creates additional costs for the city. We note, too, that the commercial development that is seeking servicing already received a conditional site plan approval from this committee on September 27, 2019 – **on the ‘premise that the lands would be developed on private services’**. It seems rather disingenuous that this proponent is now back before you just over a year later asking for you to approve the extension of city services to this property. The municipality must not make more bad decisions where this area and the rural lands around it are concerned; it is essential that the city uphold the policies put in place to protect the rural lands surrounding the Binbrook settlement area.

Finally, we view this application to extend city services as a very direct attack on the provincial Greenbelt particularly when city planning staff confirm that there is no justification, from a human health point of view, to extend these services to the proposed locations. Environment Hamilton is a proud member of the Ontario Greenbelt Alliance. We serve on the organization's Steering Committee and as a Regional Lead in the Niagara/Hamilton/Halton area. Along with the growing number of organizational members of the OGA, we believe it is essential that Ontario's Greenbelt is protected and, ideally, expanded over time.

In conclusion, we urge you to support the recommendation from city planning staff that this application be **DENIED**. Even when viewed at a very high level through a climate lens, this application cannot be justified and must not be supported.

Yours truly,

A handwritten signature in black ink, appearing to read "L. M. Lukasik". The signature is fluid and cursive, written in a professional style.

Lynda M. Lukasik, PhD  
Executive Director

Environment Hamilton  
22 Wilson Street, Suite 4  
Hamilton, ON L8R 1C5

[www.environmenthamilton.org](http://www.environmenthamilton.org)

TEL: (905) 549-0900

From: david BROWN  
Sent: November 16, 2020 10:07 AM  
To: elyse.mendray@hamilton.ca  
Cc: Kelsey, Lisa <Lisa.Kelsey@hamilton.ca>  
Subject: lot 8475 english church rd. file zac-17-082, rhopa-17-039

Hi Elyse-I live at ## English Church rd. I have no objecting to Steve Schiendel switching the designation of the lot on Upper James to the lot on English Church rd. I think it would add to the neighborhood, plus to build on Upper James, it is probably the most dangerous hwy. around Hamilton.

Thank you for your consideration

David Brown

# CITY OF HAMILTON

## NOTICE OF MOTION

Planning Committee Date: November 17, 2020

**MOVED BY COUNCILLOR L. FERGUSON.....**

**SECONDED BY.....**

**70 Garner Road East Zoning By-law Amendment Fee Reduction**

WHEREAS, Ancaster Christian Reform Church is non-profit;

WHEREAS, the lands located at 70 Garner Road East contain the existing Ancaster Christian Reform Church and are zoned I3 (39, H37) Zone in Zoning By-law No. 05-200;

WHEREAS, the property owner made an application for a Zoning By-law Amendment (ZAH-20-039) in June 2020 to lift the Holding Provision as municipal services are available to the property and connected to the church;

WHEREAS, the application for Holding Removal has been made by the Ancaster Christian Reform Church, a non-profit group;

**THEREFORE BE IT RESOLVED:**

That staff be directed to refund the fee for the required Zoning By-law Amendment application (Holding Removal).