



City of Hamilton PLANNING COMMITTEE ADDENDUM

Meeting #: 22-012
Date: August 3, 2022
Time: 9:30 a.m.
Location: Council Chambers
Council Chambers, Hamilton City Hall
71 Main Street West

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

Pages

6. DELEGATION REQUESTS

- *6.2. James Kemp respecting Accessible Taxi Program (Item 10.1) (For today's meeting)
- *6.3. Tim Nolan respecting Taxi Regulation Review Report (Item 10.1) (For today's meeting)

9. PUBLIC HEARINGS / DELEGATIONS

- 9.1. Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 05-200 for Lands Located at 327 and 335 Wilson Street East, Ancaster (PED22006) (Ward 12)
 - *a. Added Registered Delegations:
 - (i) Bob Maton, Ancaster Village Heritage Community (virtually)

 - *b. Added Written Submissions
 - (i) Robert Wilkins
 - (ii) Ilango Thirumoorthi
 - (iii) Jan King
 - (iv) Bob Maton
 - (v) Nonni Iler
 - (vi) Jim MacLeod

9.2. Application for Amendment to Flamborough Zoning By-law No. 90-145-Z for Lands Located at 265 Mill Street South, Flamborough (PED22162) (Ward 15)

- *a. Added Registered Delegations:
 - (i) Sidney Shaw

9.3. Application for Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 0 Gowland Drive and 3435 Binbrook Road, Glanbrook (PED22161) (Ward 11)

- *a. Added Written Submissions
 - (i) Pete Koning, Tish Healey, Phyllis Healey, and Zanden Koning

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- *b. Added Registered Delegations:
 - (i) Pete Koning (virtual)
 - (ii) Patricia Healey (in person)

9.6. Amendments to Expand the Permitted Uses in the Low Density Residential Zones of the Former Community Zoning By-laws of the Town of Ancaster, Town of Dundas, Town of Flamborough, Township of Glanbrook, City of Hamilton, and

a. Registered Delegations:

- *a. Added Registered Delegations:
 - (ii) Ian Borsuk, Environment Hamilton (virtual)
 - (iii) Nancy Hurst, Stop Sprawl HamOnt (pre-recorded)

b. Written Submissions:

- *a. Added Written Submissions:
 - (ii) Mary Ellen Scanlon
 - (iii) Adan Amer
 - (iv) Bill Johnston
 - (v) Emil and Kris Gadjanski
 - (vi) Nancy Hurst
 - (vii) Jill Tonini

12. NOTICES OF MOTION

*12.1. 442-462 Wilson Street East - Ontario Land Tribunal Appeal Instructions

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From: Robert Wilkins
Sent: Sunday, July 31, 2022 8:50 PM
To: clerk@hamilton.ca
Subject: 327 and 335 Wilson st E

I respectfully request a deferral of the zoning request and demolition on the above noted buildings - we need a full heritage assessment of the buildings -my recollection is that one of them was the location of one of the first CIBC banks in the area

Sent from my iPhone

From: Ilango Thirumoorthi
Sent: Sunday, July 31, 2022 9:22 PM
To: clerk@hamilton.ca; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Subject: re: 327 and 335 Wilson Street East in Ancaster (Ward 12)

Dear City of Hamilton and Counselor Ferguson,

I would like to bring to your attention my concerns regarding the lands located at 327 and 335 Wilson Street East in Ancaster (Ward 12).

My understanding is that there will be an application to "Amend the Urban Hamilton Official Plan and City of Hamilton Zoning Bylaw 05-200 for Lands Located at 327 and 335 Wilson Street East in Ancaster (Ward 12)", to be heard at the Planning Committee on August 3rd, 2022.

I would request a deferral of this application at this time due to concerns that 335 Wilson East is not on the city's Heritage Inventory list nor is it on the Municipal Heritage Register. It clearly has heritage features and needs a full assessment to clear up any confusion or omission off the heritage list prior to any approval for demolition.

After past events (ie. demolition of the historic Brandon House) it is vital the city stand vigilant along with the local residents to protect our heritage buildings.

Thank you,

Ilango Thirumoorthi

From: Jan King
Sent: Sunday, July 31, 2022 9:00 PM
To: Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; clerk@hamilton.ca
Subject: 327 and 335 Wilson Street East, Ancaster

Dear Sir/Madam

I am asking for a deferral of the application to demolish these properties. the "Application to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning Bylaw 05-200 for Lands Located at 327 and 335 Wilson Street East in Ancaster (Ward 12)", to be heard in Planning Committee on August 3rd. I believe it is a wrongful decision, these properties should be deemed heritage buildings.

What is happening to Ancaster!

Jan King

Bob Maton, PhD
02.08.22

Dear Planning Committee members:

Re: 327-329 and 335 Wilson Street

This has been a confusing situation with short timelines to gain clarity.

335 Wilson Street East was initially placed on the Municipal Heritage Register along with 327-329 Wilson East and a number of other heritage buildings in the Ancaster Village after the Brandon House was demolished in April, 2020. But subsequently 335 was removed from both the Inventory List and the Municipal Heritage Register, and was deemed inactive by the city. The application before Planning Committee today seeks to demolish the building at 335 Wilson and replace it with a building that, commendably, will reflect the heritage context of the Village on Wilson Street.

In the staff report for this development application, 227-229 Wilson East was recorded as being on the Inventory List but not on the Municipal Register, which it should have been. This will be corrected, I understand.

At the same time, some of the other heritage buildings on Wilson Street are duplexes, with two address numbers similar to 227-229 Wilson East in this application, i.e., having one main entrance at the front but perhaps two separate dwellings or businesses inside. Because of the design of 335, with one main central door at the front and a bay window on either side of the door, and an aged appearance, it seemed possible that 335 was one of these heritage duplexes; if so it would have had another address number, and if so the other number would have been 333 Wilson East.

335 Wilson was removed from the Inventory List and Municipal Register for the following reason, which I've copied from the staff report at the time:

The property [335 Wilson East] was initially included on the City's Inventory as it was associated with a property identified as part of an early Canadian Inventory of Historic Buildings (CIHB), conducted by the Research Division of the National Historic Parks and Sites Branch of Parks Canada. This CIHB noted a

heritage resource dating to c.1860 located at 333 Wilson Street East. As part of ongoing inventory work by the City, the heritage resource identified by the CIHB was found to no longer exist, so the status was deemed to be inactive.

Considering the inaccuracy of the staff report about 227-229, the removal of 335 from the Inventory and Municipal Heritage Register - after being included - and in the absence of any information about when 335 was actually built, it seemed possible that a further inaccuracy had occurred with 335, and that its address was 333-335, built in 1860. And so I was considering asking for a deferral from Planning Committee to investigate this before the application was approved and 335 was demolished.

However, a former owner of 335 came forward and clarified that 335 was built in the 1950s of breezeblock, and accordingly a deferral is not indicated.

The height of this plan is problematic, since the AWSSP prescribes 9 meters or 2.5 storeys as the staff report states, and the zoning and UHOP amendments for this site to allow 3 storeys and 12 meters reflect that non-conformity to the bylaw. However, the 5-meter setback of the height from the front of the building on the 3rd storey, which reduces its imposition on Wilson Street; the dark coloration of the 3rd storey which further reduces its visual impact; and the fact that there will be 5 dwelling units created on the 2nd and 3rd floors and two commercial units on the ground floor - along with the preservation of 327-329 Wilson East where a number of tenants have been living - are certainly important factors in considering this application.

This landowner clearly wants to preserve the heritage context of the Village with the new building, while deserving commendation for preserving the heritage building beside it and hopefully the living quarters of those who currently live there.

Best wishes and thanks, Bob

From: Nonni Iler
Sent: Monday, August 1, 2022 2:23 AM
To: clerk@hamilton.ca; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>
Subject: 335 Wilson Street East

Dear City Clerk and Councillor Lloyd Ferguson,

I hope that enough people write-in to request a deferral of the development application at 335 Wilson Street East.

I do not think that many of our caring citizens have heard about the proposed demolition of this building.

It is sad, that the character of this town is being destroyed to make room for high-density buildings that will further clog roads that were not designed for the current level of traffic. We have lost a huge number of heritage buildings on Wilson Street, many of the significant old trees and green spaces that made this a pleasant area to live in, as well as the ability to turn left on the main street in Ancaster, (unless we are stopped at a traffic light).

Please consider putting 335 Wilson Street East back on the Heritage Inventory list.

Ancaster, Dundas, Stoney Creek, Glanbrook and Flamborough are NOT downtown Hamilton. We deserve and need to keep some of the character and identity of these communities that we love.

Sincerely,
Nonni Iler



**20 Rousseaux Street
Ancaster, Ontario L9G 2W5**

July 29, 2022

Re: Applications to Amend Urban Hamilton Official Plan and Hamilton Zoning Bylaw 05-200
UHOP Official Plan Amendment UHOPA-21-02
327 and 335 Wilson Street East, Ancaster (PED22006)

Ancaster Village Heritage Community Inc (AVHC) is a vibrant community group with about 100 members and 1000 followers on Facebook. Our goals are to preserve the remaining heritage of one of Ontario's oldest villages, support positive development, and preserve and enhance our community quality of life. The land for this application is in the Village Core of the UHOP Secondary Plan and we have a hyperfocus on that area.

We have reviewed the above noted development application and offer the following comments we hope will be helpful and will be considered by Planning Committee and Council in making their decision.

1. Redevelopment on this site could be a welcome improvement to the streetscape. To have two active commercial units at street level at 335 Wilson St E would be of assistance to nearby businesses and help build a downtown that attracts customers.
2. The fact that 327 Wilson Street has no commercial uses at ground level today and the building will be retained as is supports the City view on the handling of this. AVHC sees no obvious issues with eliminating the driveway between them.
3. While AVHC supports the concept of this development we ask the Planning Committee, if it is of a mind to approve the Staff recommendation, to place conditions on it that will bring it into substantial compliance with the Ancaster Wilson Street Secondary Plan (AWSSP) and Bylaw 05-500 C5a (570):

- 3.1. AWSSP sets a height of 2.5 stories. This proposal is for three. While this sounds like a minor variance, the building is 12 meters high while the Bylaw permits 9 meters.

AVHC recognizes the applicant recently reduced the height from 12.78 meters, 42% higher than permitted, to 12 meters. That is still 33% higher than permitted.

- 3.2. AVHC recognizes the applicant is attempting to limit the impact of the excess height on the streetscape with a 5 meter setback of a different roof design. AVHC believes the set back looks out of place and does not adhere to Secondary Plan Design Guidelines. The entire side of the property is visible to the street for traffic and pedestrians heading west. It is a 12 meter building, nothing less.

- 4 It seems to AVHC that almost every developer comes to Planning Committee asking for significantly higher heights than permitted in AWSSP.
- 5 Literally hundreds of citizens participated in the development of the Ancaster Wilson Street Secondary Plan. Developers claim AWSSP is outdated—in fact it came into effect in 2015. The 9 meter height restriction in Bylaw 05-200 C5A (570) was enacted in 2018.

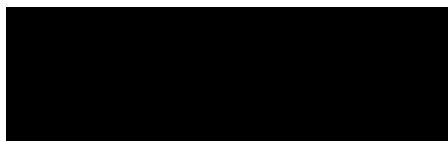
This Application is seeking significant and unacceptable variances from modern legislation.

- 6 AVHC notes recent Planning Committee Applications for even greater than 133% of permitted height. Committee Refusal in some cases is the only reasonable response to requests that effectively guts legislation. However, AVHC believes in this case there must be architectural changes that could be made to bring a 3 storey building into substantial compliance.
- 7 The multiple additional relaxations of standards, in particular the significant reduction in glazing, concern AVHC as approval of large variations from zoning are noted by other developers for future plans. AVHC believes strongly that the requirements of the Ancaster Wilson Street Secondary Plan and Bylaw 05-200 should be substantially followed with only minor variations for specific site issues. We recognize this leads to appeals to the Ontario Land Tribunal, but results of Appeals are part of the process to suggest Bylaw and Secondary Plan Amendments that would have full and appropriate public input.

Site by site variations in the 30% plus range do not represent good planning in our view.

There is much to recommend the plans in these applications, but AVHC believes strongly the asks are excessive and we ask the applicant, Planning Committee and Council to negotiate substantial compliance or Planning Committee and Council deny the applications. Negotiation would be the preferred route.

Respectfully Submitted



Jim MacLeod
Vice President.

Re: Zoning By-law Amendment (File Nol. ZAC-21-024)

Concerns

We are property owners at ***, Binbrook, ON, directly across from the property in question (3435 Binbrook Road, Glanbrook, ON)

We attended a virtual meeting on April 21, 2022, hosted by Armstrong Planning.

During that meeting we voiced concerns about the proposed bi-law change, which are elucidated below:

- The residents are very concerned about only having a single driveway, on Binhaven Blvd for entry and egress. We consider this to be unsafe. If the single driveway is blocked, how can residents of the buildings escape, in the event of an emergency?
- We were told that they would investigate the possibility of a second entrance. The Empire employee said that they can't locate it in the dead-end traffic circle on Gowland because that's required for service vehicles (plows, etc) can turn around. They also said they can't locate it off of Binbrook Road because of traffic volume. But they did say several times that they would "look into it".
- The residents are concerned about traffic volume increases, based on the addition of 72 units concentrated in a very small space. Some of us have small children who play in the area. Many vehicles that approach the lights on Binhaven actually accelerate to "beat the lights". With the potential for much higher traffic density, especially early in the morning and late afternoon, the danger of accidents will increase greatly.
- The Armstrong rep said that a traffic study had been done recently and that even with the new units, traffic patterns would not change substantially.
- One of the residents asked if Empire or the City would consider adding speedbumps to Binhaven Blvd to slow traffic. We were told this could be a possibility.
- Parking will become a major issue. Adding 72 units would mean a potential increase of between 60 to 144 vehicles. The plan provides for a total of 108 parking spaces, *which includes visitor parking*. Where will overflow parking go? Parking on the streets around the proposed site is already tight.
- There are simply too many units. Based on points 2 through 8, the residents are convinced that there are just too many units being planned in this small space. We would like the number of units reduced to half the proposed number (36). this would allow more green space, ease congestion, provide for the possibility of a second entrance and allow the plan to stay within the Binbrook Urban Design guidelines.
- A number of residents were not happy with the proposed building design. They found the design not ascetically pleasing. "Ugly" was the word used, I believe. The design concept was too "industrial", not at all in keeping with the Binbrook Urban design guidelines that recommend that Binbrook retain its "village" look.
- **All of the units will be rental units.** None of the units will be sold.
- Some residents were concerned that allowing only rental units in the development could lead to higher incidents of crime in the area.
- Some residents wanted to know why none of the units were to be offered for sale.

- Brenda noted that this is the third plan for this area by Empire. The first was approved as far back as 2006. (I could be wrong on that date). That plan was for a combined retail/residential 8- or 9-story building. The second was the 2019 9-story apartment building and this is the 3rd. Essentially these are 3 and a half story units with the bottom apartment being partially below-ground. It sounded like she thought this size building was better than the apartment buildings because the building would be lower in height and lower in density.
- They said they will get back to us in terms of updates for some of the issues we mentioned but no timelines were given.

We were told that Armstrong and Empire would get back to the concerned residents with answers to their questions and concern.

To date, we have not heard a single word from Empire/Armstrong, with respect to our concerns.

Allow me to restate these concerns here, so we are clear:

1. This development is unsafe. Empire has planned for only a single entrance/exit for all 72 units. If this entrance is blocked, residents will not be able to leave the development. Imagine a scenario where there is a gas leak or a fire in the proposed development. How will residents get out if the single entrance is blocked?
2. The infrastructure to support this development and a **second** entrance/exit is not in place. It is not currently feasible to locate an entrance/exit off of Binbrook Road. ***We are insistent that this must be done before the development can proceed, for the safety of the local residents.***
3. Traffic volumes on Binbrook Road and Binhaven Blvd are already very high. Adding 72 units in this tiny space will make traffic even more untenable.
4. There is not enough consideration given to parking spaces in this area. Parking on streets is already congested. Adding 72 units will make it even more impossible for local residents and visitors to park in the area.
5. No consideration has been given for speed bumps or other traffic speed abatement tools on Binhaven Blvd and Binbrook Rd. This creates safety issues. Vehicles already approach the lights at this intersection at a high rate of speed to "beat the lights".
6. The proposed units are very "industrial" in design and do not fit in with the design guidelines for Binbrook village.
7. The number of units should be reduced to half the proposed number (from 72 to 36). The proposed density is too high for the area.
8. Armstrong and Empire have not been truthful. They have not responded to a single one of our concerns, as put forth in April. We do not believe they are operating in good faith. We have seen no effort on their part to reach out to us or offer explanations or alternative suggestions.

To be clear: one of the biggest issues for us is safety. The proposed single entrance/exit is unsafe and can lead to serious problems if it is blocked.

Signed,

Pete Koning, Tish Healey, Phyllis Healey, Zanden Koning

CITY OF HAMILTON

MOTION

PLANNING COMMITTEE DATE: AUGUST 3, 2022

MOVED BY COUNCILLOR L. FERGUSON.....

SECONDED BY COUNCILLOR

442, 450, 454 and 462 Wilson Street East - Ontario Land Tribunal Appeal Instructions

WHEREAS, at its meeting on July 5, 2022, Planning Committee recommended refusal of the subject applications;

WHEREAS, on July 6, 2022 appeals were filed with the Ontario Land Tribunal for a failure of the City to make a decision on applications UHOPA-21-019 and ZAC-21-049 for lands located at 442, 450, 454 and 462 Wilson Street East;

AND WHEREAS, at its meeting on July 8, 2022, Council refused the subject applications;

THEREFORE IT BE RESOLVED:

- (a) That Legal and Risk Management Services staff be instructed to oppose the appeals for non-decision by 2691823 Ontario Inc arising from its applications for Official Plan amendment application UHOPA-21-019 and Zoning By-law amendment application ZAC-21-049;
- (a) That the Ontario Land Tribunal (OLT) be advised that the reasons for Council’s opposition include but are not limited to the following:
 - (i) That the proposed amendment does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to building height, scale, massing, privacy, overlook, compatibility, and enhancing the character of the existing neighbourhood;
 - (ii) That the proposed change in zoning does not meet the general intent of the Urban Hamilton Official Plan and the Ancaster Wilson Street Secondary Plan with respect to setbacks, building height, and massing;
 - (iii) There is inadequate sanitary capacity for the proposed density;
 - (iv) That the proposal is not considered to be good planning and is considered an over development of the site.

- (b) That staff from Planning and Economic Development attend the hearing to provide evidence, if necessary;
- (c) That Legal and Risk Management Services staff, in consultation with Development Planning staff, be authorized to retain such outside professional(s) in support of Council's opposition to the proposal, as necessary and charge such costs of retainers to the Development Stabilization Reserve 110086.