



October 24th, 2017

The City of Hamilton
Planning and Economic Development Department
Policy Planning and Zoning By-law Reform
71 Main Street West, 4th Floor
Hamilton, Ontario
L8P 4Y5

Sent via email: joanne.hickey-evans@hamilton.ca

Attn: Joanne Hickey-Evans, MCIP, RPP
Manager, Policy Planning and Zoning By-law Reform

Re: Proposed Commercial Mixed Use Zoning Amendment (PED 16100)

Dear Madam,

We represent John Bruce Robinson Construction Limited, the owner of the lands municipally known as 2620 Binbrook Road East, Hamilton (Binbrook), herein referred to as the subject lands. The subject lands are located on the northwest corner of the intersection of Tanglewood Drive and Binbrook Road East. The subject lands are also the subject of an ongoing Site Plan Application DA-16-084 (Conditionally Approved).

We are writing to express our concerns and objection to the amendments proposed to Zoning By-law 05-200 through PED16100(c), specifically, its impact on the subject lands. This correspondence should be considered a written submission to Council, per the *Planning Act*. The subject lands are currently subject to a Site Specific Zoning By-law No. 08-204, which was obtained on September 10th, 2008 and permits the development as it is proposed through Site Plan Application DA-16-084. The proposed amendment to 05-200 to include the lands into the Commercial and Mixed use Zones (05-200) failed to incorporate the site specific zoning amendments obtained through By-law No. 08-204. As such, upon passing of the Commercial and Mixed Use Zoning (PED16100); Council will effectively be removing the zoning permissions, which were previously passed in order to permit the proposed development. The incorporation of the lands into 05-200 without carrying forward a Site Specific amendment would render the proposed development non-compliant with respect to a number of items, including, but not limited to, parking stall width (2.6m to 3.0m), building height, and building setbacks.

We request that the City acknowledge the previously Council adopted Site Specific Zoning By-law Amendment (08-204) in addition to including other site specific provisions, where appropriate, to implement the Conditionally Approved Site Plan Concept. Otherwise, we would request that the City remove the subject lands from the implementation of 05-200, until such time as the Conditionally Approved development can be constructed, and a City-initiated housekeeping amendment can be brought forth to Council. The increase in parking size, and



reduction in building height would create an increase in the required paved parking area, and a reduction of units, which runs contrary to current the planning paradigm and Provincial Policy.

I trust this is satisfactory and thank you for your cooperation in this matter. If you need additional information or clarification regarding the above, please do not hesitate to contact our office.

Sincerely,

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

Copy: City Clerk, Rose Catarini (via email: clerk@hamilton.ca)
Councillor Brenda Johnson, Ward 11 (via email: brenda.johnson@hamilton.ca)
John Bruce Robinson Construction Limited c/o Coleman Robinson (via email: coleman@homesbyjbr.com)