



Principals

Michael Gagnon  
Lena Gagnon  
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November 8, 2017

City of Hamilton  
71 Main Street West  
Hamilton, Ontario  
L8P 4Y5

**Attention:**  
Mayor and Members of Council  
Rose Caterini, City Clerk  
Steve Robichaud, Director, Planning and Chief Planner  
Timothy Lee, Planner, Zoning By-Law Reform

**Re: PUBLIC INPUT**  
**Proposed Commercial and Mixed Use Zones**  
**Official Plan and Zoning By-law Amendments (PED16100 (c))**  
**Proposed Bills 239 and 240 (Ward 1 - 13 and 15)**  
**GWD File No. 2424 (Bills)**

We represent 1856831 Ontario Limited and 1315088 Ontario Inc. the registered owners of 3200 and 3210 Homestead Drive, Mount Hope in the City of Hamilton (hereinafter referred to as the subject site). The subject site is located at the southwest corner of Homestead Drive and Airport Road West. The subject site measures approximately 0.81 hectares (2.01 acres) in size and is irregularly shaped. It backs onto a number of other properties which front onto both Homestead Drive and Airport Road West, as well as the existing townhouse units which front onto Marion Street (see attached air photo).

1856831 Ontario Limited and 1315088 Ontario Inc. have retained Gagnon Walker Domes Ltd. to assist them with the review of existing and proposed governing planning documents as they pertain to the development potential of the subject site. Our firm is also preparing plans illustrating how the properties could be developed to reasonably reflect and respect planning policies, as well as the economic realities of the market place. We are preparing to file a Pre-Consultation Application reflecting our Clients' development aspirations.

**City Initiated Official Plan and Zoning By-law Amendments**

As we reviewed local area governing planning documents we came across City of Hamilton Planning Staff Reports pertaining to City initiated Official Plan and Zoning By-law Amendments (PED16100 (c)). Based on our understanding of the aforementioned, the City's objective is to advance 'new' policies and 'amend' existing policies, schedules, and maps with the express

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purpose of ensuring that the proposed 'new' Commercial and Mixed Use Zones conform to the Urban Hamilton Official Plan (UHOP) and Hamilton's Zoning By-law 05-200.

This correspondence constitutes our Clients' 'public input' in connection with the proposed City initiated Official Plan and Zoning By-law Amendments (PED16100 (c)); referred to as Bills 239 and 240. Our Clients have asked us to share with the City of Hamilton our comments, observations and recommendations pertaining to the proposed Amendments. We respectfully request that consideration be given to revising the proposed Amendments to permit 'Residential' as a permitted land use in the area south of Airport Road West, west of Homestead Drive, north of Marion Street, and south to the southern limit of 3250 Homestead Drive. In making this request, we recommend that 'Residential' be permitted subject to the filing of supporting technical plans, studies and reports. We are also recommending that a Tertiary Plan Area be established consistent with the aforementioned boundaries (see attached air photo).

### **Existing Designations**

At present, the subject site is designated '*District Commercial*' in the UHOP. According to Policy E.4.7.2 of the UHOP permitted uses include commercial (i.e. retail stores, personal services, financial establishments, live work units, restaurants, gas bars, car washes, service stations, medical clinics, offices and 'Residential' uses (provided they are located above the first storey). The Mount Hope Secondary Plan also designates the subject site as '*District Commercial*'. According to Policy 5.4.4.1 of the Secondary Plan permitted uses include retail and service commercial, personal and business services, recreational and entertainment facilities, restaurants, taverns, hotels and motels, cultural facilities, community facilities/services, and institutional uses (subject to conditions).

The portions of the subject site fronting onto Homestead Drive and Airport Road West are zoned '*General Commercial (C3)*' within the Township of Glanbrook Zoning By-law 464. The C3 Zone permits 'Residential' uses ancillary to the permitted uses in Policy 25.1 a) of the By-law. The balance of the subject site is zoned '*Deferred Development (DD)*'.

### **Detailed Comments, Observations and Recommendations**

Our review of relevant background materials related to Bills 239 and 240 reveals that at the October 17, 2017 Planning Committee Meeting Councillors B. Johnson, A. Johnson, Farr and Skelly advanced a Motion(s) to permit 'Residential' on properties fronting onto Homestead Drive, south of Airport Road West; subject to certain conditions being met. In a recent conversation with Planning Staff it was suggested that the Councillors Motion(s) did not include all of the lands located west of Homestead Drive, south of Airport Road West, but only those located beyond Noise Contour 28.

The significance of the aforementioned in regards to its impact on our Clients' lands cannot be overstated. Our Clients' intention is to pursue a mixed use development which would include a combination of 'live work' units fronting onto Homestead Drive and Airport Road West, and residential townhouses on the interior of the subject site, extending westward ultimately abutting the existing residential townhouses which front onto Marion Street. In contemplating a mixed use development, it is fully understood that the residential component may only be permitted subject to demonstrating that both interior and exterior provincial noise exposure criteria can be met.





If the proposed Amendments as currently drafted (Bills 239 and 240) are approved at the November 8, 2017 City Council Meeting our Clients will not be able to proceed with the development of their lands as planned.

According to the October 17, 2017 Planning Staff Report entitled *'Proposed Commercial and Mixed Use Zones. Implementing Urban Hamilton Official Plan Amendment and Zoning By-law Amendment (Wards 1 - 13 and 15) (PED16100 (c))'*, and in particular Appendix B, the proposed District Commercial Zone (C6) contemplates (Section 10.6, Subsection 10.6.1) that 'Residential' dwelling units will be permitted in conjunction with a commercial use; subject to Subsection 10.6.1.1.A which states that a dwelling unit in conjunction with a commercial use shall not occupy more than 50% of the total gross floor area of the property. While the proposed C6 provisions would potentially accommodate our Clients' proposed development, regrettably Section 580 specifically prohibits 'Residential' dwelling units on our Clients' properties.

Our understanding is that the Section 580 prohibition is tied to the proximity of the subject site to the John C. Munro Hamilton International Airport and associated noise contours. At present, the existing zoning which our Clients enjoy allows for 'Ancillary Residential'. If the C6 zoning as proposed is approved by Council our Clients existing residential uses will be considered legal non-conforming, and their future aspirations of pursuing mixed use development will be abolished.

We understood the direction of Council to be straightforward regarding the properties fronting onto Homestead Drive, south of Airport Road West. Simply put, we were under the impression that these lands would be placed in a Holding Zone which would require a Noise Study to be submitted and implemented as a precondition of any new 'Residential' development occurring. We further understood that all 'Residential' development would have to comply with the Mount Hope Secondary Plan with regards to residential heights, and other applicable development criteria.

### **OPA 69**

Based on our review of Bill 239, Official Plan Amendment (OPA) 69, UHOP and in particular Section 5.4.11.4 we note that infill residential development is permitted specifically at 3239 to 3331 Homestead Drive, and at 3260 to 3300 Homestead Drive. These lands will also be designated 'Mixed Use – Medium Density'. OPA 69 appears to properly interpret the previously mentioned Motion(s).

Our Clients believe that the Motion(s) may have been inadvertently misinterpreted during the drafting of Bills 239 and 240 as they relate to their lands and those of their neighbours located on Homestead Drive, south of Airport Road West.

In order to reflect the spirit and intent of the Motion(s) and our Clients' understanding thereof, we respectfully recommend that a Holding Zone be applied to all of the lands identified on the attached air photo as constituting the proposed Tertiary Plan Area. Establishing a Holding Zone (and a corresponding Tertiary Plan Area) would facilitate and allow the stakeholders an opportunity to prepare a Noise Study with a view to verifying corresponding noise contours and the appropriateness of permitting new 'Residential' land uses in this area.





## **District Commercial**

With respect to the proposed C6 Zone and the corresponding limits of the District Commercial Area, we cannot help but wonder what economic forecasting and market analysis has been prepared in support thereof. A review of the Municipality's corresponding mapping reveals that the aforementioned commercial area is very large.

It seems to us that in the absence of any up-to-date detailed analysis the lands located within the proposed C6 Zone/District Commercial Area (which are at present predominantly used for 'Residential') could remain undeveloped for years, if not decades to come.

It would perhaps be prudent and in the collective best interests of the Municipality, our Clients and other local stakeholders for the City of Hamilton to undertake a separate study aimed a better understanding the future development potential of the lands fronting along Homestead Drive and Airport Road West in the vicinity of the John C. Munro Hamilton International Airport. While we appreciate that there may be those that do not wish to encourage residential or industrial development in this area, it may not be appropriate to assign commercial designations to these lands if there is no reasonable expectations that it will materialize within the 2031 planning horizon of the local Official Plan.

## **Concluding Remarks**

Based on our review of relevant background materials, we respectfully request that Council either:

- a) Defer the approval of Bills 239 and 240 with a view to facilitating further consideration of our Clients' input; or
- b) Amend Bills 239 and 240 in accordance with the recommendations contained herein pertaining to the establishment of a Holding Zone and a Tertiary Plan Area coinciding with the lands located west of Homestead Drive, south of Airport Road West as illustrated on the attached air photo.

In closing, we wish to thank you for affording us the opportunity to provide public input. Thank you in advance for your consideration and for providing us with formal notification of City Council's decision on Bills 239 and 240.

**Yours truly,**

A large, stylized handwritten signature in black ink, appearing to be 'Michael Gagnon'.

**Michael Gagnon, B.E.S., M.C.I.P., R.P.P.  
Managing Principal Planner**

A handwritten signature in black ink, appearing to be 'Michelle Harris'.

**Michelle Harris, M.Sc.  
Associate Planner**

cc. **1856831 Ontario Limited  
1315088 Ontario Inc.  
Joanne Hickey-Evans,  
Manager, Planning Policy & Zoning By-Law Reform**





**TERTIARY PLAN AREA and SUBJECT SITE**  
**3200 & 3210 HOMESTEAD DRIVE**  
**CITY of HAMILTON**

**LEGEND**

-  TERTIARY PLAN AREA
-  SUBJECT SITE  
(3200 & 3210 HOMESTEAD DRIVE)
-  LANDS to be DESIGNATED MIXED USE

P.N.: 17.2424

Date: November 7, 2017

Scale: N.T.S

Revised:

Drawn By: D.S.

File No.: PN 2424\_ Aerial\_Images



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