



**CITY OF HAMILTON**  
**CORPORATE SERVICES DEPARTMENT**  
**Legal and Risk Management Services Division**  
**and**  
**PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Planning Division**

|                           |  |
|---------------------------|--|
| <b>TO:</b>                | Chairs and Members<br>Planning Committee   |
| <b>COMMITTEE DATE:</b>    | September 22, 2020   |
| <b>SUBJECT/REPORT NO:</b> | Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11) |
| <b>WARD(S) AFFECTED:</b>  | Ward 11  |
| <b>PREPARED BY:</b>       | Andrew Biggart (416) 622-6601<br>Melanie Pham (905) 546-2424 Ext. 6685   |
| <b>SUBMITTED BY:</b>      | Nicole Auty<br>City Solicitor<br>Legal and Risk Management Services  |
| <b>SIGNATURE:</b>         |  |
| <b>SUBMITTED BY:</b>      | Steve Robichaud<br>Director, Planning and Chief Planner<br>Planning and Economic Development Department  |

**Discussion of this Confidential Report in closed session is subject to the following requirement(s) of the City of Hamilton’s Procedural By-law and the Ontario Municipal Act, 2001:**

- **Litigation or potential litigation, including matters before administrative tribunals, affecting the City;**

**SUBJECT: Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11) - Page 2 of 18**

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- **Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

**RECOMMENDATION**

- a) That the City enter into a settlement of the appeal to the LPAT by Binbrook Heritage Developments, Owner, of its Urban Hamilton Official Plan (“UHOP”) Amendment Application UHOPA-16-18, in order to permit a six storey building height in the Binbrook Village Secondary Plan in Volume 2 of the UHOP, for the lands located at 3033, 3047, 3055 and 3063 Binbrook Road (Glanbrook), as shown on Appendix “A” to Report LS19003(b)/PED19031(b), based on the approval by the LPAT of the draft Official Plan Amendment, attached as Appendix “C” to Report LS19003(b)/PED19031(b), which has been prepared in a form satisfactory to the City Solicitor and that:
- (i) prior to the finalization of the settlement, the UHOP Amendment, attached as Appendix “C” to Report LS19003(b)/PED19031(b), may be amended as required, to the satisfaction of the Director of Planning and Chief Planner and City Solicitor; and,
  - (ii) that the City Solicitor be authorized and directed to execute minutes of settlement for the appeal of UHOPA-16-18 in a form and content satisfactory to her and consistent with the foregoing.
- b) That the City enter into a settlement of the appeal to the LPAT by Binbrook Heritage Developments, Owner, of its Zoning By-law Amendment (“ZBA”) Application ZAC-16-051, for changes in zoning from the Existing Residential “ER” Zone, to a site specific General Commercial “C3” Zone, for the lands located at 3033, 3047, 3055 and 3063 Binbrook Road (Glanbrook), as shown on Appendix “A” to Report LS19003(b)/PED19031(b) based on the draft By-law attached as Appendix “D” to Report LS19003(b)/PED19031(b) and that:
- (i) prior to the finalization of the settlement, the ZBA Amendment, attached as Appendix “D” to Report LS19003(b)/PED19031(b), may be amended as required, to the satisfaction of the Director of Planning and Chief Planner and City Solicitor; and,
  - (ii) the City Solicitor be authorized and directed to execute minutes of settlement for the appeal of ZAC-16-051 in a form and content satisfactory to her and consistent with the foregoing.

**SUBJECT: Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/PED19031(b)) (Ward 11) - Page 3 of 18**

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- (c) That Report LS19003(b)/PED19031(b), Appendices “A”, “B”, “C”, “D”, and “E” to Report LS19003(b)/PED19031(b) thereto and recommendations therein be released to the public, except for Appendices “F” and “G” to Report LS19003(b)/PED19031(b) which shall remain confidential.

## **EXECUTIVE SUMMARY**

The purpose of this report is to obtain instructions regarding the appeals to the Local Planning Appeal Tribunal (LPAT) for lack of decision on Urban Hamilton Official Plan Amendment application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook).

The report provides legal advice that is subject to solicitor-client privilege and is in respect of proceedings before the LPAT and therefore should be considered in camera.

Two applications (Urban Hamilton Official Plan Amendment (UHOPA) application UHOPA-16-18, and Zoning By-law Amendment (ZAC) application ZAC-16-051 (collectively both applications hereinafter referred to as the “Applications”)) were appealed to the Local Planning Appeal Tribunal (LPAT) in August 2017 as a result of a decision of Council not being made on the applications within the time period required under the *Planning Act*. The applications were deemed complete in July, 2016.

Since the applications were appealed, Binbrook Heritage Developments (the “Applicant”) has revised the applications twice on the basis of with prejudice revisions provided on January 18, 2019, and May 14, 2019.

The January 18, 2019 revision proposed a maximum height of seven storeys instead of the previous ten storey maximum height. The development was contained in a single seven storey mixed use building consisting of 163 residential units and five ground floor commercial units. A discussion of these revisions in Report LS19003/PED19031 was considered at Planning Committee on March 19, 2019. Council gave direction to oppose the Applications at the hearing of the appeals.

The second May 14, 2019 revision was similar to the previous revision, except that the building was reduced to six storeys in height with a total of 135 residential units (reduced from 163 units). Report LS19003(a)/PED19031(a) discussing these revisions was considered at Planning Committee on June 4, 2019. Council gave direction to pursue negotiations with the appellant to try to resolve outstanding issues related to servicing capacity, transportation, heritage, and urban design.

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Based on additional without prejudice discussions, the Applicant has made revisions to the site layout, circulation and parking areas, incorporated several stepbacks and façade changes into the six storey building design and reduced the number of residential units to 111. Additional information was also provided with regards to servicing, and a revised Cultural Heritage Impact Assessment was submitted on May 11, 2020.

The most recent revised proposal, provided in April 2020, generally addresses the outstanding issues that Council previously directed staff to try to resolve. Sufficient information was submitted to confirm that there are no servicing capacity issues with the proposal. The primary heritage resource on the site (the “Coach House”) will be preserved and relocated on the westerly portion of the site. Issues with parking, access, and site circulation have been resolved. The proposed changes also help to bring the proposal more into conformity with the Binbrook Village Community Core Urban Design Guidelines.

**Alternatives for Consideration – See Page 17**

**FINANCIAL – STAFFING – LEGAL IMPLICATIONS**

Financial: See Report LS19003/PED19031.

Staffing: See Report LS19003/PED19031.

Legal: See External Legal Counsel opinion from Andrew Biggart of Ritchie Ketcheson Hart & Biggart attached hereto as Appendix “F” to Report LS19003(b)/PED19031(b).

**HISTORICAL BACKGROUND**

**Report Fact Sheet**

| <b>Application Details</b> |                                |
|----------------------------|--------------------------------|
| Applicant/Owner:           | Binbrook Heritage Developments |
| Applicant/Agent:           | GSP Group Inc. (Agent)         |
| File Number:               | UHOPA-16-18, ZAC-16-051        |

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|                                    |  |
|------------------------------------|--|
| Type of Application:               | Urban Hamilton Official Plan Amendment<br>Zoning By-law Amendment  |
| Proposal:                          | Six storey multiple dwelling with 546 m <sup>2</sup> of ground floor commercial space and 111 dwelling units, 104 surface parking spaces and 27 additional parking spaces within the first floor of the building, for a total of 131 parking spaces (see Appendix “B” to Report LS19003(b)/PED19031(b)).   |
| <b>Property Details</b>            |  |
| Municipal Address:                 | 3033, 3047, 3055 and 3063 Binbrook Road (see Location Map attached as Appendix “A” to Report LS19003(b)/PED19031(b)).  |
| Lot Area:                          | ±7,630 m <sup>2</sup> (mostly rectangular)   |
| Servicing:                         | Existing Full Municipal Services   |
| Existing Use:                      | Four single detached dwellings   |
| <b>Documents</b>                   |  |
| Provincial Policy Statement (PPS): | The proposal is consistent with the PPS.   |
| A Place to Grow:                   | The proposal conforms to A Place to Grow, 2019.  |
| Official Plan Existing:            | <ul style="list-style-type: none"> <li>• “Neighbourhoods” on Schedule E – Urban Structure</li> <li>• “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations</li> <li>• Binbrook Village Secondary Plan “Mixed Use – Medium Density - Pedestrian Focus” on Map B.5.1-1</li> <li>• Permitted uses: commercial uses on the ground floor, residential uses permitted above the ground floor.</li> <li>• Maximum height: three storeys</li> </ul> |
| Official Plan Proposed:            | To permit a maximum height of six storeys (see Appendix “C” to Report LS19003(b)/PED19031(b)).   |

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|                           |   |
|---------------------------|---|
| Zoning Existing:          | Existing Residential “ER” Zone  |
| Zoning Proposed:          | Modified C3 General Commercial Zone (see Appendix “D” to Report LS19003(b)/PED19031(b)).  |
| Modifications Proposed:   | <ul style="list-style-type: none"> <li>• Restrictions on commercial uses to permit only uses consistent with a “Pedestrian Focus Street” area;</li> <li>• Allowing a multiple dwelling in conjunction with ground floor commercial uses;</li> <li>• Building setback from a street;</li> <li>• Special yard setbacks;</li> <li>• Maximum building height of 26 metres;</li> <li>• Parking standards: <ul style="list-style-type: none"> <li>○ Residential and commercial uses;</li> <li>○ Visitor parking;</li> <li>○ Barrier free parking;</li> <li>○ Space sizes;</li> <li>○ Setbacks; and,</li> <li>○ Planting strips.</li> </ul> </li> <li>• Number of loading spaces;</li> <li>• Minimum landscaping requirements;</li> <li>• Permitted building encroachments/projections;</li> <li>• Outside storage and display permissions;</li> <li>• Definitions for Amenity Area, Height, Landscaped Area, Rear Lot Line, and Planting Strip; and,</li> <li>• Added regulations: <ul style="list-style-type: none"> <li>○ New definitions;</li> <li>○ Bicycle parking;</li> <li>○ Landscaping for parking areas;</li> <li>○ Façade Height;</li> <li>○ Building setbacks on upper storeys;</li> <li>○ Amenity area for residential units; and,</li> <li>○ Built form for new development.</li> </ul> </li> </ul> <p>(See Appendix “E” to Report LS19003(b)/PED19031(b)).</p> |
| <b>Processing Details</b> |   |
| Received:                 | July 29, 2016.  |

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|---------------------------------|---|
| Deemed Incomplete:              | August 11, 2016.  |
| Deemed Complete:                | August 23, 2016.  |
| Notice of Complete Application: | Sent to 138 property owners within 120 m of the subject property on September 2, 2016.  |
| Public Notice Sign:             | Posted September 6, 2016.   |
| Public Consultation:            | The applicant hosted a public open house for the original proposal on March 22, 2017. The original proposal was for three buildings: a two-storey commercial building proposed to be used for restaurant, office and retail; a one-story day care centre proposed to be attached to the existing coach house; and a ten storey multiple dwelling with commercial uses on the ground floor and 72 residential units above.   |
| Public Comments:                | Approximately 153 emails were received from residents as a result of the public circulation and the public open house that the applicant hosted on March 22, 2017. Of the 153 residents, five were in support of the proposal and 130 were opposed. An additional three were not opposed but did not support the proposed height. Fifteen residents wanted more information. Of those opposed, the majority were concerned with the proposed height of ten stories. Other concerns related to a possible increase in traffic congestion, impact on the capacity of nearby schools, and a lack of adequate services in Binbrook. |
| Processing Time:                | Appeal received August 30, 2017, 397 days after receipt of the initial application.   |

**Proposal**

January 2019 Proposal

The Applicant submitted a with prejudice revised concept plan on January 18, 2019. Staff prepared Report LS19003/PED19031 to receive direction from Council on the appeals based on the January 18, 2019 concept plan. Report LS19003/PED19031 was

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considered at Planning Committee on March 19, 2019 and Council gave direction to oppose the Applications at the hearing of the appeals. However, as per Council's direction at the March 19, 2019 Planning Committee (see Closed Session Minutes attached as Appendix "E" to Report LS19003(a)/PED19031(a)), Legal Counsel for the City advised the Applicant that the City remained amenable to engaging in further settlement discussions. The Applicant advised that a without prejudice revision would be provided to staff for review, for the purpose of engaging in settlement discussions. However, the Applicant submitted a second revised with prejudice concept plan instead.

#### May 2019 Proposal

The second revised concept was very similar to the January revision in layout and built form, although the proposed height was further reduced by one storey. The revised concept plan was submitted by the Applicant on May 14, 2019. Legal counsel for the Applicant advised that the Applicant would be asking the LPAT to allow the Appeals and approve the revised applications based on the May 14, 2019 concept plan.

Report LS19003(a)/PED19031(a) was considered at Planning Committee on June 4, 2019 and Council gave direction for Legal staff to engage in further settlement discussions, based on a number of conditions (see Closed Session Minutes attached as Appendix "G" to Report LS19003(b)/PED19031(b)). These conditions included:

- (i) *That the hearing be adjourned for a minimum of six months from the current hearing date;*
- (ii) *That a maximum of six stories be permitted;*
- (iii) *That the design is consistent with the Urban Design policies of the Official Plan and Binbrook Urban Design Guidelines;*
- (iv) *That heritage resources be conserved/protected;*
- (v) *That the use of a Holding Symbol for servicing and transportation related matters be implemented at the cost of the applicant/developer; and,*
- (vi) *That the issues identified in Appendix "C" of Report LS19003(a)/PED19031(a) be addressed to the satisfaction of the City Solicitor and Chief Planner.*

Subsequent to this direction, the appellant agreed to engage in further settlement discussions and the LPAT hearing was delayed for a minimum of six months.

#### April 2020 Proposal

As a result of settlement discussions, a further amended concept was provided to staff in April 2020 for consideration of a settlement. The amended development concept is



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very similar to the May, 2019 proposal and meets the parameter of a maximum of 6 storeys. A review of whether the proposal meets the other settlement parameters directed by Council is included in the Planning analysis of this report LS19003(b)/PED19031(b) on page 13.

A description of the original July, 2016 application, the January, 2019 revision, the May, 2019 revision and the most recent April, 2020 concept are provided below for comparison purposes:

| <b>Original Concept (July 2016):</b>  | <b>Revised Concept (January 2019):</b>  | <b>Revised Concept (May 2019):</b>   | <b>Current Concept (April 2020):</b>  |
|---|---|--|---|
| Three buildings (one 10 storey building, one, one storey building, and one two storey building).      | One seven storey building that extends along the frontage of the subject lands (101.5 metres long).                                 | One six storey building that extends along the frontage of the subject lands (101.5 metres long).              | One six storey building that extends along the frontage of the subject lands (101.5 metres long).                   |
| 72 residential units (94 units per hectare).  | 163 residential units (214 units per hectare).  | 135 residential units (177 units per hectare).   | 111 residential units (145 units per hectare).  |
| 2,893 square metres of Commercial Gross Floor Area (four commercial units and one two storey office). | 438.5 square metres of Commercial Gross Floor Area (five commercial units).   | 438.5 square metres of Commercial Gross Floor Area (five commercial units).                                    | 546 square metres of Commercial Gross Floor Area.   |
| 1,403.4 square metres of grade level outdoor amenity spaces.  | 313 square metres of rooftop amenity space and 545 square metres of terraced amenity space at rear of building on the second floor. | No rooftop amenity space. 545 square metres of terraced amenity space at rear of building on the second floor. | No rooftop amenity space. 243 square metres of internal common amenity area at ground floor and 60 square metres of |

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|  |  |  | outdoor common amenity area.  |
| 133 surface parking spaces, 80 underground parking spaces.                     | 164 surface parking spaces (including 5 barrier free). | 164 parking spaces (including 5 barrier free). | 131 parking spaces (including 4 barrier free).  |
| Integrates the existing coach house into the development in existing location. | Removes existing coach house.                          | Removes existing coach house.                  | Relocates the coach house to the western portion of the site integrated into the development. |

**EXISTING LAND USE AND ZONING**

|                                      | <b><u>Existing Land Use</u></b>                       | <b><u>Existing Zoning</u></b>                                     |
|--------------------------------------|---|---|
| <b><u>Subject Lands:</u></b>         | 4 Single Detached Dwellings                           | Existing Residential (ER) Zone                                    |
| <b><u>Surrounding Land Uses:</u></b> |   |   |
| <b>North</b>                         | Single detached dwellings, Binbrook Baptist Church    | Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone       |
| <b>South</b>                         | Single detached dwellings, Street townhouse dwellings | Residential “R4-200” Zone and Residential Multiple “RM2-201” Zone |
| <b>East</b>                          | Commercial Plaza (Shoppers Drug Mart)                 | Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone       |
| <b>West</b>                          | Single Detached Dwelling                              | Mixed Use Medium Density – Pedestrian Focus (C5a, 570) Zone       |

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**POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS**

Refer to Reports LS19003/PED19031 and LS19003(a)/PED19031(a) for a policy analysis.

**RELEVANT CONSULTATION**

Circulation of the April 2020 concept to staff outside of the Development Planning, Heritage and Design Section of the Planning Division was limited to only Sections which had previous concerns. Earlier comments on the file were outlined in Information Report PED17177 and included standard information and requirements applicable at the site plan stage, including waste management standards, requirements for a landscape plan and approval of an updated tree management/protection plan, and a requirement to pay watermain, storm and sanitary mainline and connection fees.

| <b>Departments and Agencies</b>   |   |   |
|---|---|---|
|   | <b>Comment</b>  | <b>Staff Response</b>   |
| Development Engineering Approvals Section, Growth Management Division, Planning and Economic Development Department | <ul style="list-style-type: none"> <li>Comments on the previous May 2019 concept noted that the applicant must provide additional information in order for staff to assess the ability to service the revised proposed development. The revised concept was deemed to be premature in advance of detailed information being provided for comprehensive analysis. The applicant provided additional analysis of servicing capacity to staff on January 29, 2020. Staff have reviewed this information and confirmed that there is adequate capacity existing to service the proposal.</li> </ul> | <ul style="list-style-type: none"> <li>As servicing capacity has been confirmed for the proposal, a Holding provision is no longer required.</li> </ul> |
| Transportation Planning Section, Transportation   | <ul style="list-style-type: none"> <li>Comments on the previous May 2019 concept noted concerns with the two access driveways</li> </ul>  | <ul style="list-style-type: none"> <li>The right-of-way dedication and the revisions to the</li> </ul>  |

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| <p>Planning and Parking Division,<br/>Planning and Economic Development Department</p> | <p>proposed, driveway radii encroaching onto neighbouring properties, the lack of adequate visibility triangles, and the lack of safe pedestrian pathways on the site. Other information, such as the location and size of loading areas and demonstration of truck and emergency vehicle manoeuvring was also requested (Report LS19003(a)/PED19031(a)).</p> <ul style="list-style-type: none"> <li>• The current proposal has eliminated the second access driveway and has shifted the location of the remaining driveway to ensure that the driveway radii are appropriately located and that visibility triangles are provided. Pedestrian sidewalk routes have been added around the proposed building and within the parking area.</li> <li>• At the Site Plan stage, Transportation Planning requires a right-of-way dedication which follows the Urban Hamilton Official Plan to provide an adequate ROW to implement the recommendations in the Binbrook Village Transportation Master Plan. Approximately 3.048 m are to be dedicated to the City along the entire frontage of the subject property on Binbrook Road. The right-of-way dedication is to meet the 26.213</li> </ul> | <p>Transportation Demand Management (TDM) portion of the Transportation Impact Study prepared by Paradigm Transportation Solutions Limited will be required as conditions of Site Plan Approval.</p> |
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|  | <p>m requirements of the Official Plan: Schedule C-2 - Future Right-of-Way Dedications.</p> <ul style="list-style-type: none"> <li>• In September, 2016 the Applicant was advised revisions were required to the TDM portion of Binbrook Heritage, Hamilton, Transportation Impact, Parking Justification and TDM Study, by Paradigm Transportation Solutions Limited, dated July 2016. The substantial differences between the Preliminary Site Plan (June, 2016) and the current Site Plan concept require the outstanding TDM revisions be specific to the most recent plan. Those revisions are outstanding and would be a condition of Site Plan Approval if the proposal is approved.</li> </ul> |  |
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**ANALYSIS AND RATIONALE FOR RECOMMENDATION**

Mr. Andrew Biggart’s (external legal counsel) opinion and advice in respect of the appeals is attached hereto as Appendix “F” to Report LS19003(b)/PED19031(b).

**Planning Analysis and Rationale**

When Report LS19003(a)/PED19031(a) was considered at Planning Committee on June 4, 2019, Council gave direction that any proposed settlement must address the following matters:

1. The design must be consistent with the Urban Design policies of the Official Plan and Binbrook Urban Design Guidelines;
2. Heritage resources must be conserved/protected;
3. The use of a Holding Symbol for servicing and transportation related matters should be implemented at the cost of the applicant/developer; and,

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4. The issues identified as part of the LPAT appeal be addressed to the satisfaction of the City Solicitor and Chief Planner.

There were 21 issues identified in the City's issues list for the appeal. Issues raised related to consistency with Provincial policy documents, conformity with the City's UHOP and the Secondary Plan policies, conformity to heritage policies, meeting the vision and goals of the Urban Design Guidelines, servicing capacity, traffic impacts, safe pedestrian and vehicle circulation, the number of access driveways, and whether overall, the application represents good planning. A review of Provincial and Municipal policy was included in Report LS19003/PED19031 and Report LS19003(a)/PED19031(a). Servicing and traffic issues are addressed in comments from Growth Management and Transportation Planning on pages 11 to 13 of Report LS19003(b)/PED19031(b). Issues of urban design, heritage and parking are discussed in the following section.

#### Urban Design Policies and Guidelines

Policies B.5.1.1 and B.5.1.2.3 of the Binbrook Village Secondary Plan state, among other things, that Binbrook shall develop with a unique small town identity, and that the small town community character and historical identity shall be maintained. The vision encourages development that is appropriate in scale, form, and design, and highlights that urban design is extremely important for the quality and character of this highly visible area. The Binbrook Village Community Core Urban Design Guidelines (the Guidelines) have been adopted to help implement this vision. Revisions have been made to the previous development concept to address urban design policies and guidelines related to height, massing, compatibility with the existing built fabric of the community, façade articulation, landscaping, pedestrian circulation and greenspaces.

While the proposal addresses the guidelines as it relates to site design, the overall mass and scale of the proposal is greater than anything envisioned by the guidelines. The Binbrook Village Community Core Guidelines did not anticipate a building as large in scale as the proposal, nor did they envision any building over three storeys in height. As such, the guidelines have been applied as closely as possible given this limitation.

Revisions to the proposal that have been made to address specific concerns with the site and building design that were raised in the previous staff report LS19003(a)/PED19031(a) are summarized below:

- The coach house has been retained and incorporated into the proposal, whereas previously it was proposed to be removed. Although the coach house is proposed to

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**SUBJECT: Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (LS19003(b)/ PED19031(b)) (Ward 11) - Page 15 of 18**

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be relocated rather than preserved in-situ, incorporation of this resource maintains part of the character of the site and adds a human scaled village quality to the proposal.

- The Guidelines state that long continuous elevations and roofscapes must be appropriately detailed, divided and varied to provide visual interest and relief. The majority of new mixed use buildings in Binbrook should have sloping roof forms. The proposal has added variation and architectural detailing to the front elevation to break up the appearance of the long mass and has included sloping roof elements on the top of the building.
- The architecture, design elements and construction materials must be compatible with the surrounding neighbourhood and reinforce the village character of the core. In accordance with the Guidelines, large-scale panels constructed with materials used in large commercial or industrial developments are to be avoided. Other large-scale materials/glass paneling must be scaled down to human proportions and be compatible with traditional materials. Glass curtain walls, pre-cast concrete and formed concrete shall be limited in use. The proposal has removed a large modern central glazed feature that was inconsistent with the Guidelines.
- Staff had concerns with the site circulation as the proposal did not include barrier-free pedestrian access from the parking areas to the front and rear main entrances into the building, or to the public sidewalk. A continuous walkway has now been provided around the building to achieve safe pedestrian and vehicular circulation.
- No landscaped islands were included in the previous concept. Landscaped islands are now provided in the current concept, throughout the parking area. This helps to visually soften the large amount of hardscape proposed and provide other benefits like shade, stormwater capture, etc.
- Wider landscaped strips were requested along the west and south property lines to accommodate a row of high branching deciduous trees that will help to buffer the site from the existing adjacent residences. The proposal does not provide a full 3 m wide planting strip along these lot lines, but wider strips have been provided as well as landscaped islands in strategic locations for tree plantings.
- A landscaped ground level outdoor amenity area was not provided in the proposal. The current concept now includes an outdoor amenity area at the front of the building for residents.

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Heritage

Staff have reviewed an Addendum to the Heritage Impact Assessment, dated May 11, 2020. The addendum describes that the coach house is intended to be relocated westerly on the site and will be integrated into the development. The addendum confirms that there are no other existing resources on the site that are recommended to be maintained. Further information will be required at the Site Plan stage to permit the relocation, including a Moving Plan and a Conservation Plan. The Minutes of Settlement for the Appeal will include a requirement for the appellant to provide the Moving Plan and Conservation Plan prior to Site Plan approval, to ensure that this is completed.

Holding Provision

The revised concept will no longer require a Holding provision. Growth Management staff have confirmed that sufficient capacity is available to service the proposal. Changes have been made to the proposal to address outstanding Transportation Planning concerns, including a reduction in accesses to one access, adjusting the access location to provide appropriate turning radii, the provision of visibility triangles, adequate maneuvering for vehicles on the site, and the addition of pedestrian walkways around the building and within the parking area. Appropriate securities will be taken at the Site Plan stage to ensure all cost of development is borne by the developer should the required works not be completed to the City's satisfaction.

Zoning

The subject property is currently zoned Existing Residential "ER" Zone in the Township of Glanbrook Zoning By-law No.464, as shown in Appendix "A" to Report LS19003(b)/PED19031(b).

The proposed Zoning By-law Amendment is for a change in zoning from the Existing Residential "ER" Zone to a site specific General Commercial "C3" Zone, to permit a 6-storey multiple dwelling with 546 m<sup>2</sup> of ground floor commercial space and 111 dwelling units. Site specific modifications to the General Commercial "C3" Zone have been requested to implement the subject proposal and are discussed in greater detail in Appendix "E" to Report LS19003(b)/PED19031(b).

Although designated Mixed Use – Medium Density, the subject lands were not included in the Zoning By-law No. 05-200 Commercial Mixed Use Zones passed in 2017, as the appellant's zoning application was in progress at that time. Since the original

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application applied to amend the Township of Glanbrook Zoning By-law No. 464, the proposed zone must be contained within the Township of Glanbrook Zoning By-law No. 464 as well. This is why the proposed zone is a modified version of the General Commercial "C3" Zone instead of the new Zoning By-law No. 05-200. However, many of the proposed zoning modifications are consistent with the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone requirements in Zoning By-law No. 05-200. Staff note that a future housekeeping amendment will be required if a settlement is approved, to bring these lands into Zoning By-law No. 05-200.

### Parking Areas

The reduced number of units in the current proposal has improved the parking ratio, as there are 131 parking spaces proposed for 111 residential units and 546 m<sup>2</sup> of commercial area. This would provide at least one space for each unit, five spaces for the commercial uses, and 15 additional spaces that can be used for visitor parking or additional residential parking. The parking being provided exceeds the standards of Zoning By-law No. 05-200 for the Mixed Use Medium Density - Pedestrian Focus (C5a) Zone.

Staff also note that the appellant is proposing seven spaces of layby parking in front of the building in the submitted concept plan. These spaces are not included in the parking calculation and would require separate approval by Council. However, Transportation Planning have reviewed these proposed spaces and have no concerns should these be included in the proposal at the Site Plan stage. The additional spaces would support the function of the commercial uses on the ground floor of the building.

### **ALTERNATIVES FOR CONSIDERATION**

Council can direct Legal staff either:

- (a) To not oppose these appeals before the LPAT; or,
- (b) To oppose these appeals before the LPAT.

### **ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN**

#### **Built Environment and Infrastructure**

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### **Our People and Performance**

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### **APPENDICES AND SCHEDULES ATTACHED**

Appendix "A" – Location Map

Appendix "B" – Revised Site Plan and Elevations

Appendix "C" – Draft Official Plan Amendment

Appendix "D" – Draft Zoning By-law

Appendix "E" – Zoning Modification Chart

Appendix "F" – Legal Opinion of Andrew Biggart (Ritchie Ketcheson Hart & Biggart)

Appendix "G" – Planning Committee Closed Session Minutes 19-009

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