



PLANNING COMMITTEE REPORT 21-011

July 6, 2021

9:30 a.m.

**Council Chambers, Hamilton City Hall
71 Main Street West**

Present: Councillors J.P. Danko (Chair)
B. Johnson (1st Vice Chair), J. Farr (2nd Vice Chair), C. Collins,
M. Pearson, L. Ferguson, M. Wilson and J. Partridge

Also in Attendance: Councillor B. Clark

THE PLANNING COMMITTEE PRESENTS REPORT 21-011 AND RESPECTFULLY RECOMMENDS:

1. **Cootes to Escarpment EcoPark System - Strategic Plan and Memorandum of Understanding (PED21120) (Wards 1, 13 and 15) (Item 7.1)**
 - (a) That the City of Hamilton endorse the Cootes to Escarpment EcoPark System Strategic Plan (2021-2030), attached as Appendix "A" to Report PED21120;
 - (b) That the City of Hamilton reaffirm its commitment for the Cootes to Escarpment EcoPark System by approving the Memorandum of Understanding (MOU), attached as Appendix "B" to Report PED21120, for a five year period from 2022 to 2026;
 - (c) That the City Manager be authorized and directed to consent to a one time extension of the 2016-2021 Cootes to Escarpment EcoPark System Memorandum of Understanding, for the period between June 20, 2021 to the effective date of the draft "Cootes to Escarpment EcoPark System 2022-2026 Memorandum of Understanding", attached as Appendix "B" to Report PED21120, to continue the administrative functions and operational needs of the EcoPark System.
 - (d) That the City of Hamilton continue to support the Cootes to Escarpment EcoPark System operating budget, shown in Table 1 of the Memorandum of Understanding, attached as Appendix "B" to Report PED21120, through annual contributions starting with \$15,937 in 2022, with 2% inflation for a

five year period beginning in 2022 from the current Planning Division Budget;

- (e) That the City Manager be authorized and directed to sign the MOU on behalf of the City of Hamilton; and,
- (f) That Planning Division staff be authorized to continue to provide in-kind resources for the implementation of the Cootes to Escarpment EcoPark System Strategic Plan and MOU.

2. Demolition Permit – 202 Cannon Street East, Hamilton (PED21127) (Ward 2) (Item 7.2)

- (a) That the Chief Building Official be authorized to issue a demolition permit for 202 Cannon Street East, Hamilton in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of *The Planning Act*, subject to the following conditions:
 - (i) That the applicant has applied for and received a building permit for a replacement building on this property;
 - (ii) That the said building permit specifies that if the replacement building is not erected within two years of the demolition of the existing building on the property, the City be paid the sum of \$20,000 which sum:
 - (1) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
 - (2) is a lien or charge on the property until paid; and,
 - (iii) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

3. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED21147) (City Wide) (Item 7.3)

That Report PED21147 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

4. Hamilton Municipal Heritage Committee Report 21-005 (Item 7.4)

(a) Bill 108, More Homes, More Choice Act, 2019, Ontario Regulation 385/21 made under the Ontario Heritage Act and the Draft Ontario Heritage Tool Kit (PED19125(c))(City Wide) (Added Item 8.1)

- (i) That Council adopt the submissions and recommendations as provided in Report PED19125(c) regarding the Regulation under the Ontario Heritage Act, as amended by Bill 108, More Homes, More Choice Act, 2019 that is scheduled to be Proclaimed July 1, 2021 and the associated Draft Ontario Heritage Tool Kit, attached hereto as Appendix A to Report 21-005;
- (ii) That the Director of Planning and Chief Planner be authorized and directed to confirm the submissions made to the Province attached as Appendix "D" to Report PED19125(c); and,
- (iii) That the Director of Planning and Chief Planner, be authorized and directed to negotiate and consent to agreements to extend or eliminate the 90-day timeline to issue a notice of intention to designate when a Prescribed Event occurs, to ensure the comprehensive review of Planning Act applications as well as cultural heritage resources.

5. Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for lands located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) (Item 9.2)

- (a) That Revised Zoning By-law Amendment application ZAC-19-039, by GSP Group Inc. on behalf of Eman Construction (Owner) for a change in zoning from the Existing Residential "ER" Zone to Residential 4 – Holding "H-R4-320" Zone, Modified (Block 1) and Residential Multiple "RM3-321" Zone, Modified (Block 2) in the Township of Glanbrook Zoning By-law No. 464, to permit 24 townhouse units on a private road (condominium road) and three single detached dwellings on Valiant Crescent, for the lands located at 3140 and 3150 Binbrook Road, as shown on Appendix "A" to Report PED21111, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "B" to Report PED21111, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding "H" as a prefix to the proposed zoning as shown on Schedule "A" of Appendix "B" to Report PED21111.

The Residential 4 – Holding “H-R4-320” Zone, Modified, applicable to lands shown on Schedule “A” to Appendix “B” to Report PED21111 be removed conditional upon the following:

That the “H” symbol applicable to the lands zoned “H-R4-320” shall not be removed until such time that the landowner demonstrate to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton, that land assembly has occurred to achieve the minimum lot area requirement and lot frontage requirement in accordance with the “R4” Zone; and,

The landowner pays all applicable outstanding costs associated with Valiant Circle to the satisfaction of the Senior Director, Growth Management;

- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan.
- (b) That Revised Draft Plan of Condominium application 25CDM-202002, by GSP Group Inc. on behalf of Eman Construction (Owner), to establish a Draft Plan of Condominium (Vacant Land) on lands located at 3140 and 3150 Binbrook Road (Glanbrook), as shown as Block 2 on Appendix “A”, attached to Report PED21111, be APPROVED subject to the following:
 - (i) That the approval for Draft Plan of Condominium (Vacant Land) application 25CDM-202002 prepared by GSP Group, certified by Bahram Aminezhad O.L.S., dated April 21, 2021, consisting of 24 vacant land units for townhouse dwellings, a private condominium road, sidewalks, 12 visitor parking spaces, and centralized mailboxes, attached as Appendix “C” to Report PED21111 subject to the owner entering into a standard form condominium approval agreement as approved by City Council and with special conditions attached as Appendix “D” to Report PED21111;
 - (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council.
- (c) That the public submissions were received and considered by the Committee in approving the application.

6. Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 15, 17 and 21 Stone Church Road East (Hamilton) (PED21117) (Ward 8) (Item 9.3)

- (a) That Revised Urban Hamilton Official Plan Amendment Application UHOPA-20-016, by Fothergill Planning & Development Inc. (c/o Ed Fothergill, Applicant) on behalf of Nova Plaza Ltd. (c/o Steve Klemenic, Owner) to re-designate the subject lands from the “Arterial Commercial” designation to the “Mixed Use Medium Density” designation within the Urban Hamilton Official Plan, in order to permit a five storey mixed use development with 60 multiple dwelling units and ground floor commercial space, and with a maximum net residential density of 172 units per hectare, for lands located at 15, 17 and 21 Stone Church Road East, as shown on Appendix “A” to Report PED21117, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-20-028, by Fothergill Planning & Development Inc. (c/o Ed Fothergill, Applicant) on behalf of Nova Plaza Ltd. (c/o Steve Klemenic, Owner) to change the zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone, in order to permit a five storey mixed use development with 526 m² of ground floor commercial space and 60 dwelling units above with on-site ground floor amenity space, 14 surface parking spaces, and 51 underground parking spaces, for lands located at 15, 17 and 21 Stone Church Road East, as shown on Appendix “A” to Report PED21117, be APPROVED on the following basis:
 - (i) That the draft By-law attached as Appendix “C” to Report PED21117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,
 - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-20-016 and Zoning By-law Amendment Application

ZAC-20-028, the subject lands be re-designated from “Commercial (General)” to “Commercial & Apartments” in the Jerome Neighbourhood Plan.

- (d) That the public submissions were received and considered by the Committee in approving the application.

7. Application to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for lands located at 466 to 490 Highway No. 8 (Stoney Creek) (PED21136) (Ward 10) (Item 9.4)

- (a) That Urban Hamilton Official Plan Amendment application UHOPA-18-25, by Rykka Care Centres GP Inc., Owner, for an amendment to the Western Development Area Secondary Plan to redesignate a portion of the lands from “Local Commercial” to “Institutional” (Block A) and to add a site specific policy for the lands known as 466 to 490 Highway No. 8 to permit high density residential having a maximum density of 243 units per hectare and local commercial uses on the ground floor (Block B), as shown on Appendix “A” to Report PED21136 be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21136, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment application ZAC-18-059, by Rykka Care Centres GP Inc., Owner, for a change in zoning from the Neighbourhood Commercial (C2, 579) Zone to the Major Institutional (I3, 744, H36) Zone (Block 1); from the Major Institutional “I” Zone to the Major Institutional (I3, 744, H36) Zone (Block 2); and, from the Major Institutional (I3) Zone to the Major Institutional (I3, 744, H36) Zone to permit the construction of a four storey, 224 bed long term care facility, an eight storey multiple dwelling with 132 dwelling units and 489 square metres of ground floor commercial space, and a nine storey multiple dwelling with 128 dwelling units for the lands known as 466 to 490 Highway No. 8, as shown on Appendix “A” to Report PED21136, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED21136, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Major Institutional (I3, 744, H36) Zone on Maps 1252 and 1305 of Schedule “A” – Zoning Maps and described as 466 to 490 Highway No. 8, the development shall not proceed until:

- (1) Necessary upgrades are completed to the sanitary sewer system and necessary payments are provided, to the satisfaction of the Manager of Engineering Approvals.
- (iii) That this By-law is in conformity with the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment No. XX and that the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (c) That the public submissions were received and considered by the Committee in approving the application.

8. Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) (Item 9.5)

- (a) That Rural Hamilton Official Plan Amendment application RHOPA-20-028, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner), to amend the Rural Hamilton Official Plan designation from “Open Space” to “Agricultural” on two portions of the subject lands (Knollwood Golf Course) and recognize a reduced lot area to permit the severance of the existing single detached dwellings for the lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster as shown on Appendix “A” to Report PED21125, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment implements the direction given by Planning Committee on September 22, 2020 (PED21125) of Committee of Adjustment applications AN/B-20:30, AN/B-20:31 and AN/B-20:32.
- (b) That Zoning By-law Amendment application ZAR-20-045, as amended, by Urban Solutions Planning & Land Development Consultants Inc. on behalf

of Knollwood Golf Ltd., (Owner) to change the zoning from the Open Space (P4) Zone to the Agricultural (A1, 746) Zone to permit a single detached dwelling on each of the three lots to be created and modifications to the required setbacks, accessory structure size, height, for lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster, to reflect the existing buildings and structures on the subject lands as shown on Appendix “C” to Report PED21125, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED21125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is required in order to implement Condition No. 10 of Consent application AN/B-20:30, Condition No. 9 of Consent application AN/B-20:31 and Condition No. 9 of Consent application AN/B-20:32; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2020), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.
- (c) That the public submissions were received and considered by the Committee in approving the application.

9. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road (Flamborough) (PED20188) (Ward 15) (Item 9.6)

- (a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-19-013, by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), to establish an Area Specific Policy to amend the Commercial, Mixed Use – Medium Density and Staging of Development policies of the Waterdown South Secondary Plan to reduce the minimum requirement for retail and commercial space, permit accessory/associated residential uses on the ground floor and eliminate the retail and commercial development phases for lands located at 10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road, as shown on Appendix “A” to Report PED20188, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20188, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council; and,

- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019), as amended.
- (b) That Amended Zoning By-law Amendment application ZAC-19-046 by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), for a further modification to the Urban Commercial “UC-13” Zone for Blocks 1, 2a and 2b, to permit accessory/associated residential uses on the ground floor, a minimum of 1,256 sq m of retail and service commercial floor space, include additional “UC-13” Zone uses in the minimum retail and service commercial gross floor area calculation, establish minimum floor areas for each property and to facilitate the development of a 90 unit, six storey mixed use building with 306 sq m of ground floor commercial (Block 2a) and a seven unit, three storey mixed use building with 418 sq m of ground floor commercial (Block 2b) for lands located at 10 and 40 Mallard Trail (Block 1), 488 Dundas Street East (Block 2a) and 39 Mallard Trail (Block 2b) (Flamborough), as shown on Appendix “A” to Report PED20188 be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED20188, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow (2019), as amended and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That Amended Zoning By-law Amendment application ZAC-19-046 by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), to amend the Holding Provision of the Urban Commercial “UC-14(H)” Zone by removing the retail and service commercial Gross Leasable Floor Space provision, for lands located at 585 Skinner Road, as shown on Appendix “A” to Report PED20188 be APPROVED, on the following basis:
 - (i) That the draft By-law, attached as Appendix “D” to Report PED20188 which has been prepared in a form satisfactory to the City Solicitor be forwarded to Council for enactment;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow (2019), as amended and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (d) That the public submissions were received and considered by the Committee in approving the application.

10. Regulating Off-Road Vehicles (PED21110) (City Wide) (Item 10.1)

- (a) That the draft By-law to regulate Off-Road Vehicles, as amended to include All-terrain vehicles, Extreme Terrain Vehicles, Multi-purpose Off-highway Utility Vehicles, Off-Road Motorcycles, Off-Road Vehicles, and Recreational Off-highway Vehicles, attached as Revised Appendix “A” to Report PED21110, which has been prepared in a form satisfactory to the City Solicitor be enacted by Council; and,
- (b) That subject to the approval of Recommendation (a), By-law 17-225; a By-law to Establish a System of Administrative Penalties which has been prepared in a form satisfactory to the City Solicitor be amended accordingly to include the By-law attached as Appendix “B” to Report PED21110.

11. Comments on the Proposed Provincial Land Use Compatibility Guideline (PED21137) (City Wide) (Item 10.2)

- (a) That the Province of Ontario be advised that the timing of the proposed Land Use Compatibility Guideline and associated implementation of the Guideline through the Official Plan will impact the City’s Municipal Comprehensive Review process and potentially delay the City’s submission of the Municipal Comprehensive Review Urban Hamilton Official Plan Amendment by the end of 2021 or early 2022.
- (b) That the City supports the proposed Land Use Compatibility Guideline subject to the following changes to the Guideline:
 - (i) The Areas of Influence (AOI) of 2,000 metres and the Minimum Separation Distance (MSD) of 500 metres be endorsed;
 - (ii) The requirement for the Demonstration of Need study be eliminated as the City has determined where sensitive land uses, in particular residential land uses, are appropriate and are permitted; and,
 - (iii) That dedicated cannabis manufacturing facilities be classed similarly to food manufacturing for the purpose of establishing recommended setbacks from sensitive land uses as cannabis products are similar to other processing products.
 - (iv) The Province amends the guidelines to establish a 3,000m (3 km) Area of Influence (AOI) and Minimum Separation Distance (MSD) for landfill operations within the urban area and that any expansion of a landfill operation comply with the enhanced setback requirements from a sensitive land use.

- (c) That the Province of Ontario provide Terms of Reference for the preparation of Land Use Compatibility Studies to assist proponents and municipalities in the preparation and review of these Study requirements.
- (d) That Report PED21137 be forwarded to the Ministry of Environment, Conservation and Parks (MOECP) and the Ministry of Municipal Affairs and Housing (MMAH) to be considered the City of Hamilton's formal comments on Environmental Registry of Ontario (ERO) Posting #019-2785 respecting the proposed Land Use Compatibility Guideline.

12. Bill 276, Amendments to the *Planning Act* – Division of Land (PED21139) (City Wide) (Item 10.3)

- (a) That Council adopt the submissions and recommendations regarding proposed changes to the *Planning Act* in force with Bill 276, as provided in Report PED21139;
- (b) That the Director of Planning and Chief Planner be authorized and directed to confirm the submission made to the Province attached as Appendix "A" to Report PED21139.

13. Proposed Settlement of appeals by 2261305 Ontario Inc. and Nick and Anna DeFilippis of the Fruitland Winona Secondary Plan (UHOPA No. 17) (LS21025/PED21146) (Ward 10) (Item 14.1)

That Report LS21025 /PED21146, its recommendations and Appendices "A" and "B" thereto, remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. PUBLIC HEARINGS / DELEGATIONS (Item 9)

9.1 Application for a Zoning By-law Amendment for Lands Located at 1269 Mohawk Road, Ancaster (PED21113) (Ward 14)

(a) Added Written Submissions:

- (n) Erica Heinel
- (o) Nalin Amin
- (p) Shahnaz Tehseen
- (q) Kamal Khera
- (r) Syed Hasnain
- (s) Jashim Uddin
- (t) Mohamad Alayche

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- (u) Ken Dowie
- (v) Shilpa Amin
- (w) Ken Cook
- (x) Rajeev Sharma
- (y) Barbara Lynne and Bernice Simpson
- (z) M and H van Woudenberg
- (aa) Bob Maton, Ancaster Village Heritage Community

9.2 Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for lands located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) - Revised Appendix B.

The agenda for the July 6, 2021 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) June 15, 2021 (Item 4.1)

The Minutes of the June 15, 2021 meeting were approved, as presented.

(d) CONSENT ITEMS (Item 7)

(i) Cootes to Escarpment EcoPark System - Strategic Plan and Memorandum of Understanding (PED21120) (Wards 1, 13 and 15) (Item 7.1)

Jennifer Roth, Planner 1, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation from Jennifer Roth, Planner 1, was received.

For disposition of this matter, refer to Item 1.

(ii) Hamilton Municipal Heritage Committee Report 21-005 (Item 7.4)

Staff were directed to report back to the Planning Committee regarding options for fees or cost recoveries relating to multiple requests for the same property to be removed from the Heritage Registry, where the property owner has not provided any new information or demonstrated a change in the factual basis to support the request to remove the property from the Heritage Registry, in order to offset the costs to receive and

process repetitive requests, as part of the Heritage Permit Review process.

For further disposition of this matter, refer to Item 4.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

In accordance with the *Planning Act*, Chair Danko advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

In accordance with the provisions of the *Planning Act*, Chair Danko advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, Official Plan Amendment, and Draft Plan of Condominium applications before the Committee today, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Land Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

(i) Application for a Zoning By-law Amendment for Lands Located at 1269 Mohawk Road, Ancaster (PED21113) (Ward 14) (Item 9.1)

Mark Andrews, Planner 1, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Michael Barton with MBI Consulting Inc., was in attendance and indicated support for the staff report.

The delegation from Michael Barton with MBI Consulting Inc., was received.

The following written submissions (Item 9.1(a)), were received:

- (a) Edward and Debra Valevicius – in Opposition
- (b) Aieda Taha – in Opposition
- (c) Azmy Taha – in Opposition
- (d) Layla Abuahmad – in Opposition
- (e) Emma Kang – in Opposition
- (f) Aisha Taha – in Opposition
- (g) Abdul Taha – in Opposition
- (h) Alia Taha – in Opposition
- (i) Adnan Taha – in Opposition
- (j) Madu Masco – in Opposition

- (k) Jan Kielt – in Opposition
- (l) Marie-Helene Tissier – in Opposition
- (m) Ronald and Margaret Winters – in Opposition
- (n) Erica Heinel – in Support
- (o) Nalin Amin – in Support
- (p) Shahnaz Tehseen – in Support
- (q) Kamal Khera – in Support
- (r) Syed Hasnain – in Support
- (s) Jashim Uddin – in Support
- (t) Mohamad Alayche – in Support
- (u) Ken Dowie - – in Opposition
- (v) Shilpa Amin – in Support
- (w) Ken Cook – in Opposition
- (x) Rajeev Sharma – in Support
- (y) Barbara Lynne and Bernice Simpson – in Opposition
- (z) M and H van Woudenberg – in Opposition
- (aa) Bob Maton, Ancaster Village Heritage Community – in Opposition

When called upon, the Registered Delegation (Item 9.1(b) (a)) Debra Valevicius was not in attendance.

The public meeting was closed.

- (a) That amended Zoning By-law Amendment Application ZAC-19-006, by Shine Mohawk Independent Living Enterprises Ltd. (Owner), for a change in zoning from the Agricultural “A” Zone (Block 1) and the Residential “R4-666” Zone, Modified (Block 2) to a Holding Residential Multiple “H-RM6-708” Zone, Modified, to facilitate the development of a four-storey, 19-unit multiple dwelling with 35 parking spaces on lands located at 1269 Mohawk Road (Ancaster), as shown on Appendix “A” to Report PED21113, be APPROVED on the following basis:
 - (i) That the draft By-law attached as Appendix “B” to Report PED21113, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H’ to the proposed Residential Multiple “RM6-708” Zone, Modified, with the ‘H’ symbol being eligible to be removed conditional upon:
 - (1) That the owner shall submit and receive approval of a Documentation and Salvage Report which further details the approach for removing, labelling, storing, and if required, reassembly of material salvaged from

the removal of any portions of existing building, to the satisfaction of the Director of Planning and Chief Planner.

- (2) That the owner shall submit and receive approval of a Stage 3 (and if required, Stage 4) archaeological assessment for the site to the satisfaction of the Director of Planning and Chief Planner and the Ministry of Heritage, Sport, Tourism and Culture Industries.
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms with A Place to Grow Plan (2019, as amended) and complies with the Urban Hamilton Official Plan.

The recommendations in Report PED21113 were **amended** by adding the following sub-section (b):

- (b) *That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

Report PED21113 was DEFERRED to the September 7, 2021 Planning Committee meeting.

(ii) Applications for a Zoning By-law Amendment and Draft Plan of Condominium (Vacant Land) for lands located at 3140 and 3150 Binbrook Road (Glanbrook) (PED21111) (Ward 11) (Item 9.2)

No members of the public were registered as Delegations.

The staff presentation was waived.

Nancy Frieday with GSP Group Inc., was in attendance and indicated support for the staff report.

The delegation from Nancy Frieday with GSP Group Inc., was received.

The written submissions in Report PED21111, were received.

The public meeting was closed.

- (a) That Revised Zoning By-law Amendment application ZAC-19-039, by GSP Group Inc. on behalf of Eman Construction (Owner) for a change in zoning from the Existing Residential “ER” Zone to Residential 4 – Holding “H-R4-320” Zone, Modified (Block 1) and Residential Multiple “RM3-321” Zone, Modified (Block 2) in the

Township of Glanbrook Zoning By-law No. 464, to permit 24 townhouse units on a private road (condominium road) and three single detached dwellings on Valiant Crescent, for the lands located at 3140 and 3150 Binbrook Road, as shown on Appendix "A" to Report PED21111, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED21111, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding "H" as a prefix to the proposed zoning as shown on Schedule "A" of Appendix "B" to Report PED21111.

The Residential 4 – Holding "H-R4-320" Zone, Modified, applicable to lands shown on Schedule "A" to Appendix "B" to Report PED21111 be removed conditional upon the following:

That the "H" symbol applicable to the lands zoned "H-R4-320" shall not be removed until such time that the landowner demonstrate to the satisfaction of the Director of Planning and Chief Planner, City of Hamilton, that land assembly has occurred to achieve the minimum lot area requirement and lot frontage requirement in accordance with the "R4" Zone; and,

The landowner pays all applicable outstanding costs associated with Valiant Circle to the satisfaction of the Senior Director, Growth Management;

- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and comply with the Urban Hamilton Official Plan.
- (b) That Revised Draft Plan of Condominium application 25CDM-202002, by GSP Group Inc. on behalf of Eman Construction (Owner), to establish a Draft Plan of Condominium (Vacant Land) on lands located at 3140 and 3150 Binbrook Road (Glanbrook), as shown as Block 2 on Appendix "A", attached to Report PED21111, be APPROVED subject to the following:
 - (i) That the approval for Draft Plan of Condominium (Vacant Land) application 25CDM-202002 prepared by GSP Group,

certified by Bahram Aminezhad O.L.S., dated April 21, 2021, consisting of 24 vacant land units for townhouse dwellings, a private condominium road, sidewalks, 12 visitor parking spaces, and centralized mailboxes, attached as Appendix “C” to Report PED21111 subject to the owner entering into a standard form condominium approval agreement as approved by City Council and with special conditions attached as Appendix “D” to Report PED21111;

- (ii) That Payment of Cash-in-Lieu or dedication of Parkland will be required, pursuant to Section 51 of the *Planning Act*, with the calculation for the payment to be based on the value of the lands on the day prior to the day of issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-laws, as approved by Council.

The recommendations in Report PED21111 were **amended** by adding the following sub-section (c):

- (c) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 5.

- (iii) **Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 15, 17 and 21 Stone Church Road East (Hamilton) (PED21117) (Ward 8) (Item 9.3)**

No members of the public were registered as Delegations.

Tim Vrooman, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Ed Fothergill with Fothergill Planning and Development Inc., was in attendance and indicated support for the staff report.

The delegation from Ed Fothergill with Fothergill Planning and Development Inc., was received.

The following written submissions (Item 9.3(a)), were received:

- (a) Michael Destro – in Opposition.

- (b) Mike Wendelaar – in Opposition.

The public meeting was closed.

- (a) That Revised Urban Hamilton Official Plan Amendment Application UHOPA-20-016, by Fothergill Planning & Development Inc. (c/o Ed Fothergill, Applicant) on behalf of Nova Plaza Ltd. (c/o Steve Klemenic, Owner) to re-designate the subject lands from the “Arterial Commercial” designation to the “Mixed Use Medium Density” designation within the Urban Hamilton Official Plan, in order to permit a five storey mixed use development with 60 multiple dwelling units and ground floor commercial space, and with a maximum net residential density of 172 units per hectare, for lands located at 15, 17 and 21 Stone Church Road East, as shown on Appendix “A” to Report PED21117, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED21117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-20-028, by Fothergill Planning & Development Inc. (c/o Ed Fothergill, Applicant) on behalf of Nova Plaza Ltd. (c/o Steve Klemenic, Owner) to change the zoning from the Arterial Commercial (C7) Zone to the Mixed Use Medium Density (C5, 742) Zone, in order to permit a five storey mixed use development with 526 m² of ground floor commercial space and 60 dwelling units above with on-site ground floor amenity space, 14 surface parking spaces, and 51 underground parking spaces, for lands located at 15, 17 and 21 Stone Church Road East, as shown on Appendix “A” to Report PED21117, be APPROVED on the following basis:
 - (i) That the draft By-law attached as Appendix “C” to Report PED21117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended); and,

- (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX.
- (c) That upon approval of Urban Hamilton Official Plan Amendment Application UHOPA-20-016 and Zoning By-law Amendment Application ZAC-20-028, the subject lands be re-designated from “Commercial (General)” to “Commercial & Apartments” in the Jerome Neighbourhood Plan.

The recommendations in Report PED21117 were **amended** by adding the following sub-section (d):

- (d) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

Councillor Danko relinquished the Chair to Councillor Johnson in order to move Item 6.

For disposition of this matter, refer to Item 6.

Councillor Danko assumed the Chair.

- (iv) **Application to Amend the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for lands located at 466 to 490 Highway No. 8 (Stoney Creek) (PED21136) (Ward 10) (Item 9.4)**

No members of the public were registered as Delegations.

Melanie Schneider, Planner 2, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

Anthony Greenberg with SVN Architects + Planners, was in attendance and indicated support for the staff report.

The delegation from Anthony Greenberg with SVN Architects + Planners, was received.

The following written submission (Item 9.4(a)), was received:

- (a) Robert and Eva Infanti – in Opposition.

The public meeting was closed.

- (a) That Urban Hamilton Official Plan Amendment application UHOPA-18-25, by Rykka Care Centres GP Inc., Owner, for an amendment to the Western Development Area Secondary Plan to redesignate a portion of the lands from “Local Commercial” to “Institutional” (Block A) and to add a site specific policy for the lands known as 466 to 490 Highway No. 8 to permit high density residential having a maximum density of 243 units per hectare and local commercial uses on the ground floor (Block B), as shown on Appendix “A” to Report PED21136 be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21136, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment application ZAC-18-059, by Rykka Care Centres GP Inc., Owner, for a change in zoning from the Neighbourhood Commercial (C2, 579) Zone to the Major Institutional (I3, 744, H36) Zone (Block 1); from the Major Institutional “I” Zone to the Major Institutional (I3, 744, H36) Zone (Block 2); and, from the Major Institutional (I3) Zone to the Major Institutional (I3, 744, H36) Zone to permit the construction of a four storey, 224 bed long term care facility, an eight storey multiple dwelling with 132 dwelling units and 489 square metres of ground floor commercial space, and a nine storey multiple dwelling with 128 dwelling units for the lands known as 466 to 490 Highway No. 8, as shown on Appendix “A” to Report PED21136, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED21136, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That schedule “D” – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding an additional Holding Provision as follows:

For the lands zoned Major Institutional (I3, 744, H36) Zone on Maps 1252 and 1305 of Schedule “A” – Zoning Maps and described as 466 to 490 Highway No. 8, the development shall not proceed until:

- (1) Necessary upgrades are completed to the sanitary sewer system and necessary payments are provided, to the satisfaction of the Manager of Engineering Approvals.
- (iii) That this By-law is in conformity with the Urban Hamilton Official Plan upon approval of the Urban Hamilton Official Plan Amendment No. XX and that the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).

The recommendations in Report PED21136 were **amended** by adding the following sub-section (c):

- (c) ***That the public submissions regarding this matter were received and considered by the Committee in approving the application.***

For disposition of this matter, refer to Item 7.

- (v) **Applications for a Rural Hamilton Official Plan Amendment and Zoning By-law Amendment for lands located at 822, 914 Book Road West and 1276 Shaver Road, Ancaster (PED21125) (Ward 12) (Item 9.5)**

No members of the public were registered as Delegations.

The staff presentation was waived.

Matt Johnston with UrbanSolutions, was in attendance and indicated support for the staff report.

The delegation from Matt Johnston with UrbanSolutions, was received.

The public meeting was closed.

- (a) That Rural Hamilton Official Plan Amendment application RHOPA-20-028, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner), to amend the Rural Hamilton Official Plan designation from “Open Space” to “Agricultural” on two portions of the subject lands (Knollwood Golf Course) and recognize a reduced lot area to permit the severance of the existing single detached dwellings for the lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster as shown on Appendix “A” to Report PED21125, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED21125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed Official Plan Amendment implements the direction given by Planning Committee on September 22, 2020 (PED21125) of Committee of Adjustment applications AN/B-20:30, AN/B-20:31 and AN/B-20:32.
- (b) That Zoning By-law Amendment application ZAR-20-045, as amended, by Urban Solutions Planning & Land Development Consultants Inc. on behalf of Knollwood Golf Ltd., (Owner) to change the zoning from the Open Space (P4) Zone to the Agricultural (A1, 746) Zone to permit a single detached dwelling on each of the three lots to be created and modifications to the required setbacks, accessory structure size, height, for lands located at 822 Book Road West, 914 Book Road West and 1276 Shaver Road, Ancaster, to reflect the existing buildings and structures on the subject lands as shown on Appendix “C” to Report PED21125, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED21125, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is required in order to implement Condition No. 10 of Consent application AN/B-20:30, Condition No. 9 of Consent application AN/B-20:31 and Condition No. 9 of Consent application AN/B-20:32; and,
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to the Greenbelt Plan (2020), and will comply with the Rural Hamilton Official Plan upon approval of Rural Hamilton Official Plan Amendment No. XX.

The recommendations in Report PED21125 were ***amended*** by adding the following sub-section (c):

- (c) ***That there were no public submissions received regarding this matter.***

For disposition of this matter, refer to Item 8.

- (vi) **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 10, 39, and 40 Mallard Trail, 488**

**Dundas Street East and 585 Skinner Road (Flamborough)
(PED20188) (Ward 15) (Item 9.6)**

No members of the public were registered as Delegations.

The staff presentation was waived.

Sarah Knoll with GSP Group Inc. and James Webb with WEBB Consulting, were in attendance and indicated support for the staff report.

The delegations from Sarah Knoll with GSP Group Inc. and James Webb with WEBB Consulting, were received.

The public meeting was closed.

- (a) That Amended Urban Hamilton Official Plan Amendment application UHOPA-19-013, by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), to establish an Area Specific Policy to amend the Commercial, Mixed Use – Medium Density and Staging of Development policies of the Waterdown South Secondary Plan to reduce the minimum requirement for retail and commercial space, permit accessory/associated residential uses on the ground floor and eliminate the retail and commercial development phases for lands located at 10, 39, and 40 Mallard Trail, 488 Dundas Street East and 585 Skinner Road, as shown on Appendix “A” to Report PED20188, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20188, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council; and,
 - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow (2019), as amended.
- (b) That Amended Zoning By-law Amendment application ZAC-19-046 by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), for a further modification to the Urban Commercial “UC-13” Zone for Blocks 1, 2a and 2b, to permit accessory/associated residential uses on the ground floor, a minimum of 1,256 sq m of retail and service commercial floor space, include additional “UC-13” Zone uses in the minimum retail and service commercial gross floor area calculation, establish minimum floor areas for each property and to facilitate the development of a 90 unit, six storey mixed use building with 306 sq m of ground floor commercial (Block 2a) and a seven unit, three

storey mixed use building with 418 sq m of ground floor commercial (Block 2b) for lands located at 10 and 40 Mallard Trail (Block 1), 488 Dundas Street East (Block 2a) and 39 Mallard Trail (Block 2b) (Flamborough), as shown on Appendix “A” to Report PED20188 be APPROVED, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20188, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow (2019), as amended and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.
- (c) That Amended Zoning By-law Amendment application ZAC-19-046 by GSP Group on behalf of NHDG (Waterdown) Inc. and Waterdown Bay Ltd. (Owners), to amend the Holding Provision of the Urban Commercial “UC-14(H)” Zone by removing the retail and service commercial Gross Leasable Floor Space provision, for lands located at 585 Skinner Road, as shown on Appendix “A” to Report PED20188 be APPROVED, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED20188 which has been prepared in a form satisfactory to the City Solicitor be forwarded to Council for enactment;
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow (2019), as amended and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

The recommendations in Report PED20188 were **amended** by adding the following sub-section (d):

- (d) ***That there were no public submissions received regarding this matter.***

For disposition of this matter, refer to Item 9.

(f) DISCUSSION ITEMS (Item 10)

(i) Regulating Off-Road Vehicles (PED21110) (City Wide) (Item 10.1)

Appendix “A” to Report PED21110 was amended to include All-terrain vehicles, Extreme Terrain Vehicles, Multi-purpose Off-highway Utility

Vehicles, Off-Road Motorcycles, Off-Road Vehicles, and Recreational Off-highway Vehicles.

For disposition of this matter, refer to Item 10.

(ii) Comments on the Proposed Provincial Land Use Compatibility Guideline (PED21137) (City Wide) (Item 10.2)

Recommendation (b) in Report PED21137 was **amended** to amend the wording in sub-section (b)(i), and to add sub-section (b)(iv), as follows:

- (i) The Areas of Influence (AOI) **of 2,000 metres** and the Minimum Separation Distance (MSD) **of 500 metres** ~~remain as guidelines~~ **be endorsed**; and not be required to be included as part of the Official Plan;
- (iv) ***The Province amends the guidelines to establish a 3,000m (3 km) Area of Influence (AOI) and Minimum Separation Distance (MSD) for landfill operations within the urban area and that any expansion of a landfill operation comply with the enhanced setback requirements from a sensitive land use.***

For disposition of this matter, refer to Item 11.

(g) PRIVATE AND CONFIDENTIAL (Item 14)

- (i) **Proposed Settlement of appeals by 2261305 Ontario Inc. and Nick and Anna DeFilippis of the Fruitland Winona Secondary Plan (UHOPA No. 17) (LS21025/PED21146) (Ward 10) (Item 14.1)**

The Committee determined that discussion of Item 14.1 was not required in Closed Session; therefore, the matter was addressed in Open Session.

For disposition of this matter, refer to Item 13.

(h) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 2:14 p.m.

Councillor J.P. Danko
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator