



OFFICE OF THE CITY CLERK

NOV 22 2022

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REF'D TO \_\_\_\_\_

ACTION \_\_\_\_\_

\_\_\_\_\_

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November 21, 2022

**VIA EMAIL & COURIER**

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

Attention: Andrea Holland, City Clerk

Dear Ms. Holland:

**Re: NOTICE OF APPEAL**  
**3064, 3070, 3078, and 3084 Regional Road 56, Binbrook, Hamilton (Windwood 3)**  
**Failure to Make a Decision to Amend Official Plan**  
**Failure to Make a Decision to Amend Zoning By-Law**  
**Municipal File Nos. UHOPA-22-023, ZAC-22-050, and FC-21-070**

We represent 1583123 Ontario Inc. ("Losani"), owner of lands municipally known as 3064, 3070, 3078, and 3084 Regional Road 56, within the community of Binbrook, within the City of Hamilton ("Subject Lands"). On April 25, 2022, our client submitted an Official Plan Amendment and Zoning By-law Amendment Application (together, the "Applications") to the City of Hamilton ("City") to permit the development of a six-storey residential apartment building containing 116 residential units and amenity space ("Development Proposal").

Given that more than 120 days have passed since the Applications were submitted and the City has failed to make a decision, we hereby appeal the Applications to the Ontario Land Tribunal, pursuant to subsection 34(11) and 22(7) of the *Planning Act*, R.S.O., c. P.13 ("Planning Act").

**THE SUBJECT LANDS**

The Subject Lands are located at the corner of Regional Road 56 and Viking Drive, are comprised of six parcels, and have an area of approximately 0.54 hectares (1.3 acres). The Subject Lands contain three existing buildings and accessory structures, which are currently vacant and are proposed for demolition.

Generally, surrounding land uses include the following:

JENNIFER J MEADER PROFESSIONAL CORPORATION  
 TURKSTRA MAZZA ASSOCIATES

West: Directly west of the Subject Lands are residential townhouse uses. Further to the west are single detached residential uses.

North: Directly north of the Subject Lands are large lot residential uses designated for mixed use development. Further to the north is Binbrook Road and the Binbrook core area containing commercial amenities and uses including a pharmacy, bank, restaurants, the Binbrook Library and post office.

East: Directly east of the Subject Lands is Regional Road 56 which is a minor arterial road through the settlement area of Binbrook, providing a connection to the Hamilton settlement areas to the north. On the east side of Regional Road 56 are large lot residential and commercial uses designated for mixed use development.

South: Directly south of the Subject Lands is Viking Drive. On the south side of Viking Drive is a residential apartment building under construction. Further to the south includes Binbrook Trails hiking area, located along the stormwater management corridor, and additional residential uses.

The Subject Lands are designated Mixed Use - Medium Density and Neighbourhoods in the Urban Hamilton Official Plan ("UHOP") and Mixed Use - Medium Density – Pedestrian Focus in the Binbrook Village Secondary Plan ("SP"). An Official Plan Amendment is required to redesignate a portion of the lands from Neighbourhoods to Mixed Use – Medium Density – Pedestrian Focus, and to amend the SP to permit the proposed multiple residential use and an increase in building height.

#### **DEVELOPMENT PROPOSAL**

The Subject Lands measure approximately 5,442 square metres in size and were previously used for residential and commercial purposes. One six-storey residential apartment building is proposed, which will front onto Regional Road 56, which is an arterial road. The Development Proposal includes 145 surface and underground off-street parking spaces at a parking ratio of 1.25 spaces per unit.

The overall vision for the Development Proposal is a medium density residential building along Regional Road 56 that will integrate into both the existing neighbourhood to the west and the transitioning corridor along Regional Road 56.

Sidewalk and pedestrian walkways are located throughout the Subject Lands and provide convenient and safe connections to buildings, landscaped areas and future adjacent developments. The internal driveway and vehicular network are accessed by a main entrance way to the south portion of the Subject Lands, minimizing conflict points and disruption to public sidewalks. An internal drive aisle loop and drop-off turn circle are proposed within the internal road network to accommodate anticipated traffic volume and provide efficient vehicle movement within the Subject Lands.

#### **BASIS FOR APPEAL**

The reasons for appealing the Applications include but are not limited to the following:

JENNIFER J MEADER PROFESSIONAL CORPORATION  
TURKSTRA MAZZA ASSOCIATES

1. The Applications have appropriate regard to matters of provincial interest set out in section 2 of the Planning Act.
2. The Applications are consistent with the Provincial Policy Statement, 2020.
3. The Applications conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
4. The Applications meet the intent and purpose of the UHOP.
5. The Applications meet the intent and purpose of the SP.
6. The Applications represent good planning and are in the public interest.

A detailed analysis of applicable provisions from the legislation and policy documents enumerated above are set out in the Planning Justification Report prepared by MHBC, dated April 2022, and which is attached to this Notice of Appeal.

#### FORM AND FEE

In satisfaction of OLT's processing requirements, enclosed please find:

1. The Planning Justification Report
2. The required OLT Appeal Form A1; and
3. A cheque in the amount of \$2,200 as the OLT's requisite appeal fee.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned. Otherwise, we thank you for your receipt of this appeal package.

Yours truly,



Jennifer Meader



KITCHENER  
WOODBIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

# PLANNING JUSTIFICATION **REPORT**

OFFICIAL PLAN AMENDMENT AND  
ZONING BY-LAW AMENDMENT

3064, 3070, 3078 and 3084 Regional Road 56  
Binbrook, City of Hamilton

Date:

**April, 2022**

Prepared for:

**Losani Homes**

Prepared by:

**MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)**

540 Bingemans Centre Drive, Suite 200

Kitchener, Ontario

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Our File 14196BN

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**Appendix B** – Draft Official Plan Amendment

**Appendix C** – Draft Zoning By-law

# 1.0 INTRODUCTION

MHBC Planning has been retained by Losani Homes to prepare a Planning Justification Report and applications for development of the lands municipally known as 3064, 3070, 3078, and 3084 Regional Road 56, in Binbrook, Hamilton, Ontario (the “subject lands”). The subject lands are legally described as Part of Block 130, Registered Plan 62M-1062 and Part of Lot 1, Block 4, Concession 4 in the Geographic Township of Binbrook, in the City of Hamilton. In order to permit the proposed development, amendments to the Urban Hamilton Official Plan and Zoning By-law are required.

The subject lands are located on the west side of Regional Road 56 between Viking Drive and Binbrook Drive, as shown on **Figure 1**. The subject lands are presently occupied by vacant residential and commercial buildings and accessory structures.

The proposal includes the removal of the existing buildings for the redevelopment of the lands with multiple residential uses. The proposed redevelopment contemplates a 6-storey building containing a total of 116 residential units and amenity space. One vehicular access is proposed from Viking Drive. Parking is provided at surface and below grade for a total of 145 parking spaces including barrier free and visitor parking.

The subject lands are designated ‘Mixed Use – Medium Density’ and ‘Neighbourhoods’ in the Urban Hamilton Official Plan and ‘Mixed Use – Medium Density – Pedestrian Focus’ in the Binbrook Village Secondary Plan. The land use designation of the subject lands permits residential uses including multiple dwellings.

The intent of the Official Plan and Zoning By-law Amendments are to establish a land use planning framework for the proposed residential development. This planning report assesses the planning framework related to the proposed use of the lands and includes the following:

- An introduction and general description of the subject lands, surrounding land uses and existing conditions to provide an understanding of the locational and policy context;
- Overview of the proposed development and applications;
- Description of the overall land use planning and design elements of the proposed development
- Review of existing policy framework and assessment of consistency with the Provincial Policy Statement and conformity with the Growth Plan, Urban Hamilton Official Plan and Binbrook Village Secondary Plan; and
- Consideration and integration of recommendations and conclusions from the supporting studies and reports.

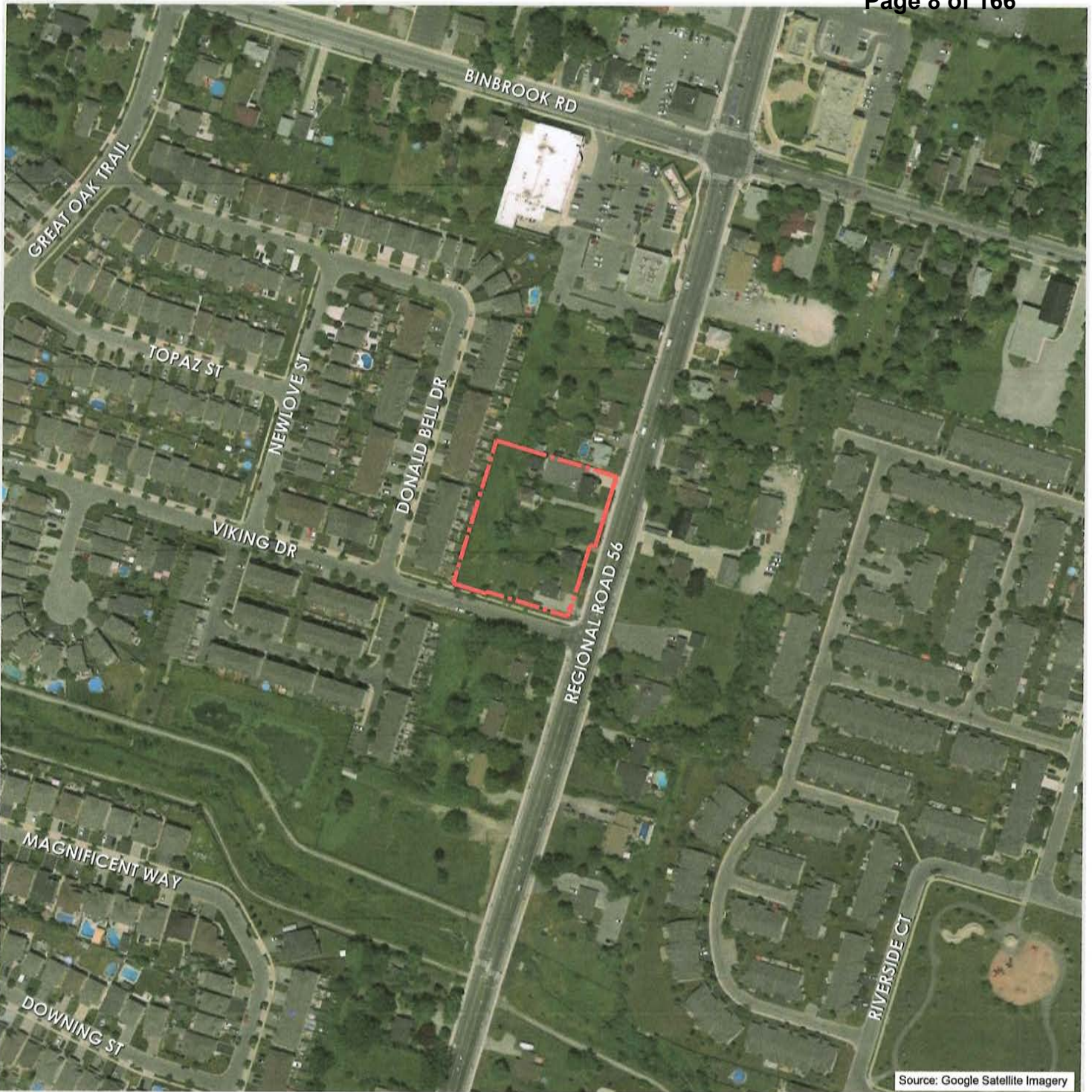



Figure 1:  
**Location Plan**

**LEGEND**

 Subject Lands

**DATE:** February 2022

**SCALE:** 1: 3,000

**FILE:** 14196BN

**DRAWN:** LC



K514196BN-HWY 56 BINBROOKRPTLOCATION\_FEB2022.DWG

3064, 3070, 3078, & 3084 Regional Road 56  
Binbrook  
City of Hamilton



## 1.1 Formal-Consultation and Submission Requirements

A Formal Consultation meeting was held for the development of the subject lands on June 24, 2021 and a copy of the Formal Consultation Document was issued on November 17, 2021, after a revised plan was provided to City Staff on September 15, 2021. The revised plan included the addition of the lands to the west of the lands municipally known as 3064, 3070, 3078, and 3084 Regional Road 56 and a revised building was incorporated with a unit count of 116 units.

The Formal Consultation Document identified the planning process required to permit the proposed development on site. A list of the technical requirements for the submission of a Complete Application was included in the Formal Consultation Document, which have been completed and included as part of this submission, as follows:

- Urban Design Brief
- Planning Justification Report
- Transportation Impact Study
- Noise Impact Study
- Functional Servicing Report
- Cultural Heritage Impact Study (CHIA)
- Geotechnical Report
- Archaeological Assessment
- Conceptual Site Plan
- Conceptual Elevations
- Survey Plan
- Tree Management / Protection Plan
- Engineering Plans
- Sun / Shadow Study

A brief summary of the technical reports are included in **Section 5.0** of this report and a copy of the Formal Consultation Document is included as **Appendix A** of this report.

## 2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The subject lands are located in Binbrook, at the northwest corner of Viking Drive and Regional Road 56. The subject lands have a frontage of approximately 69 metres on Viking Drive and 82 metres on Regional Road 56. Viking Drive is a local road and Regional Road 56 is a minor arterial road which travels north south through the settlement area of Binbrook. The location of the subject lands is shown on **Figure 1** of this report.

The subject lands are comprised of six individual parcels, and are municipally known as 3064, 3070, 3078, and 3084 Regional Road 56. The four municipally addressed lands and two vacant parcels located to the west have been incorporated into the proposed development. The subject lands have a total area of approximately 0.54 hectares.

The subject lands are occupied by existing residential and commercial buildings and accessory structures which are presently vacant. It is proposed to remove the existing buildings on the lands, allowing for the construction of the proposed residential apartment use.

The subject lands are surrounded by commercial and residential uses and a context plan is included as **Figure 2** of this report. Generally, surrounding land uses include the following:


- WEST:** Directly west of the subject lands are residential townhouse uses. Further to the west are single detached residential uses.
- NORTH:** Directly north of the subject lands are large lot residential uses designated for mixed use development. Further to the north is Binbrook Road and the Binbrook core area containing commercial amenities and uses including a pharmacy, bank, restaurants, the Binbrook Library and post office.
- EAST:** Directly east of the subject lands is Regional Road 56 which is a minor arterial road through the settlement area of Binbrook, providing a connection to the Hamilton settlement areas to the north. On the east side of Regional Road 56 are large lot residential and commercial uses designated for mixed use development.
- SOUTH:** Directly south of the subject lands is Viking Drive. On the south side of Viking Drive is a residential apartment building under construction. Further to the south includes



Source: Google Satellite Imagery

Figure 2:  
**Context Plan**

**LEGEND**

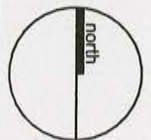
 Subject Lands

**DATE:** February 2022

**SCALE:** 1: 7,500

**FILE:** 14196BN

**DRAWN:** LC



K:\14196BN- HWY 56 BINBROOK\RPT\CONTEXT.DWG

3064, 3070, 3078, & 3084 Regional Road 56  
Binbrook  
City of Hamilton



**PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE**

200-540 BINGEMANS CENTRE DR. WICHERIEP, ON. N2B 3K9  
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

Binbrook Trails hiking area, located along the stormwater management corridor, and additional residential uses.

In general, the subject lands are surrounded by a mix of residential, commercial and recreational uses. The main commercial area of Binbrook is located to the north and within a 5-minute walking distance (400 metres) of the subject lands and contains commercial amenities including a food market, pharmacies, financial institutions, restaurants, and public services (i.e., library, fire station, post office, and learning centre). Further to the north and within a 10-minute walking distance (800 metres) is a food store and the Binbrook Agricultural Society providing community recreation opportunities. Additional commercial amenities are located to the south of the subject lands and within a 5-minute walking distance including restaurants, a medical office and hair salons.

In terms of institutional uses, two elementary schools (St. Matthew Catholic Elementary School and Bellmore Public school) are located within a 1-kilometre radius of the subject lands. The Binbrook Public Library is located within walking distance of the subject lands providing community programs and services. A number of churches are located in proximity of the subject lands providing additional community opportunities.

The subject lands are located within a 5-minute distance of the Binbrook Trail which is located along the stormwater management corridor that travels throughout the settlement area. The trail provides connections throughout Binbrook facilitating a connection to a number of parks and uses including Southbrook Park, Laidman Park, St. Matthew Elementary School, Fairgrounds Community Park, Bellmore Elementary School. Binbrook Park is located to the north, in close proximity to the subject lands, and is adjacent to the Binbrook Agricultural Society grounds. Overall, the subject lands are well-located to existing recreational uses.

Pedestrian infrastructure exists along the frontage of the property on Regional Road 56 and Viking Drive. Designated bike lanes are located along Regional Road 56 and continue north and south through the settlement area. Bike lanes are also located on Binbrook Road, Fall Fair Way and Bradley Avenue providing additional connections to key locations including Fairgrounds Community Park, Binbrook Park, the public elementary schools in the area, and commercial amenities. The Binbrook Trail provides an additional recreational bike path encouraging safe active transportation.

In summary, the site is well-located and in close proximity to a range of uses including commercial, institutional and recreational uses. The site is well connected to the minor arterial road network and is situated in an ideal location for future transit services. The subject lands are located in an area in proximity to existing pedestrian infrastructure and bike lanes supporting active transportation in the Binbrook settlement area.

# 3.0 PROPOSED DEVELOPMENT AND APPLICATIONS

The overall vision for the development of the site is for a medium density, six-storey residential building along Regional Road 56 that will integrate into both the existing neighbourhood to the west and the transitioning corridor along Regional Road 56. A concept plan is included in this report as **Figure 3**.

## 3.1.1 SITE DESIGN

The site measures approximately 5,442 square metres in size and was previously used for residential and commercial purposes. On the lands is proposed to be developed at one (1) six storey residential apartment building fronting onto Regional Road 56, which is an arterial road. The proposal includes 145 surface and underground off-street parking spaces at a parking ratio of 1.25 spaces per unit.

The overall vision for the development of the site is for a medium density residential building along Regional Road 56 that will integrate into both the existing neighbourhood to the west and the transitioning corridor along Regional Road 56.

As illustrated in **Figure 3**, the proposed redevelopment concept contemplates a six storey residential building with frontage on Regional Road 56. The proposed development will assist in animating the street frontage along Regional Road 56 with a similar design to Windwood 1 and Windwood 2 which are located to the south. The proposal has been designed to create an attractive residential development that functions as a pedestrian oriented space and animates the regional road.

The location of the various building types are strategically located to ensure compatibility with uses on the subject property and adjacent lands. The proposed building is located towards Regional Road 56, while surface parking and amenity spaces are located to the rear of the subject property, closer to the adjacent low density residential neighbourhoods. The buffer between the adjacent land uses maintains the employment and village focus of the area from Regional Road 56 and the Binbrook Community Core while also accommodating the residential development.

Sidewalk and pedestrian walkways are located throughout the development and provide convenient and safe connections to buildings, landscaped areas and future adjacent. The internal driveway and vehicular network is accessed by a main entrance way to the south portion of the subject lands, minimizing conflict points and disruption to public sidewalks. An internal drive aisle

Figure 3:

Concept Plan

3064, 3070, 3078, & 3084 Regional Road 56  
Brimack  
City of Hamilton

LEGEND

Subject Lands

DATE: April 2022  
SCALE: AS NOTED  
FILE: 141968N  
DRAWN: LC



PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

**MHBC ARCHITECTURE**

1000 SHEPPARD AVENUE EAST, SUITE 100  
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**CHAMBERLAIN**  
CONSULTANTS  
INCORPORATED

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TEL: (416) 291-1111  
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DATE	NO.	DESCRIPTION
2022-04-01	001	ISSUED FOR PERMIT

DESCRIPTION	AREA (SQ. FT.)	NO. OF UNITS	PERCENTAGE
RESIDENTIAL	100,000	116	100%
COMMERCIAL	0	0	0%
INDUSTRIAL	0	0	0%
OFFICE	0	0	0%
RETAIL	0	0	0%
RECREATION	0	0	0%
OTHER	0	0	0%
<b>TOTAL</b>	<b>100,000</b>	<b>116</b>	<b>100%</b>

PROPERTY TYPE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	OFFICE	RETAIL	RECREATION	OTHER
AREA (SQ. FT.)	100,000	0	0	0	0	0	0
NO. OF UNITS	116	0	0	0	0	0	0
PERCENTAGE	100%	0%	0%	0%	0%	0%	0%

PROPERTY TYPE	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	OFFICE	RETAIL	RECREATION	OTHER
AREA (SQ. FT.)	100,000	0	0	0	0	0	0
NO. OF UNITS	116	0	0	0	0	0	0
PERCENTAGE	100%	0%	0%	0%	0%	0%	0%



WINDWOOD 3

2022-04-01  
1000 SHEPPARD AVENUE EAST, SUITE 100  
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WWW.MHBCARCHITECTURE.COM

CONCEPTUAL  
SITE PLAN

DATE	2022-04-01
DESIGNER	ME / RL / ED / SR
PROJECT	AM
NO.	1-100
ISSUE	190620

**A001**



loop and drop-off turn circle are proposed within the internal road network to accommodate anticipated traffic volume and provide efficient vehicle movement within the proposed development.

The six storey residential apartment building is proposed to front onto Regional Road 56, consisting of 116 residential units. Access to the apartment building is proposed directly from the entrance on the Regional Road 56 frontage, as well as from internal drop-off turn circle. Surface parking and access to the underground parking level is proposed to the rear and south of the residential building, screening parking from the public street.

Waste collection and loading areas are located away from sidewalks and pedestrian walkways. The subject lands are generally flat with only minor grading changes proposed. Detailed design elements, such as lighting and signage, will be reviewed during the site plan stage.

In total, the proposed development will provide 116 residential dwelling units through built form types that provide a range of unit sizes to accommodate different demographics, and will provide appropriate transition from the community core uses to the north, and commercial uses to the east and south.

### 3.1.2 BUILDING DESIGN

The proposed architectural design consists of one (1) six storey residential apartment building.

The architectural façade of the building will provide for a contemporary appearance through the use of durable, yet contextual sensitive colour and material palette. The façade design will include a mixture of materials, including various coloured bricks, concrete, glass, and metal to create a visual interest while respecting the surrounding character. These materials will be continuous for all building elevations to provide for a consistent and high quality appearance, which take cues from the surrounding residential, agricultural, and culturally significant built form appearance.

The proposed residential building will have transitions in its massing to create architectural interest. The appearance of bulk and mass is reduced through variations in the roof line and vertical plane. This approach avoids long, flat roof surfaces and sheer walls. The massing of the proposed development is divided through the use of varying high quality building materials to create a pedestrian scaled environment. Storeys one through three are comprised of brick and metal materials that resemble historic building materials of the Binbrook area. A distinguishable use of metal, various coloured brick and increased use of glazing create a visually appealing divide between upper and lower floors. Concrete materials form building entrance features and storeys four through six. The use and transition of varying building materials between the third and fourth storey maintain the streetscape and character of other developments along Regional Road 56.

The proposed architectural design and built form scale supports a pedestrian oriented streetscape setting through emphasizing pedestrian mobility and building street wall animation along the

internal streets, sidewalk and trail network. Building entrance points are planned to be highly visible from the road network and public amenity areas, with landscaping and enhanced architectural features.

The overall proposed building design demonstrates symmetry and rhythm while promoting a high quality design through the use of materials and street-level design.

### 3.1.3 LANDSCAPE DESIGN

The landscape plan seeks to provide an enhanced, functional, and attractive outdoor space. A shared amenity feature is proposed to connect the development, while providing pedestrian spaces to safely traverse the site. The creation of interconnected series of amenity and green spaces created a distinctly pedestrian urban environment to provide ample outdoor space for residents.

Pedestrian open spaces are located throughout the site, but active areas will be placed around the perimeter of the subject lands, for easy access from the proposed building. The materials and furnishings in the amenity space will be determined throughout the detailed design stage.

Trees will be considered throughout the amenity areas. Shade trees and plantings will be considered for pedestrian walkways to heighten the overall pedestrian experience.

The overall design of the parking and service areas are designed to mitigate the overall visual impact to the public realm. In order to strengthen the development’s pedestrian amenities, car parking and service areas will be screened with thoughtfully placed vegetation and screening. Parking areas are located to the rear of the building and large canopy trees and understory will be considered to reduce the visual impact of the area. Paving materials will differ from parking lots to pedestrian crossings, which will provide visual cues as well as provide a richer pallet of materials. Detailed landscaped design will be incorporated at the site plan stage of development.

Above ground utilities and services will be located away from main pathways and screened with vegetation and decorative fencing as much as feasibly possible.

### 3.1.4 PEDESTRIAN AND VEHICULAR CIRCULATION

The siting of the proposed buildings on the subject lands will promote safe pedestrian linkages through a continuous pedestrian experience along the primary frontage of the building. Bicycle parking will be accessible near main entrance areas where feasible to supporting active transportation. A bicycle parking storage room is proposed within the underground parking garage, and at grade bicycle parking spaces will be provided near the building entrances. The internal pathway network proposed within the subject lands provides direct access from the surrounding neighbourhood, amenity space, and parking lot to the proposed residential building. The sidewalk and path network will connect to the building main entrances to ensure continuous access and safety for pedestrians.



The proposed entranceways and walkways will ensure barrier-free accessibility requirements are met by implementing sufficient walkway widths, gradual grade changes, and textured surface paving where appropriate. Wayfinding features, including bollard light fixtures and signage will be implemented where required to safely guide pedestrian movement. The building main entrances will be covered and weather-protected with appropriate lighting to create a comfortable and well-defined pedestrian arrival and departure experience.

Vehicle circulation is guided through a roundabouts located at the entrance of the building. A main internal road through the site provides access to the underground parking access area and surface visitor parking for the residential use. Drop-off areas are proposed for the building and provide convenient locations for deliveries, ridesharing services or other forms of transit.

### 3.1.5 SITE SERVICING AND PARKING

The proposed development will accommodate the majority of the 145 proposed parking spaces within one level of underground parking. Surface level parking is provided primarily for visitor and accessible parking spaces. The proposed parking arrangement and design will allow for a safe and continuous vehicular movement between the parking spaces and sidewalks while ensuring accessible parking needs are prioritized and situated in close proximity to building entrances to ensure barrier free access is provided. The proposed at grade parking areas will integrate appropriate landscape treatment and accent paving materials where feasible to enhance the pedestrian and building frontage experience at grade level and to ensure a high quality landscape transition is achieved.

The majority of the proposed parking is located through one underground parking, which limits the overall amount of surface parking. Underground parking access is provided by the internal driveway that connects the subject property to Viking Drive to the south. The underground parking will help to reduce surface level parking and provide opportunities for greenspace and landscaping.

Loading, storage and other services will be internalized and located at the rear and/or sides of the building to minimize impacts on landscaped open space. Access to loading, storage and servicing will be located efficiently to minimize impacts on vehicular and pedestrian traffic.

## 3.2 Summary of Official Plan Amendment Application

The subject lands are designated Mixed-Use Medium Density in the City of Hamilton Urban Hamilton Official Plan (UHOP) and further designated in the Binbrook Village Secondary Plan as Mixed Use – Medium Density – Pedestrian Focus.

An Official Plan Amendment is required to:

- Permit a multiple dwelling
- Permit a maximum building height of six storeys
- Redesignate a portion of the lands designated Neighbourhoods in the UHOP to Mixed Use – Medium Density – Pedestrian Focus to align with the remainder of the subject lands.

A draft Official Plan Amendment is enclosed as **Appendix B** to this Report.

### 3.3 Summary of Zoning By-law Amendment Application

A Zoning By-law Amendment is required to permit the proposed mixed use development and implement the Official Plan and Secondary Plan Amendment. The proposed zoning for the subject lands is Mixed-Use Medium Density (C5a) – Pedestrian Focus Zone with the following site-specific provisions:

- Permit a maximum building height of 20.0 metres.
- Permit Multiple Dwelling as a permitted use
- Permit a maximum streetline setback of 7.84 metres from Viking Drive
- Permit a reduced rear yard setback of 7 metres

Details of the proposed zoning are included in **Section 4.5** of this report. A draft Zoning By-law Amendment is enclosed as **Appendix C** to this Report.

# 4.0 PLANNING ANALYSIS

The following is a review of the provincial, regional and municipal land use policy framework related to the subject lands, and how the proposal has met those considerations.

## 4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) was issued by the Province of Ontario in accordance with Section 3 of the Planning Act. The 2020 PPS applies to all decisions regarding the exercise of any authority that affects a land use planning matter made on or after May 1, 2020.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure. The PPS encourages a diverse mix of land uses in order to provide choice and diversity to create complete communities. A variety of modes of transportation are required to facilitate pedestrian movement, active transportation opportunities and less reliance on the automobile. The PPS strongly encourages development that will provide long term prosperity, environmental health and social wellbeing. One of the key considerations of the PPS is that planning decisions ‘shall be consistent’ with the Policy Statement. The following is an analysis of the proposed development in the context of the policies in the PPS.

### **Settlement Areas (1.1.3)**

The PPS states that Settlement Areas shall be the focus of growth and development, and that their vitality and regeneration shall be promoted. The proposed development is located within the City of Hamilton which is a designated Settlement Area. Further, land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- efficiently use land and resources;
- are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- minimize negative impacts to air quality and climate change, and promote energy efficiency;
- support active transportation;
- are transit-supportive, where transit is planned, exists or may be developed; and
- are freight-supportive.

As well, a range of uses and opportunities for intensification and redevelopment are encouraged.

The proposed development provides an opportunity for the development of underutilized parcels of land within an existing Settlement Area, which was previously used for low density residential and commercial uses. The proposed development will provide an additional 116 residential apartment units in an area that has existing municipal services, and primarily low density housing forms, and contribute to the mix of housing choice in the area.

The proposed development will have a density of 215 units per hectare, and will provide for a compact housing form, further minimizing the impacts on air quality and climate change. This density will support any future transit investments in the area.

As detailed in the Functional Servicing Report, prepared by S. Llewellyn and Associates, the subject lands are able to be serviced by municipal services.

### **Housing (1.4.3)**

The PPS identifies that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households.
- Permitting and facilitating: all forms of housing required to meet the social, health, and well-being requirements of current and future residents, including special needs requirements; and all forms of residential intensification, including second units, and redevelopment;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- Establishing development standards for residential intensification, redevelopment and new residential development, which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed development will provide 116 units with a range and mix of unit sizes and contribute to the overall range and mix of housing types offered in Binbrook, which has primarily low density housing forms including single detached dwellings and townhouse dwellings. While the Binbrook Village Secondary Plan identifies a significant amount of residential land for development, there are limited opportunities for medium density residential planned for the area that would permit apartment uses. The proposed development will contain a mix of one bedroom, one bedroom plus

den, and two bedroom units, which will provide units for a broad demographic, and offer a more attainable housing choice.

Existing infrastructure and services are present in the area surrounding the proposed development and will be able to support the projected increase of 116 units.

### **Public Spaces, Recreation, Parks, Trails and Open Space (1.5.1)**

The PPS identifies that healthy, active communities should be promoted by:

- planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- providing opportunities for public access to shorelines; and
- recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

The subject lands are proposed to contain a series of interconnected, sidewalks that provide connections throughout the development, and to Viking Drive and Regional Road 56, and connections to the surrounding parks and trails for recreational opportunities. Amenity spaces, both public and private, and landscaped areas are provided throughout the proposed development and offer opportunities for recreation and connection to adjacent land uses and environmental features.

### **Sewage, Water and Stormwater (1.6.6)**

As per the PPS, municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

The subject lands are within a Settlement Area, and are located within an area with existing services. The subject lands will be able to provide for connections to full municipal services, as detailed in the Functional Servicing Report prepared by S. Llewellyn and Associates and submitted in support of these applications.

### **Transportation Systems (1.6.7)**

The PPS identifies that transportation and land use considerations shall be integrated at all stages of the planning process. Further, it promotes multimodal transportation systems, and a land use

pattern, density and mix of uses which minimize the length and number of vehicle trips and support current and future use of transit as well as active transportation.

The subject site is located in close proximity to the intersection of Regional Road 56 (Highway 56) and Binbrook Road (Highway 65). Highway 56 provides northbound connections to Stoney Creek and Highway 65 provides westbound connections to Mount Hope and the Hamilton International Airport. Regional Road 56 offers connections into Stoney Creek and connections to the Red Hill Valley Parkway and Lincoln M. Alexander Parkway, for connections throughout the City.

Regional Road 56 was recently reconstructed in 2015 to provide for a mix of active transportation options, including delineated bicycle lanes and wide sidewalks connections. A multi-use trail exists to the South. Transit connections have been contemplated for the area, including trans-cab services. The proposed development will provide a transit supportive density for any future transit expansion in the area, and will be conveniently located for residents to access transit stops, as the building entrances are located onto Regional Road 56.

As a result of the existing road network connections and recently constructed active transportation infrastructure, the site is appropriately located for the amount of density proposed. As discussed above, pedestrian and cycling paths are proposed as part of the development and will provide access to the existing active transportation network.

**Based on the above, the applications are consistent with the Provincial Policy Statement.**

## 4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (‘A Place to Grow’) came into effect on August 28, 2020. This Plan is the framework for implementing the Provincial Government’s initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities to achieve a high quality of life.

The policies of A Place to Grow centres on the key themes of directing growth to Built-Up Area, intensification in strategic growth areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses.

Among the guiding principles of the plan include:

- Support the achievement of complete communities that are designed to support healthy and active living and meeting the needs of daily living.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.



Figure 4:

**A Place to Grow:  
Growth Plan for the  
Greater Golden  
Horseshoe - Schedule  
2**

**LEGEND**

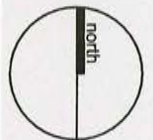
- Subject Lands
  
- Urban Growth Centres
- Future Transportation Corridors\*
- Existing Major Highways\*
- Highway Extensions\*
- Welland Canal\*
- Gateway Economic Zone
- Gateway Economic Centre
- Border Crossings
- Built-Up Area – Conceptual
- Designated Greenfield Area – Conceptual
- Priority Transit Corridors\*
- Existing Higher Order Transit\*
- Committed GO\* Transit Rail Extensions
- Future High-Speed Rail Corridor\*
- ✈ International Airports
- ✈ Proposed Airport
- ⚓ Major Ports
- Greenbelt Area\*
- Greater Golden Horseshoe Growth Plan Area\*\*

DATE: March 2022

SCALE: 1: 5,000

FILE: 14196BN

DRAWN: LC



K14196BN-HWY 56 BINBROOK/PTA PLACE TO GROW.DWG

3064, 3070, 3078, & 3084 Regional Road 56  
Binbrook  
City of Hamilton

**MHBC** PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE

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- Support a range and mix of housing options.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities.
- Provide for different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.

### **Delineated Built-Up Area (2.2.2)**

The subject site is located within the delineated Built-Up Area of the City of Hamilton, as shown on **Figure 4**. A Place to Grow identifies general intensification targets for the Built-Up Area, stating that a minimum of 50 percent of all annual residential development will be within the Built-Up Area until 2031.

The subject site is located within the Built-Up Area and will contribute to the intensification target of 50 percent within A Place to Grow. The proposed dwelling units will contribute residential uses to the area, optimize existing infrastructure and add 116 residential apartment units within the Built-Up Area. Overall, the development achieves a density of approximately 215 units per hectare.

### **Housing (2.2.6)**

Section 2.2.6 of A Place to Grow provides policies to support the achievement of complete communities. Specifically, Section 2.2.6.2 states that municipalities will support the development of complete communities by: planning to accommodate forecasted growth to the horizon of this Plan; planning to achieve the minimum intensification target and density targets; considering the range and mix of housing options and densities of the existing housing stock; planning to diversify the overall housing stock across the municipality.

The proposed development will assist the City of Hamilton in achieving the minimum density targets set out in the Growth Plan and the Urban Hamilton Official Plan through the intensification of underutilized properties within the built-up area. The proposed residential units will contribute to the range and mix of housing options in the City by offering a medium density housing form.

### **Infrastructure to Support Growth (3.2)**

The Growth Plan also identifies that infrastructure planning, land use planning and infrastructure investment should be coordinated, as well as transportation system planning and investment should be coordinated with land use planning.

The proposed development will support the existing active transportation connections recently constructed on Regional Road 56. The proposed development will also support the consideration of providing future transportation options, including transit service. The subject lands are an ideal



location for medium-density residential uses that will utilize existing municipal infrastructure and support potential transit development.

**Based on the above, the proposed applications are in conformity with the policies of the Growth Plan.**

## 4.3 City of Hamilton Urban Official Plan

The City of Hamilton’s Urban Official Plan (UHOP) came into effect on August 16<sup>th</sup>, 2013. A review of the Official Plan has identifies that the subject lands fall within the following designations of the Official Plan:

- **Schedule C – Functional Road Classification**
  - Regional Road 56 - Minor Arterial
  - Viking Drive – Local Road
  - Highway 65 (Binbrook Road) – Minor Arterial
- **Schedule E – Urban Structure**
  - Neighbourhoods
- **Schedule E1 – Urban Land Use Designations (Figure 5)**
  - Mixed Use – Medium Density
  - Neighbourhoods

The subject site also falls within the Binbrook Village Secondary Plan Area, which is detailed in **Section 4.4** of this Report. Below is a review and discussion of the policies associated with the designations within the Official Plan.

### 4.3.1 LAND USE DESIGNATIONS

The City of Hamilton is committed to managing its urban growth and development in a sustainable, comprehensive manner that balances the economy, the environment and the social needs of the community. The goals that apply to the urban systems and land use designations in the UHOP include:




- Develop compact, mixed-use urban environments that support transit and active transportation;
- Develop complete communities where people can live, work, learn and play;
- Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs;
- Promote and support design, which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic and livable urban places; and
- Recognize that Hamilton’s neighbourhoods are stable, not static.



Figure 5:

**Urban Hamilton  
Official Plan Schedule  
E1 - Urban Land Use  
Designations**

**LEGEND**

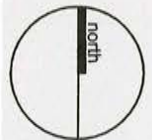
-  Subject Lands
-  Mixed Use - Medium Density
-  Neighbourhoods

**DATE:** February 2022

**SCALE:** 1: 2,500

**FILE:** 14196BN

**DRAWN:** LC



K14196BN-HWY 56 BINBROOK/PT/HAMILTON OP LAND USE SCH E1.DWG

3064, 3070, 3078, & 3084 Regional Road 56  
Binbrook  
City of Hamilton

The proposed development will assist the City in implementing these goals and objectives by providing for a medium density housing form, which will contribute to the range of housing types and intensification in Binbrook.

### **Mixed Use – Medium Density Designation**

The majority of the subject lands are designated Mixed Use – Medium Density. Mixed Use – Medium Density areas are to serve a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings. These areas are to recognize the traditional mixed use main streets as well as other large commercial areas which serve the surrounding community or a series of neighbourhoods and which are intended to evolve and intensify into mixed use, pedestrian oriented areas. Mixed Use – Medium Density areas are to accommodate an increasing number of people who work and live within the area and contribute to the planned function of an area as a people place. Mixed Use - Medium Density are to serve as vibrant people places with increased day and night activity through the introduction of residential development.

The Mixed Use – Medium Density Designation permits the following uses:

- commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars;
- institutional uses such as hospitals, places of worship, and schools;
- arts, cultural, entertainment, and recreational uses;
- hotels; and
- multiple dwellings.

A mix and range of densities and building heights up to a maximum of six (6) storeys is permitted depending on the area, Secondary Plan and Zoning By-law. The design of the development will reflect the direction of the Binbrook Village Secondary Plan. The Binbrook Village Secondary Plan is discussed in **Section 4.4**.

The predominant built form shall be mid-rise and low-rise mixed use buildings. Commercial uses are not proposed given the sites proximity to the Binbrook Village and other commercial uses to the South.

The proposed development will be compact, and will contain residential apartments units, with a range of unit types. The proposed development will provide for sidewalk connections within itself and to the surrounding street network.

The design of developments in the Mixed Use – Medium Density Designation are to be designed and oriented to create comfortable vibrant and stimulating pedestrian oriented streets.

Developments are to facilitate a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation.

The proposed development will support a comfortable and attractive pedestrian environment with sidewalks internal to and providing connections in and out of the development, and landscaping. The majority of parking is located underground, which limits the overall amount of surface parking and provides more land for pedestrian oriented areas, including outdoor amenity spaces and landscaped buffers.

### **Neighbourhoods Designation**

The ‘Neighbourhoods’ designation applies to the rear portion of the subject lands, as shown on **Figure 5** of this Report. The Neighbourhoods designation intends to recognize that all neighbourhoods are diverse, and that their intention is to provide context for daily life for citizens, and plays where people can live, learn play and socialize on a daily basis, by including a mix of land uses. General objectives for Residential / Mixed Use Areas, include:

- Develop compact, mixed use, transit-supportive and active transportation friendly neighbourhoods;
- Develop neighbourhoods as part of a complete community;
- Plan and designate lands for a range of housing types and densities, with consideration for affordable housing needs;
- Promote and support design which enhances and respects character of existing neighbourhoods while still allowing for ongoing evolution; and
- Promote and support residential intensification of appropriate scale and in appropriate locations.

The Neighbourhoods designation permits the following uses:

- Residential dwellings;
- Open space and parks;
- Local community facilities / services; and
- Local commercial uses.

The Neighbourhoods designation permits residential uses. The portion of the subject lands designated ‘Neighbourhoods’ are to be designated Mixed Use – Medium Density designation to reflect the designation of the remainder of the subject lands.

#### 4.3.2 GROWTH MANAGEMENT AND INTENSIFICATION

The proposed development will assist the City in achieving the proposed population forecasts by providing 116 residential units with a mix of one and two bedroom units.

The proposed density for the subject lands is approximately 215 units per hectare. The proposed density will provide a dense form of housing that will accommodate the projected City-wide population growth and intensification targets.

The City's Official Plan and growth targets are currently under review as part of the City's MCR and GRIDS 2 process, and it should be noted that City Council recently voted against the expansion of the City's Urban Boundary and accommodate new planned growth through intensification. The proposed development offers a unique opportunity within the City to incorporate additional density while maintaining the intent of the Official Plan and Secondary Plan, and providing high quality design and an appropriate built form.

### 4.3.3 TRANSPORTATION NETWORK

The UHOP identifies that the transportation network and land uses are mutually exclusive, meaning that land uses are connected and accessible through the transportation network. The network is intended to be integrated and sustainable, as well as safe, environmentally friendly, affordable, efficient, convenient and accessible.

The transportation network should be integrated and also provide for convenient, fast, frequent and affordable public transportation. Active transportation and contribution to transportation demand management (TDM) initiatives is also encouraged. The City shall encourage new development to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement where feasible.

More detailed on the proposed local transportation system surrounding the proposed development is included in **Section 4.4** of this Report, as it relates to the Binbrook Village Secondary Plan Area.

Regional Road 56 is identified as a Minor Arterial Road on Schedule C – Functional Road Classification. Minor Arterial Roads are subject to the following policies:

- The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- Land accesses shall be permitted with some controls.
- The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.
- Minor arterial roads shall generally be organized in a grid pattern with collectors, major and minor arterials, parkways and provincial highways.
- Bicycle lanes may be in place to accommodate cyclists and sidewalks shall generally be provided on both sides of the street for pedestrians.
- Gateway features may be permitted where required.

- On street parking and loading may be prohibited or at minimum be restricted in the peak hours.

Access to the subject lands is provided via Viking Drive with a four way intersection that aligns with the access for the adjacent Windwood 2 development. The proposed four way intersection from Viking Drive will assist in minimizing conflicts. It is intended that the current access from Viking Drive will accommodate the anticipated traffic volumes generated by the proposed development.

A Transportation Impact Study was prepared by Paradigm, dated February, 2022 and has been submitted in support of our applications. A summary of this report is included in **Section 5.7** of this Report.

A road widening of approx. 3 metres along Regional Road 56 is required, and a daylight triangle of 12.19 x 12.19 metres is also required at the intersection of Regional Road 56 and Viking Drive, which has been provided for on the concept plan.

Pedestrian and cycling access will be provided from Viking Drive and Regional Road 56. Sidewalk connections will be provided throughout the site, and to the Viking Drive and Regional Road 56, and to the open space amenity area.

**The proposed applications generally conform to the intent of the applicable land use policy framework of the City of Hamilton Urban Official Plan.**

## 4.4 Binbrook Village Secondary Plan

The subject lands are located within the Binbrook Village Secondary Plan, which is adopted under the Official Plan. A review of the Secondary Plan has identified that the subject lands fall within the following designations:

- **Map B.5.1-1 Land Use Plan:** Mixed Use – Medium Density – Pedestrian Focus (**Figure 6**)

The Binbrook Village Secondary Plan is intended to implement an integrated and sustainable community with a unique small town identity. The Core of Binbrook is to be developed as a medium density area (Community Core) that enjoys a high degree of visibility and provides as a gateway to the City.

Urban design of is of high importance in the quality and character for this highly visible area. Residents and visitors should sense they are within a unique area as they move around the Community Core and must know when they are entering or leaving it. The overall design of the Community Core is important in defining Binbrook Village’s small-town character and providing a sense of place. An Urban Design Brief has been prepared by MHBC which provides an analysis of relevant urban design policies.

The proposed development has been considered in the context of the vision and goals of the Binbrook Village Secondary Plan. The proposed development will create an attractive, comfortable and safe streetscape. Access from the proposed development will be provided along the street frontage and include connections to sidewalk and bicycle lanes on Regional Road 56, offering convenient and safe connections the Binbrook Core and other nearby amenities.

### 4.4.1 GENERAL POLICIES (5.1.3)

The Binbrook Village Secondary Plan identifies general policies that have been considered in the development of the proposed development.

The proposed development will provide for an integrated and compact urban form that includes a mix of apartment unit types. The design of the proposed development provides a distinct and unique identity within the Binbrook Community through the use of high quality materials and enhanced façade design elements. Building massing elements have been utilized to ‘break-up’ the building façade and distinguish a visual separation between the third and fourth storey. The change in building material and enhancement will respect the existing character of the area and reflect similar building material and design elements of other historical building elements in the community. Further design discussion is included in the Urban Design Brief.

The proposed development is located on Regional Road 56, which is identified as a minor arterial road in UHOP Schedule C – Functional Road Classification. Future transit service, if established, is

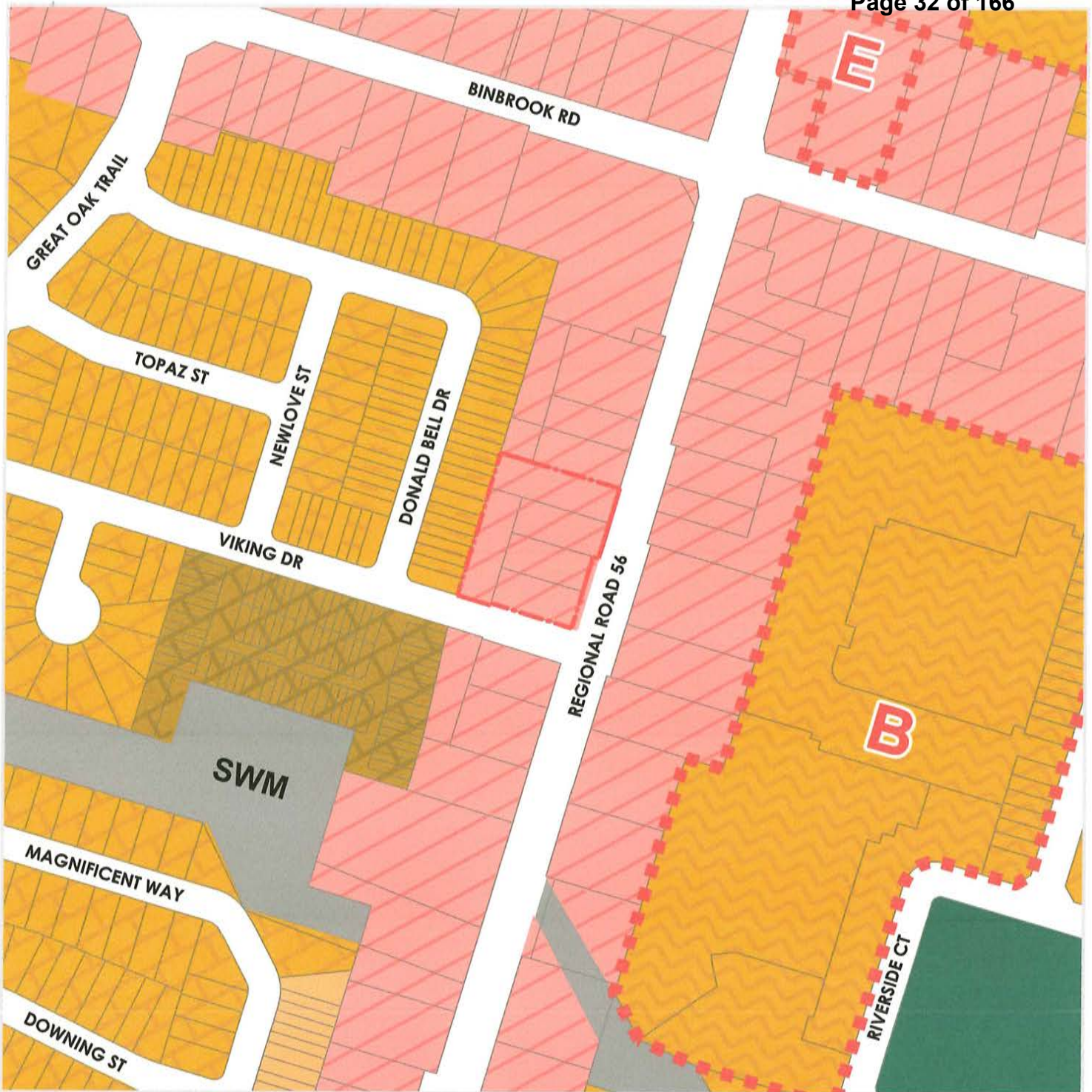


Figure 6:

### Binbrook Village Secondary Plan - Land Use Plan

3064, 3070, 3078, & 3084 Regional Road 56  
Binbrook  
City of Hamilton

**LEGEND**

-  Subject Lands
-  Area or Site Specific Policy
-  Low Density Residential 2d
-  Low Density Residential 2e
-  Low Density Residential 2h
-  Low Density Residential 3e
-  Neighbourhood Park
- SWM** Storm Water Management
-  Mixed Use - Medium Density - Pedestrian Predominant

**DATE:** February 2022

**SCALE:** 1: 3,000

**FILE:** 14196BN

**DRAWN:** LC



K114196BN-HWY 56 BINBROOK/PP/BINBROOK VILLAGE SECONDARY PLAN - LAND USE.DWG

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likely to utilize Regional Road 56. Site access to the proposed development is proposed from Viking Drive, which will reduce points of conflict with future transit service along Regional Road 56. Direct pedestrian connections to the sidewalk network and potential transit stops are provided from the east, west and south sides of the proposed development. The proposed development will assist in providing transit supportive density for future transit connections and networks in the Binbrook area.

#### 4.4.2 MIXED USE - MEDIUM DENSITY DESIGNATION – PEDESTRIAN FOCUS

The Mixed-Use - Medium Density designation is proposed to serve as the commercial, service and cultural centre of Binbrook Village. Areas within the Mixed-Use – Medium Density designation are intended to support businesses and service uses. The Binbrook Village Secondary Plan identifies the general policies for development in the area, which are applicable to and have been considered for the development of the subject lands.

The Binbrook Village Secondary Plan refers to Section E.4.6 of the UHOP for additional policies on development in the area. **Section 4.3** of this Report identifies the applicable policies that have been considered for the development of the subject lands.

An Official Plan Amendment is required to amend the Binbrook Village Secondary Plan, Mixed Use – Medium Density Designation, to permit an increase in height from three (3) storeys to six (6) storeys. Appropriate architectural design features and building setbacks have been reviewed and implemented into the building design to ensure compatibility with the surrounding area and adjacent residential uses.

#### **Pedestrian Focus**

The subject lands are identified as a ‘Pedestrian Focus Street’ within the Binbrook Village Secondary Plan. Section E.4.3 of the UHOP provides policies for *pedestrian focus streets*. Pedestrian Focus Streets are intended to cater to the pedestrian by creating a comfortable, active and visually stimulating walking environment. Pedestrian focus streets shall have wide sidewalks, buildings oriented to the public sidewalks, outdoor cafes, and a high level of streetscape design and activity. These areas include the main street retail areas of the former downtowns as well as other historic main street areas and future areas designed to have similar pedestrian oriented character.

The proposed development concept includes an enhanced public facing building façade with pedestrian connections directly from the existing sidewalk network to the proposed building entrances. The location of the proposed development in proximity to the sidewalk network will provide for a visually stimulating environment that enhances the streetscape and sidewalk from Regional Road 56 and Viking Drive. The massing of the proposed development is divided through the use of varying high quality building materials to create a pedestrian scaled environment. Storeys one through three are comprised of brick and metal materials that resemble historic

building materials of the Binbrook area. Concrete materials form building entrance features and storeys four through six. The use and transition of varying building materials between the third and fourth storey maintain the streetscape and character of other developments along Regional Road 56 (Windwood 2).

#### 4.4.3 GENERAL POLICIES

##### **Compatibility**

The proposed building will be compatible with other developments in the area. The proposed built form is similar to recently approved and planned developments notably an approved six-storey mixed use development at 3033-3063 Binbrook Road (DA-17-107), the Losani Homes development located to the south (Windwood 2), and proposed Windwood 4 development further to the south.

Compatibility with the lower density area to the west has been considered by siting the proposed building adjacent to Regional Road 56 to focus the height and massing of the building away from the lower density uses. The “L” shape form of the building allows for an efficient built form, while minimizing impacts such as shadowing, and overlook to adjacent developments. The “L” portion of the building is located to the north adjacent to areas also planned for medium density, and likely to be redeveloped in the future. A sufficient setback is proposed from the northerly and westerly property limits. The portion of the building in proximity to the residential uses to the west has been designed in a way to contain outdoor amenity space which allows for a stepped design and limits the massing of the top of the building, and minimizes shadow impacts.

A landscape buffer is proposed along the northerly and westerly property limit which will allow for landscaping and fencing as required.

##### **Streetscape Design Guidelines**

The Binbrook Village Secondary Plan identifies that streetscapes in Binbrook Village are to be designed with a quality streetscape that creates unique and attractive places. Streetscapes along major arterial roads are to be enhanced through the location of main building facades that present along the street and enhance the appearance from the street.

The proposed development includes a mix of high quality building materials and architectural design elements to enhance the massing and streetscape on Regional Road 56 and Viking Drive. Building projections and façade enhancements distinguish design elements of the building, including building entrances and height transitions.

Sidewalks, crosswalks and landscaping elements are provided throughout the development and connect to entrances and existing active transportation routes, including the existing sidewalk network and bicycle lands along Regional Road 56. A daylight triangle is provided at the

intersection of Regional Road 56 and Viking Drive and provides sightlines to sidewalk connections and enhances safety for cyclists and other active transportation users to view vehicular traffic on both roads.

Barrier free design elements, including flush mounted curbs and accessible parking spaces, are provided throughout the proposed development, and will be detailed through a future site plan application.

### **Transportation and Parking**

The proposed development includes vehicle access from Viking Drive. The location of vehicle access to the proposed development maintains the continuous street frontage along Region Road 56 and improves the streetscape and urban character.

Locations for parking areas are to be provided on collector and local roads in an appropriate manner that respects the streetscape design of the area. The proposed development includes surface parking and accessible vehicle parking with access from Viking Drive. One (1) level of underground parking is proposed. The location of parking facilities for the proposed development will encourage a pedestrian friendly streetscape along Regional Road 56 and minimize potential conflicts between vehicles, pedestrians and cyclists.

The Secondary Plan identifies that sidewalks are to municipal encourage active transportation and facilitate connections between local amenities, such as parks, businesses, schools and recreation areas. Sidewalks are to be provided on routes along streets that provide connections to nearby destinations.

The proposed development provides access to sidewalks along Regional Road 56 and Viking Drive. Access is provided through the building façade on both areas fronting the public streets. An internal sidewalk network connects the public sidewalk network to the common amenity area located within the site.

The Secondary Plan identifies that the City shall encourage the provision of public transportation facilities to service Binbrook Village at such time as the need and economic feasibility is demonstrated.

The proposed development will assist Binbrook Village in providing the economic feasibility should public transit be re-introduced to the area. The development of a medium density building along a minor arterial road (Regional Road 56) will provide transit supportive density for future public transportation.

### **Infrastructure**

The Secondary Plan identifies policies relating to the use and connection to municipal services when available. Electrical power and other energy distribution systems are to be located underground.

The proposed development will be connected to existing municipal water and wastewater services in the area. The Functional Servicing Report prepared by SLA, 2022 confirms sufficient capacity for connection to existing municipal infrastructure.

### **Summary**

The proposed development has considered the general policy direction of the Binbrook Village Secondary Plan, as it is a medium density residential development with a range of unit types and sizes. It will provide 116 residential units and has an overall proposed density of 215 units per hectare. The development will provide additional housing options within the Binbrook community and provides an enhancement to the existing fabric of the Community Core area, and contributes to the overall mixed use community.

## **4.5 City of Hamilton Zoning By-law 05-200**

### **Existing Zoning**

The subject lands are currently zoned ‘Mixed Use Medium Density – Pedestrian Focus ‘C5a’ – Exception 570, in the City of Hamilton Zoning By-law 05-200, as shown on **Figure 7**.

The existing Mixed Use Medium Density – Pedestrian Focus ‘C5a’ zone permits dwelling units and commercial uses including:

- Dwelling Unit (in conjunction with a commercial use)
- Commercial Entertainment;
- Financial Establishment;
- Hotel;
- Medical Clinic;
- Office;
- Restaurant;
- Retail; and,
- Veterinary Service.

Special Exception 570 permits a maximum height of 11.0 metres for the subject lands.

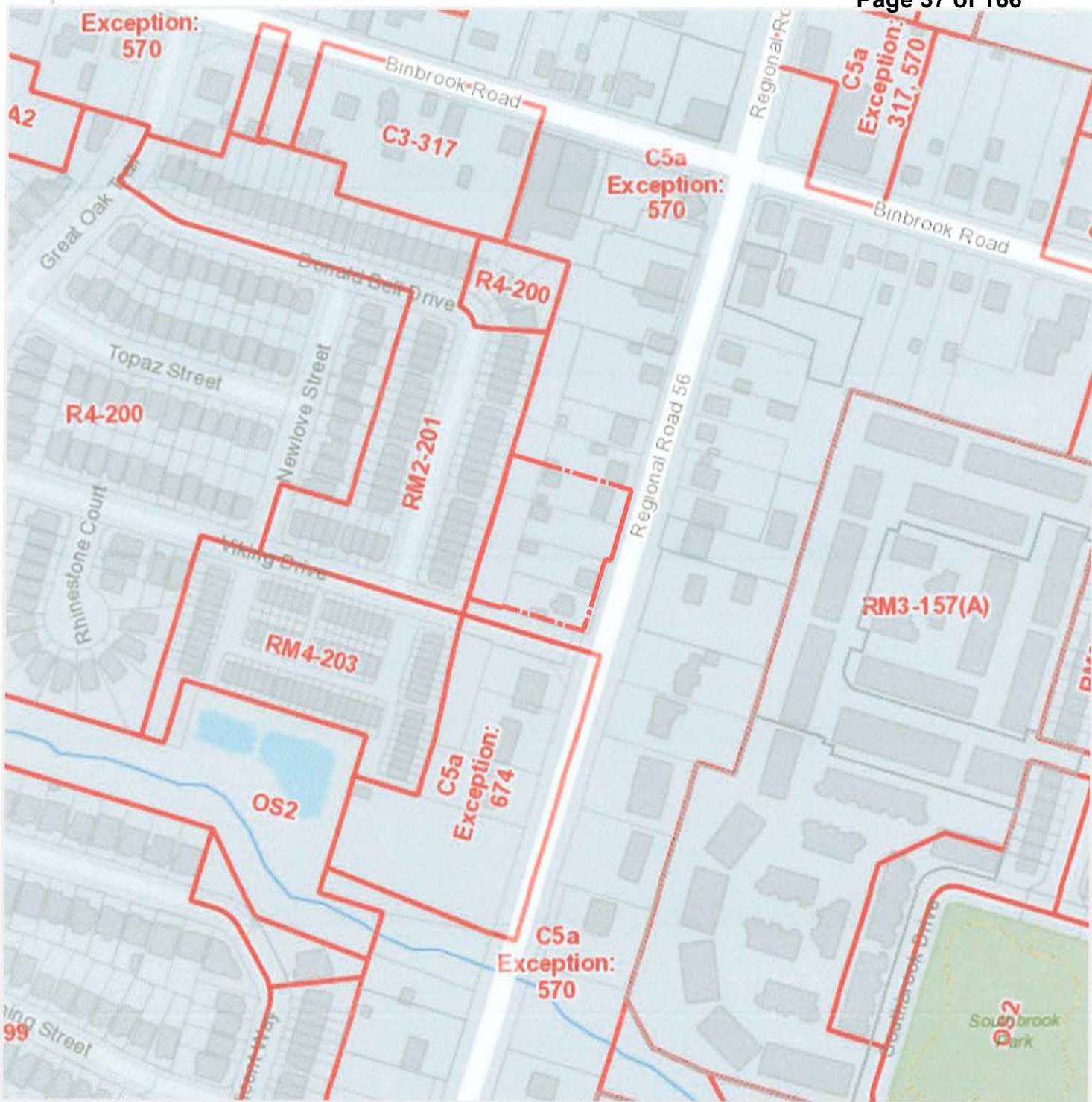



Figure 7:  
**Existing Zoning**

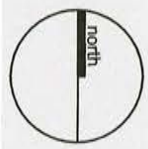
LEGEND	
	Subject Lands
A2	Rural Zone
C3	Community Commercial Zone
C5a	Mixed Use Medium Density - Pedestrian Focus Zone
OS2	Public Open Space Zone
R4	Residential 4 Zone
RM2	Residential Multiple 2 Zone
RM3	Residential Multiple 3 Zone
RM4	Residential Multiple 4 Zone

**DATE:** February 2022

**SCALE:** 1: 3,000

**FILE:** 14196BN

**DRAWN:** LC



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**PLANNING  
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200540 SINGEMAN'S CENTRE DR. WILCHURCH, ON N2B 3X9  
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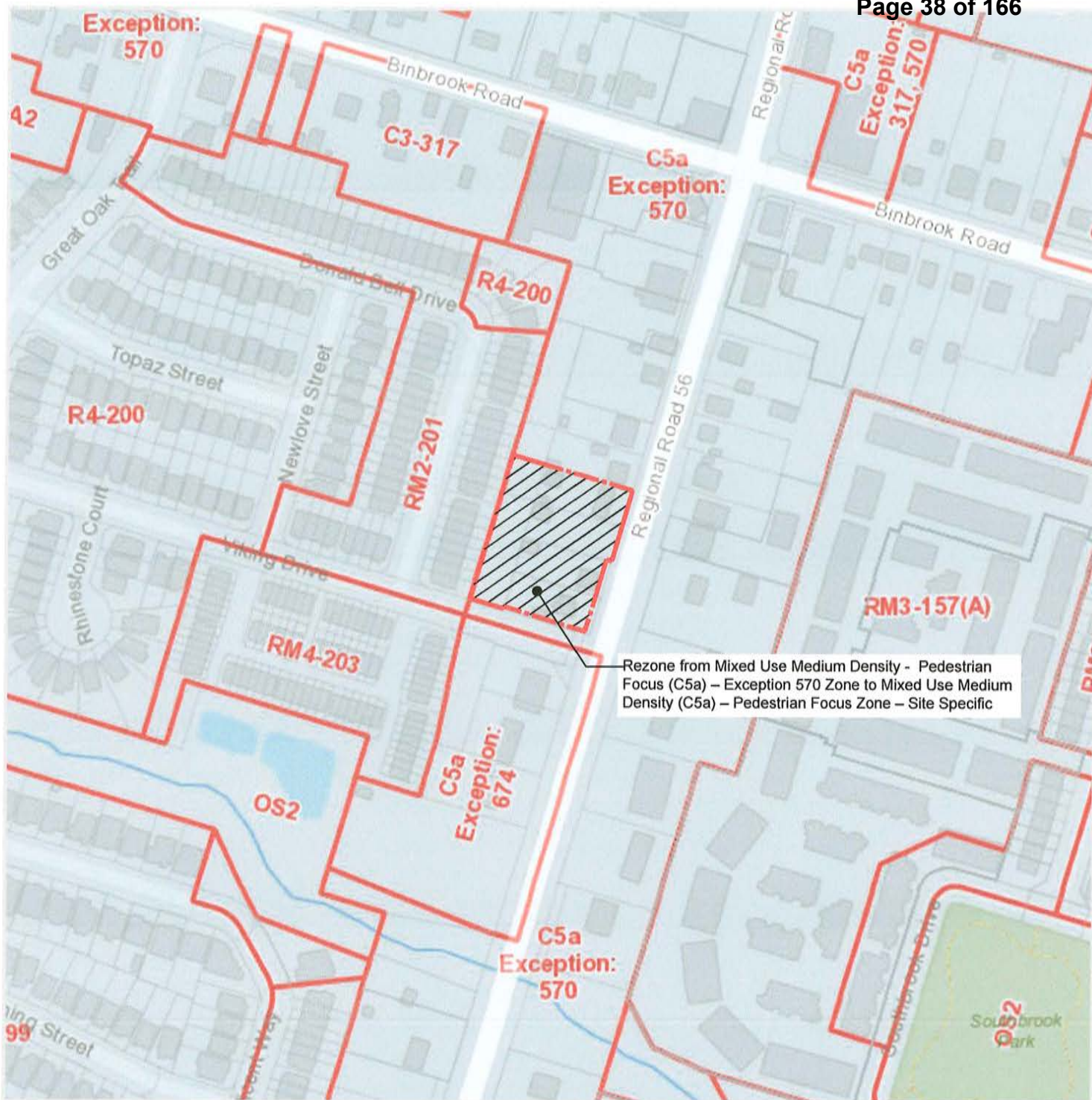




Figure 8:  
**Proposed Zoning**

**LEGEND**

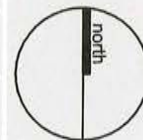
-  Subject Lands
-  Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) - Exception 570 Zone to Mixed Use Medium Density (C5a) - Pedestrian Focus Zone - Site Specific
- A2 Rural Zone
- C3 Community Commercial Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

**DATE:** February 2022

**SCALE:** 1:3,000

**FILE:** 14196BN

**DRAWN:** LC



K514196BN-HWY 56 BINBROOKRPTPROPOSED ZONING.DWG

3064, 3070, 3078, & 3084 Regional Road 56  
Binbrook  
City of Hamilton

**MHBC** PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE  
205-540 BINGEMANS CENTRE DR. IRVINGTON, ON, N2B 3K9  
P: 519 576 3550 F: 519 376 0121 | WWW.MHBCPLAN.COM

**Proposed Zoning**

To permit the proposed development, the subject lands will require a Zoning Amendment to Mixed Use Medium Density (C5a) – Pedestrian Focus Zone to permit site specific regulations as detailed below. **Figure 8** illustrates the proposed zoning for the subject lands. The table below provides an analysis of the proposed development and the C5a zone regulations:

Mixed Use Medium Density (C5a) Zone			
Section	Provision	Required	Proposed
10.5a.3 a)	Maximum Building Setback from a Street Line (metres)	i) 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback;  ii) Notwithstanding Section 10.5a.3i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,  iii) Section 10.5a.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).	7.84 metres
10.5a.3 b)	Minimum Rear Yard	7.5 m	7.0 metres
10.5a.3 c)	Minimum Interior Side Yard	7.5 m metres abutting a Residential or Institutional Zone or lot containing a residential use.	18.32 metres
10.5a.3 d) i)	Minimum Façade height for any portion of a building along a street line;	7.5 m	19.3 metres
10.5a.3 d) ii) and iii) / Special Exception 570	Maximum Building Height	11.0 metres (Special Exception 570)	20 metres
10.5a.3 h)	Built Form for New Development	i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.	Rooftop mechanical equipment is not visible from the east or south elevation.
10.5a.3 h)	Built Form for New Development	ii) For an interior lot or through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot front line.	N/A

10.5a.3 h) 10.5a.3 h)	Built Form for New Development	iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.  iv) In addition to Section 10.5a.3i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.	Greater than 50%
10.5a.3 h)	Built Form for New Development	v) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line	Visitor parking located between the façade and frontage lot line in accordance with Section 5.1.d)i)
10.5a.3 h)	Built Form for New Development	vi) A minimum of one principal entrance shall be provided: 1. within the ground floor façade that is set back closest to a street; and, 2. shall be accessible from the building façade with direct access from the public sidewalk.	Principal entrance provided on Regional Road 56 with direct access from the public sidewalk.
10.5a.3 h)	Built Form for New Development	vii) A walkway shall be permitted in a Planting Strip where required by the Bylaw.	N/A
10.5a.3 h)	Built Form for New Development	viii) Notwithstanding Section 10.5a.3 , for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.	N/A
		ix) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows	35%
		x) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.	3.66 metres
10.5a.3 i)	Planting Strip Requirements	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.	2 metres along westerly property edge
10.5a.3 j) / 4.19	Visual Barrier Requirement	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in	2 metre wide planting strip provided.



		accordance with the requirements of Section 4.19 of this By-law.	
10.5a.3 k)	Outdoor Storage	i) No outdoor storage of goods, materials, or equipment shall be permitted; and,  ii) Notwithstanding Section 10.5a.3i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	No outdoor storage proposed.
5.6 c)	Minimum Parking – Multiple Dwelling C5a Zone– Units Greater than 50.0 square metres in GFA	1.0 per unit  116 spaces required	145 spaces provided including 5 barrier free spaces
5.6 c)	Maximum Parking – Multiple Dwelling C5a Zone– Units Greater than 50.0 square metres in GFA	1.25 per unit  145 spaces permitted	145 spaces provided
5.5 a)	Barrier Free Parking - 101 – 200 spaces	Minimum 1 space + 3% of the total number of required parking spaces;  4 spaces required	5 spaces provided

**Requested Special Provisions:**

The proposal generally conforms to the C5a – Pedestrian Focus zoning as well as the parking provisions in Section 5 of the zoning by-law. The following special provisions are required to implement the proposed development, and are discussed below.

A draft zoning by-law for the proposed development is enclosed as **Appendix C** of this Report.

**1. Permit a multiple dwelling as a permitted use**

The proposed development is for a multiple dwelling with 116 residential uses and no commercial uses. Commercial uses are not proposed given the sites proximity to both the Binbrook Village and other commercial uses to the south at Windwood Drive. The area is well served by commercial uses, including grocery stores, drug stores, restaurants, financial institutions and medical and personal service uses all located within a short walking distance to the subject lands. The broader area contains a range of mix and uses which achieves the intent of the mixed use designation in the Secondary Plan.

**2. A maximum building setback from a streetline (Viking Drive) of 7.84 metres**

Given the corner lot configuration, and the requirement for a 12.19 x 12.19 metre daylight visibility triangle at the intersection of Regional Road 56 and Viking Drive, the building cannot be shifted closer to Viking Drive. Therefore, the resulting maximum setback to the Viking Drive streetline is 7.84 metres, whereas a maximum of 3.0 metres is permitted. The intent of this provision is to locate the building close to the streetline, which is maintained.

**3. A minimum rear yard setback of 7.0 metres**

As the site is a corner lot, the rear lot line is the northerly lot line. A minimum setback of 7 metres is proposed whereas 7.5 metres is required. 8.5 metres is provided to the face of the building, and the additional 1.5 metres is requested for private balconies. The intent of the 7 metre setback to minimize the building massing adjacent to the property limit is maintained.

**4. A maximum building height of 20 metres**

The proposed maximum building height is 20 metres, whereas 11 metres is permitted. The proposed 20 metre height will allow for the development of a six storey building.

The proposed building has been sited adjacent to Regional Road 56 to focus the height and massing of the building away from the lower density uses. The "L" shape form of the building allows for an efficient built form, while minimizing impacts such as shadowing, and overlook to adjacent developments. The "L" portion of the building is located to the north adjacent to areas also planned for medium density, and likely to be redeveloped in the future.

A sufficient setback is proposed from the northerly and westerly property limits. The portion of the building in proximity to the residential uses to the west has been designed in a way to contain outdoor amenity space which allows for a stepped design and limits the massing of the top of the building, and further minimizes shadow impacts, which generally occur to the east.

**5. A minimum of 35% of the area of the ground floor façade facing the street shall be composed of doors and windows**

The proposed portion of the ground floor façade facing the street (Viking Drive and Regional Road 56) is 35%, whereas the by-law requires 60%. The intent of this provision is to create active ground floor spaces, intended for commercial uses. As no commercial spaces are proposed, and private residential space is proposed, minimizing the amount of doors and windows is required for safety and privacy concerns.

# 5.0 SUMMARY OF TECHNICAL REPORTS

## 5.1 Archaeological Report

A Stage 1 and Stage 2 Archaeological Assessment were prepared by AMICK Consultants Limited in October, 2021. The Stage 2 Assessment confirmed that no archaeological resources were encountered, and provided for the following recommendations:

- No further archaeological assessment of the study area is warranted;
- The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed; and,
- The proposed undertaking is clear of any archaeological concern.

An acknowledgement letter from the Ministry of Culture, Tourism and Sport regarding the Stage 1-2 assessment has been received for the subject lands confirming that no further study is warranted and the subject lands are clear of archaeological concerns.

## 5.2 Urban Design Brief

MHBC Planning prepared Urban Design Brief in support of the proposed application dated, April, 2022. The Urban Design Brief includes an analysis of the relevant urban design policy in the Urban Hamilton Official Plan, Binbrook Village Secondary Plan and the City’s terms of reference for urban design guidelines.

## 5.3 Heritage Impact Assessment

MHBC Planning prepared a Heritage Impact Assessment (HIA) for the subject lands. The HIA determined that the proposed development is likely to result in moderate to major adverse impacts, primarily related to:

- the removal of the dwelling at 3078 ON-56 which is considered a representative example of a dwelling constructed in the early 20<sup>th</sup> century; and
- the removal of all buildings located on the subject lands of CHVI which contribute to the identified character of the CHL

Alternative development options have been considered in the HIA, as per the requirements of the City of Hamilton Urban Official Plan. The following recommendations are provided based on the evaluation of the subject lands and impacts to heritage resources resulting from the proposed development:

- Document the site through photographs to supplement the historic record through the completion of:
  - A photo map of the property noting the location of photographs, as well as photographs of all existing buildings and features from the exterior (as provided in this Heritage Impact Assessment);
  - Historical documentation of the subject lands (as provided in this Heritage Impact Assessment) so that it may supplement the historic record; and
- Demolition of the existing dwelling at 3078 ON-56 should include a plan for the separation of materials which could be salvaged and made available for re-use as opposed to being deposited as landfill;
- That materials of the building at 3078 ON-56 be preserved and displayed for commemorative purposes which includes graphic and textual descriptions of the site’s history and former residential buildings; and
- That the proposed development consider alternatives in materials and contemporary designs which are complementary to, and distinguishable from the range of 19th and mid. 20th century architectural styles and built forms in the identified CHL.

## 5.4 Functional Servicing Report (FSR)

A Functional Servicing Report (FSR) was prepared by Scott Llewellyn and Associates, dated March, 2022. The FSR concluded that the proposed development can be serviced by existing municipal services and constructed to meet the City of Hamilton requirements.

The FSR provided for the following conclusions and recommendations:

- The development be graded and serviced in accordance with the Preliminary Grading & Erosion Control Plan and the Preliminary Site Servicing Plan prepared by S. Llewellyn & Associates Limited;
- A 110mmØ orifice plate be installed as per the Preliminary Site Servicing Plan and this report to provide adequate quantity control;
- A cast-in-place storage tank be installed as per the Preliminary Site Servicing Plan and this report to provide effective stormwater storage;
- Erosion and sediment controls be installed as described in this report to meet City of Hamilton requirements;
- A HydroStorm HS5 oil/grit separator be installed as per the Preliminary Site Servicing Plan and this report to provide efficient stormwater quality control;

- Area drains within the parking lot are to be fitted with FlexStorm inlet filters as illustrated on the Preliminary Site Servicing Plan and this report; and
- The proposed sanitary and water servicing system be installed as per the Preliminary Site Servicing Plan and this report to adequately service the proposed development.

## 5.5 Noise Feasibility Study

HGC Engineering prepared a Noise Feasibility Study, dated February, 2022 in support of the proposed applications. The primary noise source for the proposed development was determined to be road traffic on Regional Road 56, with secondary noise contribution from Binbrook Road. The sound level predictions indicate that future road traffic sound levels will be within the MECP guidelines at the façades of the proposed residential building. The recommended noise control measures include appropriate wall and window glazing assemblies and an alternative means of ventilation to open windows. Noise warning clauses are recommended (Type A, B and C) in order to inform future owners/tenants of the traffic noise impacts, to address sound level excesses and to inform future residents of their proximity to the nearby existing retail and commercial uses.

An analysis was also conducted to determine the potential impact of noise from existing rooftop units on the buildings in the commercial plaza to the north on the proposed building. The analysis for the existing buildings in the commercial plaza north of the proposed development was based on aerial photos and reasonable estimates of sound data for rooftop equipment. The results indicate that sound emissions from the rooftop equipment associated with the existing buildings in the commercial plaza on the proposed building are expected to be within the MECP’s minimum exclusionary sound level limits. Further physical mitigation measures will not be required.

The following recommendations were made for transportation noise sources:

1. The proposed mixed-use building should be equipped with an alternative means of ventilation to open windows. Central air conditioning will meet and satisfy this requirement. The location, installation and sound ratings of the air conditioning devices should comply with NPC-300, as applicable.
2. Any glazing construction meeting the minimum requirements of the Ontario Building Code (OBC) will provide adequate sound insulation for all façades of the proposed building.
3. Warning clauses should be included in the property and tenancy agreements and offers of purchase or sale to inform future owners/occupants of the noise issues and the presence of the roadways and nearby retail/commercial uses.

## 5.6 Transportation Impact Study (TIS)

Paradigm prepared a Transportation Impact Study, dated February, 2022. Based on the assessment, the reported provides for the following conclusions recommendations:

- Traffic control signals are not warranted at Binbrook Road and Great Oak Trail under the 2033 horizon. As a v/c of 0.72 is projected, the northbound approach is operating at 72% or less of its available capacity. As northbound left-turning traffic is expected to moderate, drivers are likely to seek an alternative route via Bradley Avenue to travel westbound along Binbrook Road to avoid delay “tie-ups.” Through this reassignment, a sensitivity analysis was completed and identified the intersection would operate with improved operations.
- With the additional traffic and growth projected for the area, Binbrook Road at Regional Road 56 will require the traffic signals to operate with a cycle length of 100 seconds and optimized signal timings split. The intersection will operate with considerable improvements through these minor modifications as outlined within the sensitivity analysis.
- No other changes to the existing lane configurations or traffic control have been identified with the build-out of the proposed development.

## 5.7 Geotechnical Investigation

A Geotechnical Investigation was prepared by Soil-Mat Engineers and Consultants in support of the proposed development. The purpose of the report is to provide an assessment of site subsurface soil and groundwater conditions. The report provides conclusions of the recommended foundation design and recommends that the underground parking level should be limited to 3 metres in depth below grade.

## 5.8 Tree Management Plan

A Tree Preservation Plan was prepared by GeoProcess Research Associates Inc. to identify and assess the existing trees for the subject lands. An assessment of individual trees included all trees 10 cm Diameter at Breast Height (DBH) or greater for the Study Area, and accessible trees within 6 metres from the property limit.

The tree inventory documented 30 trees, of which 22 are private, 4 are neighboring and 4 are public trees. A dense Eastern White Cedar (*Thuja occidentalis*) hedgerow was documented within one of the residential lots (HR1:Map 1a). The majority of hedgerow trees were likely less than 10 cm DBH, however they could not be individually measured. These trees are not included in the overall inventory count.

The Study Area contained four (4) White Ash (*Fraxinus americana*) trees that are severely affected by Emerald Ash Borer (EAB) and would be potential hazards if left on-site. Several Manitoba Maples (*Acer negundo*) also exhibited poor and hazardous growth conditions in the form of open trunk wounds, dead canopy, leaning trunk growth and growth constriction from existing fences and housing structures.

Other trees located in the Study Area included Sugar Maple (*Acer saccharum*), Basswood (*Tilia americana*), Siberian Elm (*Ulmus pumila*), and White Mulberry (*Morus alba*).

A total of six (6) trees are recommended for preservation. Tree 20, B, C and D are neighboring, and tree are A and B are private. These trees are to be preserved with non-fatal injury due to Tree Protection Zone (TPZ) encroachment.

A total of 21 private trees and one cedar hedgerow are expected to require removal due to conflict with construction of the proposed condo, roadway, and above and below ground parking. The City of Hamilton requires 1 for 1 compensation for any private tree (10 cm DBH or greater) that is proposed to be removed. Therefore, 21 trees will need to be compensated for by replacement planting, cash-in-lieu or a combination of both. This compensation requirement shall be completed during the project detailed design and construction phases.

As per the City of Hamilton By-law NO.15-125, an approved permit will be required from the Director to remove tree F and G.

# 6.0 PUBLIC CONSULTATION STRATEGY

The Formal Consultation for the proposed development, identified that a Public Consultation Strategy is required to ensure that neighbouring residents are informed about the proposal and also provided opportunities to provide input.

This proposal will follow the requirements outlined by City Council's Public Participation Policy. This will include the circulation of the Notice of Complete Application to property owners within 120 metres of the subject lands, the posting of a Public Notice Sign on the subject property, which will provide information regarding details of the proposal and contact information should additional information be desired.

MHBC Planning and Losani Homes will liaise with City Staff and the Ward Councillor to determine if a Community Information Meeting would be beneficial to the public engagement process. If it is determined that this meeting would be beneficial, it will be held following the preliminary circulation of the application.

The intent of the meeting would be to inform the public about the proposed development and to record comments and feedback from the public, which will be included in City Staff's Planning Report that will be presented at the Public Meeting before the Planning Committee.

Following the application review process, a Formal Public Meeting will be scheduled to be heard before the City's Planning Committee. The Formal Public Meeting date will be posted to the Public Notice Sign, and Public Meeting Notices will be circulated to property owners within 120 metres of the subject lands and additional individuals who requested notification.

A copy of the Formal Consultation Document from 2021 is attached as **Appendix A**.



# 7.0 SUMMARY & CONCLUSIONS

The proposed Official Plan Amendment and Zoning By-law Amendment for the subject lands are appropriate and represent good planning for the following reasons:

1. Consistent with the Provincial Policy Statement and conforms to the Growth Plan for the Greater Golden Horseshoe.
2. Supports provincial and local intensification targets and growth policies by providing for a medium density residential built-form within the Built-Up Area.
3. Supports intensification in the Built-Up Area and provides for a complete community at a transit-supportive density that will contribute towards economic development and vitality of Binbrook, and implements objectives of the Urban Hamilton Official Plan and Binbrook Village Secondary Plan.
4. Introduces additional apartment uses, to support a range and mix of housing types within the Binbrook Village Secondary Plan area.
5. Can be adequately serviced by municipal services and is supported by a Functional Servicing Report.

Respectfully submitted,

**MHBC**



Dave Aston, MSc, MCIP, RPP  
Vice-President, Partner



Stephanie Mirtitsch, BES, MCIP, RPP  
Associate

# **APPENDIX A - FORMAL CONSULTATION AGREEMENT**



Hamilton

Planning and Economic Development Department  
Development Planning, Heritage and Design  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton ON L8P 4Y5  
Phone: 905.546.2424 - Fax: 905.546.4202

## Formal Consultation Document

Meeting Date: June 24, 2021 File No: FC-21-070  
 Owner: 1593123 Ontario Ltd  
 Applicant: MHBC Planning Ltd. c/o Stephanie Mirtitsch

### PROPERTY INFORMATION

<b>Address and/or Legal Description:</b>	3064, 3070, 3078 and 3084 Regional Road 56, Glanbrook			
<b>Lot Frontage:</b>	3064 Regional Road 56 ±20.2 m	3070 Regional Road 56 ± 20.2 m	3078 Regional Road 56 ± 20.2 m	3084 Regional Road 56 ± 20.2 m
<b>Lot Depth:</b>	± 50.2 m	± 50.2 m	± 50.2 m	± 50.2 m
<b>Lot Area:</b>	0.1 ha	0.1 ha	0.1 ha	0.19 ha
<b>Urban Hamilton Official Plan Designation</b>	Mixed-Use Medium Density			
<b>Binbrook Village Secondary Plan Designation</b>	Mixed – Use Medium Density – Pedestrian Focus			
<b>City of Hamilton Zoning By-law No. 05-200:</b>	Mixed – Use Medium Density – Pedestrian Focus (C5a, 570) Zone			

Description of current uses, buildings, structures and natural features on the subject lands:

3064, 3070, 3078 and 3084 Regional Road 56 currently contain single detached dwellings. The properties are located at the intersection of Viking Drive and Regional Road 56.

Brief description of proposal:

The applicant proposes to construct a 6 Storey 116 unit residential dwelling with approximately 36 surface parking spaces and 114 underground parking spaces.

**APPLICATIONS REQUIRED**

Rural Hamilton Official Plan Amendment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Urban Hamilton Official Plan Amendment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Local Official Plan Amendment	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Zoning By-law Amendment (Type: Complex)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Subdivision	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Condominium	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Site Plan (Type: Full Site Plan))	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Consent	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Variance(s)	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Other	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

**Note:** The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New Rural, Commercial and Residential zoning may be implemented which could be different than the current zoning. Accordingly, additional applications may be required. If a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).

**FEEES REQUIRED**

City of Hamilton:	APPLICATION TYPE	FEE	TOTAL
	Official Plan Amendment	\$33,470.00**	\$33,470.00**
	Complex Zoning By-law Amendment	\$ 24,255.00**	\$ 24,255.00**
	Per unit fee to be determined at the time of submission		
	<b>TOTAL (UHOPA &amp; ZBA)</b>		<b>\$ 57,725.00**</b>
	25% joint application fee reduction		-\$14,431.25**
	Formal consultation credit	-\$ 1,205.00	-\$ 1,205.00
	<b>TOTAL (UHOPA, ZBA, joint reduction fee and FC Credit)</b>		<b>\$ 42,088.75**</b>
	Site Plan Control Application	\$ 24,280.00**	\$ 24,280.00**
	Tree Protection Review	\$ 610.00**	\$ 610.00**
	<b>GRAND TOTAL</b>		<b>\$ 66,978.75**</b>
Conservation Authority Review Fees:	None		
<b>TOTAL:</b>	<b>\$ 66,978.75**</b>		

\*\*If the application is submitted after 2021, then the fees that will be required will need to be based on the updated fees in effect at the time of the submission.

**Notes:**

- *Formal Consultation fee may be credited towards a future application*
- *Notwithstanding the fees noted above, all fees are payable based on the rate in the fee schedule by-law in effect on the date the payment is made.*
- *Further fees may be required at a later date as per the fee schedule.*
- *Separate cheques are payable to the City of Hamilton and the applicable Conservation Authority.*
- *A Cost Acknowledgement Agreement for potential costs at the Ontario Municipal Board may also be required.*

**DESIGN REVIEW PANEL**

The Design Review Panel shall provide urban design advice to Planning Division staff on Planning applications with respect to complex Zoning and Site Plan applications in the following Design Priority Areas:

- (a) Downtown Hamilton Secondary Plan Area;
- (b) Areas of Major Change and Corridors of Gradual Change within the West Harbor Secondary Plan Area;
- (c) Primary Corridors as shown on Schedule E – "Urban Structure" of the Urban Hamilton Official Plan;
- (d) Any other large scale projects that may impact the physical environment functionally and/or aesthetically.

The Director of Planning or his or her designate may waive projects from the review of the Design Review Panel, if the project is not deemed to have the potential to significantly impact the physical environment functionally and/or aesthetically.

Design Review Panel review required?       Yes       No

**REQUIRED INFORMATION AND MATERIALS**

All identified reports, studies, and/or plans must be submitted before an application is deemed complete. Unless otherwise noted, 5 copies of each item and an electronic digital file in PDF locked file format must be submitted.

Reports, Studies, Plans	Required	Staff Responsible for providing guidelines or terms of reference
<b>Background Information</b>		
Survey Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421

Concept Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
<b>Planning</b>		
Affordable Housing Report/Rental Conversion Assessment	<input type="checkbox"/>	
Draft OPA, and By-laws	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
Land Use/Market Needs Assessment	<input type="checkbox"/>	
Planning Justification Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
Site Plan and Building Elevations	<input checked="" type="checkbox"/>	Detailed Concept Plans Required at OPA/ZBA Stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421  Conceptual Elevations required at OPA/ZBA stage: Urban Design – V. Cox  Final Site Plan and Elevations Required at Site Plan Stage
Urban Design Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Urban Design – V. Cox
<b>Cultural</b>		
Archaeological Assessment	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Cultural Heritage – C. Richer 905-546-2424 Ext. 7163
Cultural Heritage Impact Assessment	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Cultural Heritage – C. Richer 905-546-2424 Ext. 7163
<b>Environmental</b>		
Aggregate Resource Assessment	<input type="checkbox"/>	

Aggregate/Mineral Resource Analysis	<input type="checkbox"/>	
Air Quality Study	<input type="checkbox"/>	
Channel Design and Geofluvial Assessment	<input type="checkbox"/>	
Chloride Impact Study	<input type="checkbox"/>	
Cut and Fill Analysis	<input type="checkbox"/>	
Demarcation of top of bank, limit of wetland, limit of natural hazard, limit of Environmentally Significant Area (ESA), or limit of Conservation Authority regulated area	<input type="checkbox"/>	
Environmental Impact Statement (EIS)	<input type="checkbox"/>	
Erosion Hazard Assessment	<input type="checkbox"/>	
Fish Habitat Assessment	<input type="checkbox"/>	
Floodline Delineation Study/Hydraulic Analysis	<input type="checkbox"/>	
General Vegetation Inventory (GVI)	<input type="checkbox"/>	
Impact Assessment for new Private Waste Disposal Sites	<input type="checkbox"/>	
Karst Assessment/Karst Contingency Plan	<input type="checkbox"/>	
Landscape Plan	<input checked="" type="checkbox"/>	<p>Required at Site Plan stage: Natural Heritage – C. Plosz 905-546-2424 Ext. 1231</p> <p>Required at Site Plan stage: Urban Design – V. Cox</p> <p>Required at Site Plan stage: Forestry – S. Brush 905-546-2424 Ext. 7375</p>
Linkage Assessment	<input type="checkbox"/>	
Meander Belt Assessment	<input type="checkbox"/>	
Nutrient Management Study	<input type="checkbox"/>	
Odour, Dust and Light Assessment	<input type="checkbox"/>	
Restoration Plan	<input type="checkbox"/>	
Shoreline Assessment Study/Coastal Engineers Study	<input type="checkbox"/>	
Slope Stability Study and Report	<input type="checkbox"/>	
Species Habitat Assessment	<input type="checkbox"/>	
Tree Management Plan/Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Forestry – S. Brush 905-546-2424 Ext. 7375
Tree Protection Plan (TPP)	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Natural Heritage – C. Plosz 905-546-2424 Ext. 1231

<b>Environmental/Servicing and Infrastructure</b>		
Contaminant Management Plan	<input type="checkbox"/>	
Record of Site Condition (RSC)	<input type="checkbox"/>	
Erosion and Sediment Control Plan	<input type="checkbox"/>	
Hydrogeological Study	<input type="checkbox"/>	
Grading Plan	<input type="checkbox"/>	
Master Drainage Plan	<input type="checkbox"/>	
Stormwater Management Report/Plan and/or update to an existing Stormwater Management Plan	<input type="checkbox"/>	
Soils/Geotechnical Study	<input type="checkbox"/>	
Sub-watershed Plan and/or update to an existing Sub-watershed Plan	<input type="checkbox"/>	
<b>Financial</b>		
Financial Impact Analysis	<input type="checkbox"/>	
Market Impact Study	<input type="checkbox"/>	
<b>Servicing and Infrastructure</b>		
Recreation Feasibility Study	<input type="checkbox"/>	
Recreation Needs Assessment	<input type="checkbox"/>	
School Accommodation Issues Assessment	<input type="checkbox"/>	
School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	<input type="checkbox"/>	
Functional Servicing Report (See "ADDITIONAL INFORMATION" section below for requirements)	<input checked="" type="checkbox"/>	Required at OPA/ZBA: Development Approvals – S. Ryan 905-546-2424 Ext. 1354
Servicing Options Report	<input type="checkbox"/>	
Water and Wastewater Servicing Study	<input type="checkbox"/>	
<b>Land Use Compatibility</b>		
Agricultural Impact Assessment	<input type="checkbox"/>	
Dust Impact Analysis	<input type="checkbox"/>	
Land Use Compatibility Study	<input type="checkbox"/>	
Landfill Impact Study	<input type="checkbox"/>	
Minimum Distance Separation Calculation	<input type="checkbox"/>	
Noise Impact Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
Odour Impact Assessment	<input type="checkbox"/>	
Sun/Shadow Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Urban Design – V. Cox
Vibration Study	<input type="checkbox"/>	



Wind Study	<input type="checkbox"/>	
<b>Transportation</b>		
Cycling Route Analysis	<input type="checkbox"/>	
Transportation Impact Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Transportation Planning – tplanning@hamilton.ca
Parking Analysis/Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage (can be incorporated as part of the Transportation Impact Study or a separate study): Transportation Planning – tplanning@hamilton.ca
Pedestrian Route and Sidewalk Analysis	<input type="checkbox"/>	
Roadway/Development Safety Audit	<input type="checkbox"/>	
Modern Roundabout and Neighbourhood Roundabout Analysis	<input type="checkbox"/>	
Neighbourhood Traffic Calming Options Report	<input type="checkbox"/>	
Transit Assessment	<input type="checkbox"/>	
Transportation Demand Management Options Report	<input type="checkbox"/>	
<b>Cost Recoveries</b>		
Cost Acknowledgement Agreement	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
<b>DRP Submission Requirements</b>	<input type="checkbox"/>	
<b>Public Consultation Strategy</b>	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – A. Baldassarra 905-546-2424 ext. 7421
<ul style="list-style-type: none"> <li>• Updated Wastewater Generation Assessment</li> <li>• Updated Water Servicing Assessment or Watermain Hydraulic Analysis</li> <li>• Geotechnical and/or Hydrogeological Report</li> <li>• Site servicing plans and servicing permits</li> <li>• Site grading and Erosion and Sediment Control Plan</li> <li>• Updated Stormwater Management</li> </ul>	<input checked="" type="checkbox"/>	Required at Site Plan Control Stage: Development Approvals – S. Ryan 905-546-2424 Ext. 1354

<ul style="list-style-type: none"> <li>• Temporary Sewer Discharge Permit</li> <li>• Municipal Act Servicing Cost Recoveries</li> <li>• Associated Site Servicing Drawing and Review and Final Site Plan Inspection Fees</li> </ul>		
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**ADDITIONAL INFORMATION**

Comments:

Development Planning

- The Binbrook Village Secondary Plan permits a maximum height of three storeys and the Mixed – Use Medium Density – Pedestrian Focus (C5, 570) Zone permits a maximum height of 11.0 metres. As the proposal is for a six storey building, an Official Plan Amendment and Zoning By-law Amendment application will be required.
- Staff recommend the height be reduced to three storeys in conformity with the Secondary Plan

Urban Design

- It is important to note that development in Binbrook Village shall maintain and respect Binbrook’s historical community identity.
- Staff recommend reducing the height of the building to three storeys.

Cultural Heritage

- The application includes the proposed demolition of two early 20th century dwellings; as such, cultural heritage resources will be impacted. Therefore, A future CHIA will be required.
- Cultural Heritage Impact Assessments are used to evaluate potential development and site alteration of cultural heritage resources and demonstrate how the heritage attributes of the on-site and adjacent heritage resources will be conserved through mitigative measures and/or alternative development approaches as required.
- CHIA reports shall be prepared in conformity with the City’s Cultural Heritage Impact Assessment Guidelines and shall be submitted for review by Planning staff prior to acceptance of the report as being complete or the clearance of any conditions on any development approvals.

Transportation Planning

- A Road Widening Dedication (Ultimate Road Width needs to be 26.213 metres) and Daylight Triangle Dedication (which measures 12.19 metres by 12.19

metres) will need to be provided at the Site Plan Control Stage. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening(s) and Daylight Triangle Dedication.

Development Planning advises a concept at the OPA/ZBA stage will need to consider the distance from the new ultimate property lines and not the previous property lines.

- 5.0 metres x 5.0 metres visibility triangles must be provided for each driveway access
- Transportation Planning notes that a maximum grade percentage of 10% is required as per City of Hamilton Comprehensive Development Guidelines for underground parking ramps. If the ramp grades do not conform to City Development Guidelines, as a Special Condition of Site Plan Approval, prior to application for any building permits, a letter certifying the design of the ramp will be required, to be provided and signed by a Licensed Architect or Engineer, to the satisfaction of the Manager, Transportation Planning.

#### Finance

- At the time of payment is staff will confirm the value with Corporate Service staff.

#### Environmental Services Division

- Staff note that the development is eligible for municipal waste collection, but the current design it is not serviceable. The applicant will need to revise the site plan to address Environmental Services Division in order to receive municipal waste collection.

#### Public Works

- The outdoor amenity space and fenced in dog area will not count towards parkland dedication. We encourage the provision of a fenced in dog area.

#### Growth Planning

- It should be determined if there are any implications arising from the adjacent Registered Plan of Subdivision, Elizabeth Gardens Phase 3, 62M-1062 (25T-200111), e.g. cost recoveries relating to the registered plan or any reserves to be lifted. It is noted that the subject lands are also within a defined area of cost recovery.
- At the time of a submission for a Draft Plan of Condominium application a PIN Abstract would be required with a future submission. If the intent is to phase the Condominium, Schedules "G" and "K" as per the *Condominium Act*, would be required for future phases. If condominium, it should also be confirmed if the proposed parking will be unitized.

- The owner and agent should be made aware that the address for this proposal will be determined after conditional Site Plan approval is granted.

#### Development Engineering

- Block 130, 62M-1062 [Elizabeth Gardens Phase 3]: This Block is correctly shown as merging with the subject parcels pursuant to the requirements of the Elizabeth Gardens Phase 3 Subdivision.
- Block 136, 62M-1062 [Elizabeth Gardens Phase 3]: Existing 0.3 reserve along the north limit of Viking Drive adjacent to 3084 Regional Road 56. The portion of the 0.3m reserve will be required to be lifted in order to allow the proposed access driveway to be created on Viking Drive. There are no cost recoveries associated with this reserve.
- The Functional Servicing Study will need to include the following information:
  - Calculations/analysis to demonstrate that flows generated from the proposed development will not adversely impact the sewer capacity and hydraulic performance of the City's sanitary or storm sewer system
  - Wastewater Generation Assessment
  - Water Servicing Assessment or Watermain Hydraulic Analysis (WHA). The WHA is to identify the modelled system pressures at pressure district (PD23) level under various boundary conditions and demand scenarios. Please note that the requirement for a WHA may be waived following review of the water demand and fire flow requirements if it can be demonstrated that there is adequate service for the proposed development within the existing municipal system based on hydrant tests.
  - Two-hydrant flow tests,
  - Stormwater Management
  - Preliminary Erosion and Sediment Control
  - Preliminary Grading & Servicing Plans
  - Storm and Sanitary Drainage Area Plans/Design Sheets).



#### **PLEASE BE ADVISED OF THE FOLLOWING:**

1. *The purpose of this document is to identify the information required to commence processing a complete application as set out in the Planning Act. Formal Consultation*

*does not imply or suggest any decision whatsoever on behalf of City staff or the City of Hamilton to either support or refuse the application.*

2. *This document expires 1 year from the date of signing or at the discretion of the Director of Planning.*
3. *In the event this Formal Consultation Document expires prior to the application being accepted by the City, another document may be required.*
4. *If an application is submitted without the information and materials identified in this Formal Consultation Document the City may deem such an application incomplete and refuse to accept the application.*
5. *In accordance with the Planning Act, it is the policy of the City of Hamilton to provide public access to all Planning Act applications and supporting documentation submitted to the City. Therefore, the information contained in an application and any documentation, including reports, studies and drawings, provided in support of an application, by the owner, or the owner's agents, consultants and solicitors, constitutes public information and will become part of the public record. With the filing of an application, the applicant consents to the City of Hamilton making the application and its supporting documentation available to the general public, including copying and disclosing the application and its supporting documentation to any third party upon their request.*
6. *It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.*
7. *The above requirements for deeming an application complete are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Formal consultation and building permit review are separate and independent processes.*

**SIGNATURES**

Charlie Toman, SPM		Nov 17, 21
Planning Staff	Planning Staff Signature	Date
Alaina Baldassarra		Nov. 16, 21
Planning Staff	Planning Staff Signature	Date
Engineering Staff	Engineering Staff Signature	Date

_____ Owner	_____ Owner Signature	_____ Date
_____ Applicant (I have the authority to bind the Owner)	_____ Applicant Signature	_____ Date
_____ Agent (I have the authority to bind the Owner)	_____ Agent Signature	_____ Date
_____ Other Staff or Agency	_____ Signature	_____ Date
_____ Other Staff or Agency	_____ Signature	_____ Date
_____ Other Staff or Agency	_____ Signature	_____ Date

# **APPENDIX B - DRAFT OFFICIAL PLAN AMENDMENT**

Authority: Item XX, Planning Committee  
Report: XX-XXX (PEDXXXXX)  
CM: Date XXXXXXX, 2022  
Ward: 11

**Bill No. XXX**

CITY OF HAMILTON

BY-LAW NO. \_\_\_\_\_

**To Adopt:**

**Official Plan Amendment No. XX to  
the Urban Hamilton Official Plan**

Respecting:

**3064, 3070, 3078, and 3084 Regional Road 56 (Binbrook)**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. XX to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this XX day of XXXX, 2022

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



Schedule "1"

## Urban Hamilton Official Plan Amendment No. XX

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

### 1.0 Purpose and Effect:


The purpose and effect of this Amendment is to add a Site Specific Policy Area XX of the Binbrook Village Secondary Plan and redesignate a portion of the lands to Neighbourhoods in the Urban Hamilton Official Plan to permit a six storey multiple dwelling for the lands located at 3064, 3070, 3078, and 3084 Regional Road 56 (Binbrook)

### 2.0 Location:

The lands affected by this Amendment are known municipally as 3064, 3070, 3078, and 3084 Regional Road 56 (Binbrook).

### 3.0 Basis:

The basis for permitting this Amendment is to accommodate a six storey multiple dwelling development in conformity with overall Provincial and City policy planning direction.

Urban Hamilton Official Plan Amendment No. XX	Page 1 of 3	
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### 4.0 Actual Changes:

#### **4.1 Volume 1 – Parent Policies**

##### ***Schedules and Appendices***

###### **4.1.1 Schedules**

- a. That Schedule E-1 of the Urban Hamilton Official Plan be amended to redesignate a portion of the subject lands as ‘Neighbourhoods’.

#### **4.2 Volume 2 – Secondary Plans**

##### ***Text***

###### **4.2.1 Chapter B-2 Glanbrook Secondary Plans**

- a. That Volume 2 Chapter B – Glanbrook Secondary Plans: Binbrook Village Secondary Plan Specific Policy Area XX be added to Section 5.1.13 as follows:

For lands municipally known as 3064, 3070, 3078, and 3084 Regional Road 56, and shown on Area Specific Policy – Area XX on Map B.5.1.1 – Binbrook Village Secondary Plan – Land Use Plan:

- Multiple residential uses shall be permitted
- A maximum building height of six storeys (20.0 metres) shall be permitted.


##### ***Schedules and Appendices***

###### **4.1.2 Schedules**

- a. That Schedule B.5.5.1 – Binbrook Village Secondary Plan– Land Use Plan be amended to add ‘Area Specific Policy XX’

#### **5.0 Implementation:**

This Official Plan Amendment is Schedule “1” to By-law No. \_\_\_\_\_ passed on the XX of XXXX, 2022.

Urban Hamilton Official Plan Amendment No. XX	Page 2 of 3	
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Fred Eisenberger  
MAYOR

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A. Holland  
CITY CLERK

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report?

Committee: Chair and Members      Report No.: PEDXXXX      Date: XX/XX/2022

Ward(s) or City Wide: 11

Prepared by:

Phone No: 905-546-2424 ext. XXXX

*For Office Use Only, this doesn't appear in the by-law*

# APPENDIX C - DRAFT ZONING BY-LAW

Authority: Item , Planning Committee  
Report 22-\_\_\_\_(PED22\_\_\_\_)  
Ward: 11

## CITY OF HAMILTON

### BY-LAW NO. 22-\_\_\_\_

#### A By-law to amend Zoning By-law 05-200 to Permit the Development of a Residential Development on Lands Located at 3064, 3070, 3078, and 3084 Regional Road 56 (Binbrook)

**WHEREAS** Council approved Item\_\_of Report 22-\_\_\_\_of the Planning Committee, at its meeting held on\_\_\_\_\_, 2022;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

**NOW THEREFORE** Council enacts as follows:

1. That Map Nos. 1911, 1912, 1934, 1935, and 1956 of Schedule "A" – Zoning Maps, of Zoning By-law No. 05-200, be amended as follows:
  - a. by amending the Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone with special provisions, to the lands the extent and boundaries of which are shown as Schedule "A" to by By-law.
2. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding an additional special exception as follows:

"XXX Within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone identified on Map Nos. 1911, 1912, 1934, 1935, and 1956 of Schedule "A" Zoning Maps and described as 3064, 3070, 3078, and 3084 Regional Road 56, the following special provisions shall apply:

  - a) Notwithstanding Subsection 10.5a.1, a multiple dwelling be permitted as a permitted use, including on the ground floor;
  - b) Notwithstanding Subsection 10.5a.3 a) the maximum building setback from a street line shall be 7.84 metres from Viking Drive;
  - c) Notwithstanding Subsection 10.5a.3 b) the minimum rear yard setback shall be 7.0 metres;
  - d) Notwithstanding Subsection 10.5a.3 (d) ii), and Special Exception 570 a) the

maximum building height shall be 20.0 metres.

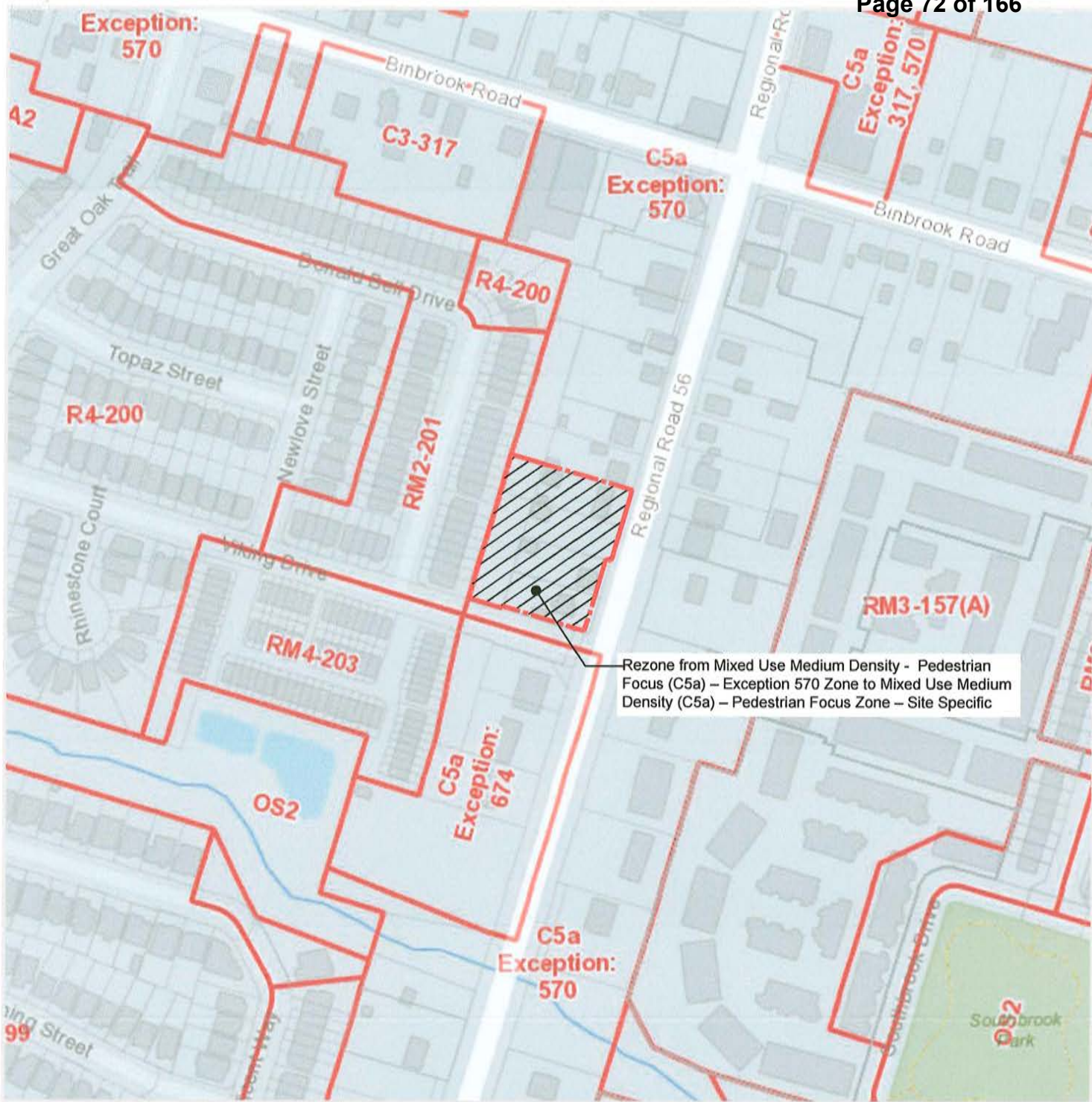
- e) Notwithstanding Subsection 10.5a.3(h) ix) minimum of 35% of the area of the ground floor façade facing the street shall be composed of doors and windows.
3. That the Clerk is hereby authorized and directed to proceed with the giving of the notice of passing of this By-law, in accordance with the *Planning Act*.

**PASSED and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
F. Eisenberger  
Mayor

\_\_\_\_\_  
A. Holland  
City Clerk

ZAC-22-XXX



Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) - Exception 570 Zone to Mixed Use Medium Density (C5a) - Pedestrian Focus Zone - Site Specific

Figure 8:  
**Proposed Zoning**

LEGEND	
	Subject Lands
	Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) - Exception 570 Zone to Mixed Use Medium Density (C5a) - Pedestrian Focus Zone - Site Specific
A2	Rural Zone
C3	Community Commercial Zone
C5a	Mixed Use Medium Density - Pedestrian Focus Zone
OS2	Public Open Space Zone
R4	Residential 4 Zone
RM2	Residential Multiple 2 Zone
RM3	Residential Multiple 3 Zone
RM4	Residential Multiple 4 Zone

DATE: February 2022  
SCALE: 1:3,000  
FILE: 14196BN  
DRAWN: LC



3064, 3070, 3078, & 3084 Regional Road 56  
Binbrook  
City of Hamilton

K114196BN-HWY 56 BINBROOKURPTPROPOSED ZONING.DWG

**PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE**

200-340 SINGEMANS CENTRE DR. FITCHER, ON, N2B 3K9  
P: 519 576 3650 F: 519 576 0121 | WWW.MHBCPLAN.COM





## Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
Tel: 416-212-6349 | 1-866-448-2248  
Web Site: olt.gov.on.ca

## Appeal Form (A1)

<b>Municipal/Approval Authority Date Stamp</b>	<b>Receipt Number (OLT Office Use Only)</b>	<b>Date Stamp – Appeal Received by OLT</b>
	<b>OLT Case Number (OLT Office Use Only)</b>	

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

**Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.**

### Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
<b>1583123 Ontario Inc.</b>			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:

City/Town:	Province:	Country:	Postal Code:

Representative Information				
<input type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
<b>Meader</b>		<b>Jennifer</b>		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
<b>Turkstra Mazza Associates</b>				
Email Address:				
<b>jmeader@tmalaw.ca</b>				
Daytime Telephone Number:			Alternative Telephone Number:	
<b>905.529.3476</b>	ext.	<b>2740</b>	<b>416.605.0508</b>	
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
	<b>15</b>	<b>Bold Street</b>		
City/Town:	Province:	Country:	Postal Code:	
<b>Hamilton</b>	<b>Ontario</b>	<b>Canada</b>	<b>L8P 1T3</b>	
<p><b>Note:</b> If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>				
<input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.				

Location Information	
Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Address and/or Legal Description of property subject to the appeal:	
<b>3064, 3070, 3078, and 3084 Regional Road 56, Binbrook, Hamilton</b>	
Municipality:	
<b>City of Hamilton</b>	
Upper Tier (Example: county, district, region):	
<b>Not Applicable</b>	

Language Requirements
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Do you require services in French?  Yes  No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	<b>Official Plan Amendment</b>	<b>Planning Act</b>	<b>22(7)</b>
2	<b>Zoning By-law Amendment</b>	<b>Planning Act</b>	<b>34(11)</b>
3			
4			
5			

**Section 2 – Appeal Type (Mandatory)**

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6

<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal
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**Section 3A – Planning Matters**

**Appeal Reasons and Specific Information**

Number of new residential units proposed:

**116**

Municipal Reference Number(s):

**Municipal File Nos. UHOPA-22-023, ZAC-22-050, and FC-21-070**

List the reasons for your appeal:

**Please see attached covering letter.**

Has a public meeting been held by the municipality?       Yes     No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

**And**

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Please see the attached covering letter and Planning Justification Report prepared by MHBC and dated April 2022.

Oral/Written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes  No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes  No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

**April 25, 2022**

Date municipality deemed the application complete if known (yyyy/mm/dd):

**July 22, 2022**

Please briefly explain the proposal and describe the lands under appeal:

**Please see the attached covering letter and Planning Justification Report.**

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.

Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay?  Yes  No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*?  Yes  No

Identify the portions of the instrument you are seeking to appeal:

--

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

--

Outline the relief requested:

--

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

**Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act***

**Appeal Specific Information**

Development Permit Application File No:

--

Address or legal description of the subject property:

--

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website ([www.escarpment.org](http://www.escarpment.org)))

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**Section 6 – Mining Claim and Conservation Matters**

**Appeal Specific Information**

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

**Respondent Information**

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

**Section 7 – Filing Fee**

**Required Fee**

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: **\$2,200**

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).


Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

**Section 8 – Declaration (Mandatory)**

**Declaration**

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Jennifer Meader		2022/11/21

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at [OLT.Coordinator@ontario.ca](mailto:OLT.Coordinator@ontario.ca) or toll free at 1-866-448-2248 as soon as possible.

**Section 9 – Filing Checklists (Mandatory)**

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

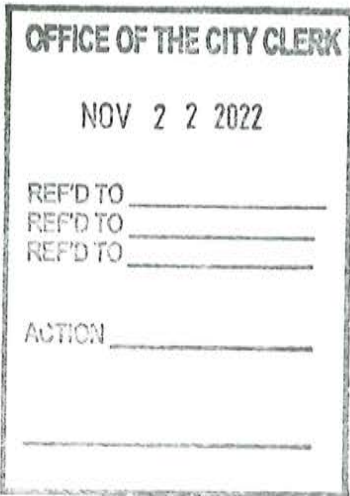
<b>If the completed Section is:</b>	<b>Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.</b>
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

<b>If the completed Section is:</b>	<b>You must file with the following:</b>	
Section 3A	<p align="center">Municipality or the Approval Authority/School Board</p> <p align="center">*If you are filing under the <i>Ontario Heritage Act</i>, including under <b>s. 34.1(1)</b>, please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal <b>in addition</b> to the Municipality or Approval Authority.</p>	
Section 3A & 3B or Section 4A or Section 4B or Section 6	<p align="center">Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p> <p align="right">Phone: 416-212-6349   1-866-448-2248 Website: <a href="http://www.olt.gov.on.ca">www.olt.gov.on.ca</a></p>	
Section 5	<p align="center"><b>For the Areas of:</b> Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p align="center"><b>File with:</b>  NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3<sup>rd</sup> Floor Georgetown, ON L7G 4B1</p>	<p align="center"><b>For the Areas of:</b> Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p align="center"><b>File with:</b>  NIAGARA ESCARPMENT COMMISSION 1450 7<sup>th</sup> Avenue Owen Sound, ON N4K 2Z1</p>

	<p>Phone: 905-877-5191 Fax: 905-873-7452 Website: <a href="http://www.escarpment.org">www.escarpment.org</a> Email: <a href="mailto:necgeorgetown@ontario.ca">necgeorgetown@ontario.ca</a></p>	<p>Phone: 519-371-1001 Fax: 519-371-1009 Website: <a href="http://www.escarpment.org">www.escarpment.org</a> Email: <a href="mailto:necowensound@ontario.ca">necowensound@ontario.ca</a></p>
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**NOTE:** Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

**NOTE:** Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.



**Jennifer Meader**  
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[jmeader@tmalaw.ca](mailto:jmeader@tmalaw.ca)

November 21, 2022

**VIA EMAIL & COURIER**

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

Attention: Andrea Holland, City Clerk

Dear Ms. Holland:

**Re: NOTICE OF APPEAL**  
**3160, 3168, 3180 and 3190 Regional Road 56, Binbrook, Hamilton (Windwood 4)**  
**Failure to Make a Decision to Amend Official Plan**  
**Failure to Make a Decision to Amend Zoning By-Law**  
**Municipal File Nos. UHOPA-22-024, ZAC-22-051, and FC-21-071**

We represent 1583123 Ontario Inc., owner of lands municipally known as 3160, 3168, 3180 and 3190 Regional Road 56, within the community of Binbrook, within the City of Hamilton ("**Subject Lands**"). In May 2022, our client submitted an Official Plan Amendment and Zoning By-law Amendment Application (together, the "**Applications**") to the City of Hamilton ("**City**") to permit the development of a five-storey residential apartment building containing 121 residential units and sixth-storey amenity space ("**Development Proposal**").

**Given that more than 120 days have passed since the Applications were submitted and the City has failed to make a decision, we hereby appeal the Applications to the Ontario Land Tribunal, pursuant to subsection 34(11) and 22(7) of the *Planning Act*, R.S.O., c. P.13 ("**Planning Act**").**

**THE SUBJECT LANDS**

The Subject Lands are located in Binbrook, on the west side of Regional Road 56 between Viking Drive and Windwood Drive. Regional Road 56 is a minor arterial road which travels in the north south direction through the settlement area of Binbrook. The Subject Lands are comprised of four parcels with a total area of approximately 0.61 hectares (1.5 acres) and have a frontage of approximately 97 metres on Regional Road 56. The Subject Lands are occupied by two vacant residential buildings and an accessory garage structure. The existing buildings are proposed for demolition to allow for the construction of the

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TURKSTRA MAZZA ASSOCIATES

proposed residential multiple dwelling use.

Generally, surrounding land uses include the following:

- West: Directly west of the Subject Lands are residential townhouse uses. Further to the west are single detached residential uses.
- North: Directly north of the Subject Lands is a stormwater management corridor containing a recreational trail. Further to the north are lands currently under construction to develop multiple residential uses. Further to the north is the Binbrook core area containing commercial amenities and uses including a pharmacy, bank, restaurants, the Binbrook Library and post office.
- East: Directly east of the Subject Lands is Regional Road 56 which is a minor arterial road through the settlement area of Binbrook, providing a connection to the Hamilton settlement area to the north. On the east side of Regional Road 56 are residential uses including lands designated for mixed use development.
- South: Directly south of the Subject Lands is a commercial building. Further to the south is a mixed use development.

The Subject Lands are designated Mixed Use - Medium Density by the Urban Hamilton Official Plan ("UHOP") permitting residential uses and multiple dwellings and designated Mixed Use - Medium Density - Pedestrian Predominant in the Binbrook Village Secondary Plan ("SP").

#### **DEVELOPMENT PROPOSAL**

The Development Proposal is five storeys in height with a sixth floor amenity space, and proposes a total of 121 residential units and flexible commercial/office units on a portion of the ground floor. Access to the Subject Lands is provided from Regional Road 56 through the ground floor of the building. Parking, loading, and access to the underground garage are located to the rear of the building, and are screened from the public street. The proposed building has been oriented to Regional Road 56 and designed with an articulated building façade and landscaped area along Regional Road 56.

The incorporation of flexible commercial/office units on the ground floor will allow for the implementation of the employment and village focus of the area along Regional Road 56 and to the Binbrook Community Core, while accommodating residential development.

The existing surrounding uses have been considered in the design of the proposed development through building orientation and setbacks. The building is setback from the existing residential uses to the west and commercial building to the south to reduce the impacts of building height on the adjacent uses.

Vehicular access for the proposed development is reduced to one access and is located to the north of the site, intended to minimize conflict points and disruption to public sidewalks. The internal driveway and vehicular network are accessed by a main entrance way, and an internal drive aisle loop and drop-off

turn circle are proposed within the internal road network to accommodate anticipated traffic volume and provide efficient vehicle movement within the Development Proposal.

The following studies were submitted in support of the Applications:

1. Planning Justification Report
2. Urban Design Brief
3. Functional Servicing Report
4. Transportation Impact Study
5. Noise Impact Study
6. Archaeological Assessment
7. Geotechnical Report
8. Conceptual Site Plan
9. Conceptual Elevations
10. Sun/Shadow Study
11. Survey Plan
12. Tree Management/Protection Plan
13. Engineering Plans

#### **THE PLANNING INSTRUMENTS**

An Official Plan Amendment is required to permit:

- A multiple dwelling; and
- A maximum building height of six storeys

A Zoning By-law Amendment is required to permit the proposed mixed-use development and implement the Official Plan and Secondary Plan Amendment. The proposed zoning for the Subject Lands is Mixed-Use Medium Density (C5a) - Pedestrian Focus Zone with the following site-specific provisions:

- Permit a multiple dwelling as a permitted use;
- A minimum interior side yard of 5.0 metres;
- A maximum building height of 21.5 metres;
- A minimum of 38% of the area of the ground floor façade facing the street shall be composed of doors and windows; and
- A maximum first storey height of 5.5 metres.

#### **BASIS FOR APPEAL**

The reasons for appealing the Applications include but are not limited to the following:

1. The Applications have appropriate regard to matters of provincial interest set out in section 2 of the Planning Act.
2. The Applications are consistent with the Provincial Policy Statement, 2020.

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3. The Applications conform to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.
4. The Applications meet the intent and purpose of the UHOP.
5. The Applications meet the intent and purpose of the SP.
6. The Applications represent good planning and are in the public interest.

A detailed analysis of applicable provisions from the legislation and policy documents enumerated above are set out in the Planning Justification Report prepared by MHBC, dated May 2022, and which is attached to this Notice of Appeal.

#### FORM AND FEE

In satisfaction of OLT's processing requirements, enclosed please find:

1. The Planning Justification Report
2. The required OLT Appeal Form A1; and
3. A cheque in the amount of \$2,200 as the OLT's requisite appeal fee.

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned. Otherwise, we thank you for your receipt of this appeal package.

Yours truly,



Jennifer Meader





KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

# PLANNING JUSTIFICATION REPORT

OFFICIAL PLAN AMENDMENT AND  
ZONING BY-LAW AMENDMENT

3160, 3168, 3180 & 3190 Regional Road 56  
Binbrook, City of Hamilton

Date:

**May, 2022**

Prepared for:

**1583123 Ontario Inc.**

Prepared by:

**MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)**

540 Bingemans Centre Drive, Suite 200

Kitchener, Ontario

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Our File 1419680

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**Figure 2** – Context Plan

**Figure 3** – Concept Plan

**Figure 4** – A Place to Grow – Schedule 2

**Figure 5** – Urban Hamilton Official Plan Land Use Schedule E1

**Figure 6** – Binbrook Village Secondary Plan Land Use Plan

**Figure 7** – Existing Zoning

**Figure 8** – Proposed Zoning

## LIST OF APPENDICES

Appendix A – Formal Consultation Agreement

Appendix B – Draft Official Plan Amendment

Appendix C – Draft Zoning By-law

# 1.0 INTRODUCTION

MHBC Planning has been retained by 1583123 Ontario Inc. to prepare a Planning Justification Report and applications for development of the lands municipally known as 3160, 3168, 3180 and 3190 Regional Road 56 in Binbrook, Hamilton, Ontario (the “subject lands”). The subject lands are legally described as part of Lot 1 and Block 4, Concession 4, in the former Township of Glanbrook. In order to permit the proposed development, amendments to the Urban Hamilton Official Plan and Zoning By-law are required.

The subject lands are located on the west side of Regional Road 56 between Viking Drive and Windwood Drive, as shown on **Figure 1** of this report. The subject lands are rectangular in shape and have an area of approximately 0.61 hectares (1.5 acres), with an approximate frontage of 97 metres on Regional Road 56. The subject lands are presently occupied by three vacant residential dwellings.

The proposal includes the removal of the existing residential dwellings for the redevelopment of the subject lands. A five storey building is proposed with a sixth floor amenity space. The proposed building contains a total of 121 residential apartment units and potential for commercial / office units on a portion of the ground floor.

One vehicular access is proposed from Regional Road 56, which is to be located through the ground floor of the proposed building. The vehicular access connects to a rear surface parking area, loading area and access to underground parking. Parking is provided at surface and underground for a total of 135 spaces including 27 visitor spaces and 5 barrier free parking spaces.

The subject lands are designated ‘Mixed Use – Medium Density’ by the Urban Hamilton Official Plan permitting residential uses and multiple dwellings and designated ‘Mixed Use – Medium Density – Pedestrian Predominant’ in the Binbrook Village Secondary Plan.

The Official Plan and Zoning By-law Amendments are proposed to establish the land use planning framework for the proposed residential development. This planning report assesses the planning framework related to the proposed use of the lands and includes the following:

- An introduction and general description of the subject lands, surrounding land uses and existing conditions to provide an understanding of the locational and policy context;
- Overview of the proposed redevelopment and applications;
- Description of the overall land use planning and design elements of the proposed development

- Review of existing policy framework and assessment of consistency with the Provincial Policy Statement and conformity with the Growth Plan, Urban Hamilton Official Plan and Binbrook Village Secondary Plan; and
- Consideration and integration of recommendations and conclusions from the supporting studies and reports.

## 1.1 Formal-Consultation and Submission Requirements

A Formal Consultation meeting was held for the development of the subject lands on June 9, 2021. The Formal Consultation Document identified the planning process required to permit the proposed development of the subject lands. In addition to this Planning Justification Report, the following Technical Studies and Plans were identified in the Formal Consultation Document to form a complete application under the Planning Act:

- Urban Design Brief
- Functional Servicing Report
- Transportation Impact Study
- Noise Impact Study
- Archaeological Assessment
- Geotechnical Report
- Conceptual Site Plan
- Conceptual Elevations
- Sun / Shadow Study
- Survey Plan
- Tree Management/Protection Plan
- Engineering Plans

A brief summary of the Technical Studies are included in **Section 5.0** of this report and a copy of the Formal Consultation Document is attached as **Appendix A**.

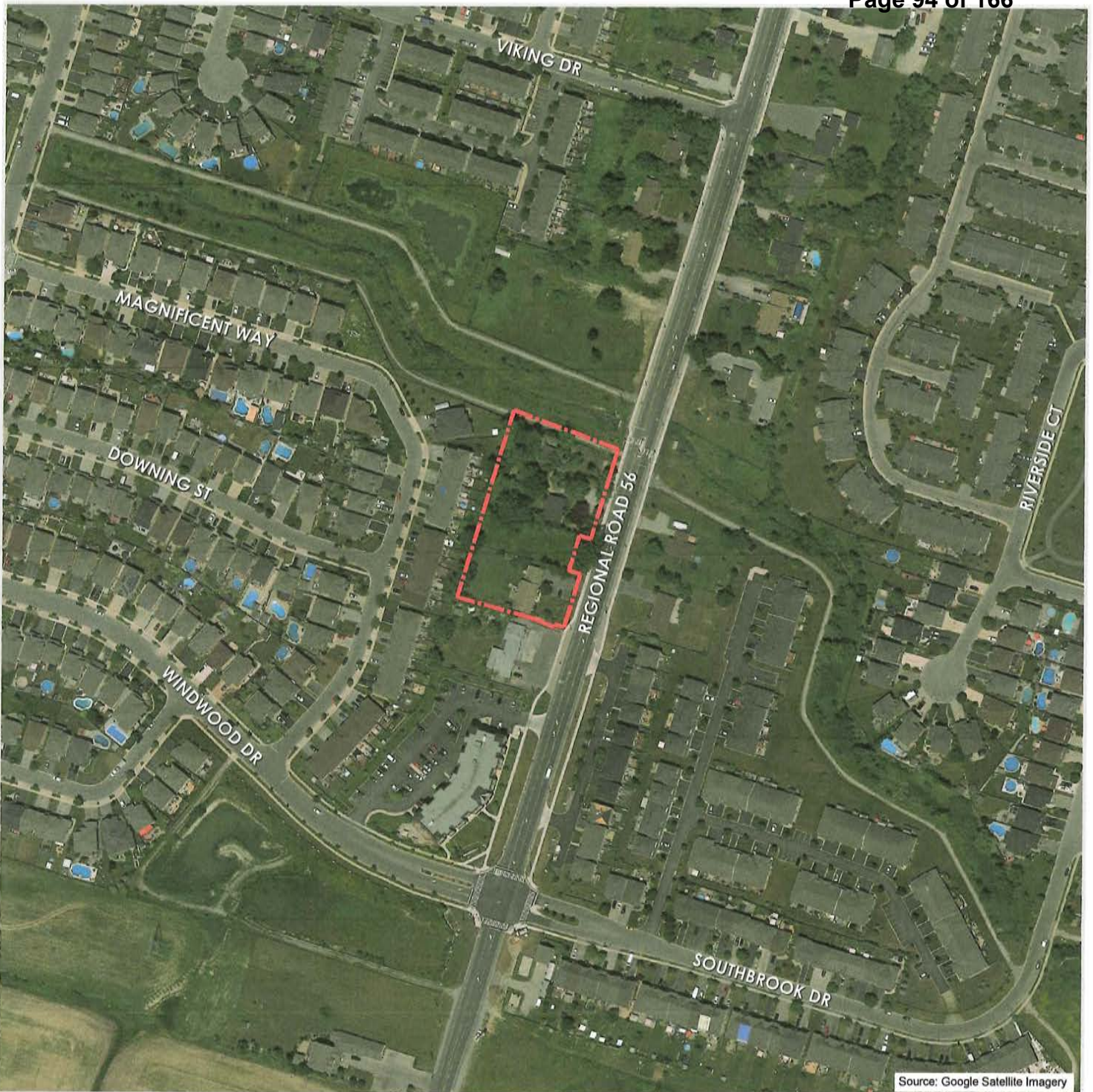



Figure 1:  
**Location Plan**

**LEGEND**

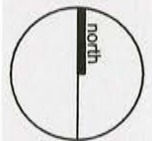
 Subject Lands

**DATE:** February 2022

**SCALE:** 1: 3,000

**FILE:** 14196BO

**DRAWN:** LC



K14196BO - WINDWOOD 4RPT/LOCATION.DWG

3160, 3168, & 3190 Regional Road 56  
Binbrook  
City of Hamilton

**MHBC** PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE  
200-340 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9  
P: 519.576.5650 F: 519.576.0121 | WWW.MHBCPLAN.COM

# 2.0 SITE DESCRIPTION AND SURROUNDING LAND USES

The subject lands are located in Binbrook, on the west side of Regional Road 56 between Viking Drive and Windwood Drive. Regional Road 56 is a minor arterial road which travels in the north south direction through the settlement area of Binbrook. The subject lands are municipally known as 3160, 3168, 3180 and 3190 Regional Road 56, and the location of the subject lands is shown on **Figure 1** of this report.

The subject lands are comprised of four parcels with a total area of approximately 0.61 hectares (1.5 acres) and have a frontage of approximately 97 metres on Regional Road 56. The subject lands are occupied by two vacant residential buildings and an accessory garage structure. It is proposed to remove the existing buildings to allow for the construction of the proposed residential multiple dwelling use.

The subject lands are surrounded by commercial and residential uses and a context plan is included as **Figure 2** of this report. Generally, surrounding land uses include the following:

- WEST:** Directly west of the subject lands are residential townhouse uses. Further to the west are single detached residential uses.
- NORTH:** Directly north of the subject lands is a stormwater management corridor containing a recreational trail. Further to the north are lands currently under construction to develop multiple residential uses. Further to the north is the Binbrook core area containing commercial amenities and uses including a pharmacy, bank, restaurants, the Binbrook Library and post office.
- EAST:** Directly east of the subject lands is Regional Road 56 which is a minor arterial road through the settlement area of Binbrook, providing a connection to the Hamilton settlement area to the north. On the east side of Regional Road 56 are residential uses including lands designated for mixed use development.
- SOUTH:** Directly south of the subject lands is a commercial building. Further to the south is a mixed use development.



Source: Google Satellite Imagery

Figure 2:  
**Context Plan**

**LEGEND**

- Subject Lands
- Urban Boundary
- Parks
- Binbrook Trails

**DATE:** February 2022

**SCALE:** 1: 7,500

**FILE:** 14196BO

**DRAWN:** LC



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3160, 3168, & 3190 Regional Road 56  
Binbrook  
City of Hamilton

**PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE**

200-340 BINBROOK MILLS CENTRE DR. KITCHENER, ON. N2B 3V9  
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In general, the subject lands are surrounded by a mix of residential, commercial and recreational uses. The main commercial area of Binbrook is located to the north and within a 10-minute walking distance (800 metres) of the subject lands and contains commercial amenities including a food market, pharmacies, financial institutions, restaurants, and public services (i.e., library, fire station, post office, and learning centre). Further to the north is a food store and the Binbrook Agricultural Society providing community recreation opportunities. Additional commercial amenities are located directly to the south of the subject lands including restaurants, a medical office and hair salons.

In terms of institutional uses, two elementary schools (St. Matthew Catholic Elementary School and Bellmore Public school) are located within a 1-kilometre radius of the subject lands. The Binbrook Public Library is located within walking distance of the subject lands providing community programs and services. A number of churches are located in proximity of the subject lands providing additional community opportunities.

The subject lands are located directly adjacent to the Binbrook Trail which is located along the stormwater management corridor that travels throughout the settlement area. The trail provides connections throughout Binbrook facilitating a connection to a number of parks and uses including Southbrook Park, Laidman Park, St. Matthew Elementary School, Fairgrounds Community Park, Bellmoore Elementary School. Binbrook Park is located to the north, in close proximity to the subject lands, and is adjacent to the Binbrook Agricultural Society grounds. Overall, the subject lands are well-located to existing recreational uses.

Pedestrian infrastructure exists along the frontage of the property on Regional Road 56. Designated bike lanes are located along Regional Road 56 and continue north and south through the settlement area. Bike lanes are also located on Binbrook Road, Fall Fair Way and Bradley Avenue providing additional connections to key locations including Fairgrounds Community Park, Binbrook Park, the public elementary schools in the area, and commercial amenities. The Binbrook Trail provides an additional recreational bike path encouraging safe active transportation.

In summary, the site is well-located and in close proximity to a range of uses including commercial, institutional and recreational uses. The site is well connected to the minor arterial road network and is situated in an ideal location for future transit services. The subject lands are located in an area in proximity to existing pedestrian infrastructure and bike lanes supporting active transportation in the Binbrook settlement area.

# 3.0 PROPOSED DEVELOPMENT AND APPLICATIONS

The overall vision for the development of the site is for a medium density, five-storey residential building with a sixth floor amenity space and flexible commercial / office space on the ground floor along Regional Road 56. The proposed redevelopment will integrate into both the existing neighbourhood to the west and the transitioning corridor along Regional Road 56. A concept plan is included in this report as **Figure 3**.

## 3.1.1 SITE DESIGN

The proposed redevelopment is five storeys in height with a sixth floor amenity space, and proposes a total of 121 residential units and flexible commercial / office units on a portion of the ground floor. Access to the site is provided from Regional Road 56 through the ground floor of the building. Parking, loading and access to the underground garage are located to the rear of the building, and are screened from the public street. The proposed building has been oriented to Regional Road 56 and designed with an articulated building façade and landscaped area along Regional Road 56.

The incorporation of flexible commercial / office units on the ground floor will allow for the implementation of the employment and village focus of the area along Regional Road 56 and to the Binbrook Community Core, while accommodating residential development.

The existing surrounding uses have been considered in the design of the proposed development through building orientation and setbacks. The building is setback from the existing residential uses to the west and commercial building to the south to reduce the impacts of building height on the adjacent uses.


Vehicular access for the proposed development is reduced to one access and is located to the north of the site, intended to minimize conflict points and disruption to public sidewalks. The internal driveway and vehicular network is accessed by a main entrance way, and an internal drive aisle loop and drop-off turn circle are proposed within the internal road network to accommodate anticipated traffic volume and provide efficient vehicle movement within the proposed development.

Figure 3:

**Concept Plan**

3160, 3168, & 3190 Regional Road 56  
 Brook  
 City of Palmilton

**LEGEND**

 Subject Lands

DATE: April 2022  
 SCALE: 1:800  
 FILE: 1419680  
 DRAWN: LC



Sidewalk and pedestrian walkways are located throughout the development and provide convenient and safe connections to the building, landscaped areas and existing sidewalk infrastructure along the roadway

Waste collection and loading areas are distanced from sidewalks and pedestrian walkways. The subject lands are generally flat with only minor grading changes proposed. Detailed design elements, such as lighting and signage, will be reviewed during the site plan stage.

In summary, the proposed development will provide 121 additional residential dwelling units to the area through a built form that provides a range of unit sizes to accommodate a variety of demographics. The site design will provide an appropriate transition from the residential uses to the west, and commercial uses to the south.

### 3.1.2 BUILDING DESIGN

The proposed architectural design consists of a five storey residential multiple dwelling with a sixth floor amenity space, containing residential apartment uses on floors one through five and flexible commercial / office space on a portion of the ground floor. The following renders represent the proposed architectural design of the building.





The architectural façade of the building will provide for a contemporary appearance through the use of durable, yet contextual sensitive colour and material palette. The façade design will include a mixture of materials, including various coloured bricks, concrete, glass, and metal to create a visual interest while respecting the surrounding character. These materials will be continuous for all building elevations to provide for a consistent and high quality appearance, which take cues from the surrounding residential, agricultural, and culturally significant built form appearance.

The proposed residential building will have transitions in its massing to create architectural interest. The appearance of bulk and mass is reduced through variations in the roof line and vertical plane. This approach avoids long, flat roof surfaces and sheer walls. The massing of the proposed development is divided through the use of varying high quality building materials to create a pedestrian scaled environment. Storeys one through three are comprised of brick and metal materials that resemble historic building materials of the Binbrook area. A distinguishable use of metal, various coloured brick and increased use of glazing create a visually appealing divide between upper and lower floors. Concrete materials form building entrance features and storeys four through five. The use and transition of varying building materials between the third and fourth storey maintain the streetscape and character of other developments along Regional Road 56.

The proposed architectural design and scale of the built form supports a pedestrian oriented streetscape setting through emphasizing pedestrian mobility and building street wall animation along street, sidewalk and trail network. Building entrance points are planned to be highly visible from the road network and public amenity areas, with landscaping and enhanced architectural features.

The overall proposed building design demonstrates symmetry and rhythm while promoting a high quality design through the use of materials and a pedestrian oriented façade.

### 3.1.3 LANDSCAPE DESIGN

Landscaping on the site will seek to provide an enhanced, functional, and attractive outdoor space. A shared amenity area is proposed to connect the development, while providing pedestrian spaces to safely move throughout the site. The creation of interconnected series of amenity and green

spaces create a distinctly pedestrian urban environment to provide ample outdoor space for residents.

Pedestrian open spaces are located in the central area of the site and around the perimeter. Pedestrian infrastructure is incorporated which provides connections to access the building and to Regional Road 56. The materials and furnishings in the amenity space will be determined throughout the detailed design stage.

Trees will be considered throughout the amenity areas. Shade trees and plantings will be considered for pedestrian walkways to heighten the overall pedestrian experience.

The overall design of the parking and service areas are designed to mitigate the overall visual impact to the public realm. In order to strengthen the development’s pedestrian amenities, car parking and service areas will be screened with thoughtfully placed vegetation and screening. Parking areas are located to the rear of the building and large canopy trees and understory will be considered to reduce the visual impact of the area. Paving materials will differ from parking lots to pedestrian crossings, which will provide visual cues as well as provide a richer pallet of materials. Detailed landscaped design will be incorporated at the site plan stage of development.

Above ground utilities and services will be located away from main pathways and screened with vegetation and decorative fencing as much as feasibly possible.

#### 3.1.4 PEDESTRIAN AND VEHICULAR CIRCULATION

The siting of the proposed on the subject lands will promote safe pedestrian linkages through a continuous pedestrian experience along the primary frontage of the building. Bicycle parking will be accessible near main entrance areas where feasible to supporting active transportation. A bicycle parking storage room is proposed within the underground parking garage, and at grade bicycle parking spaces will be provided near the building entrances. The internal pathway network proposed within the subject lands provides direct access from the surrounding neighbourhood, amenity space, and parking lot to the proposed building. The sidewalk and path network will connect to the building main entrances to ensure continuous access and safety for pedestrians.

The proposed entranceways and walkways will ensure barrier-free accessibility requirements are met by implementing sufficient walkway widths, gradual grade changes, and textured surface paving where appropriate. Wayfinding features, including bollard light fixtures and signage will be implemented where required to safely guide pedestrian movement. The building main entrances will be covered and weather-protected with appropriate lighting to create a comfortable and well-defined pedestrian arrival and departure experience.

A main internal road through the site provides access to the underground parking access area and surface visitor parking for the residential use. A drop-off area is proposed for the building and provides a convenient location for deliveries, ridesharing services or other forms of transit.

### 3.1.5 SITE SERVICING AND PARKING

The proposed development will accommodate the majority of the proposed parking spaces within one level of underground parking. Some surface parking is provided primarily for visitor and accessible parking spaces. The proposed parking arrangement and design will allow for a safe and continuous vehicular movement between the parking spaces and sidewalks while ensuring accessible parking needs are prioritized and situated in close proximity to building entrances to ensure barrier free access is provided.

The proposed at grade parking areas will integrate appropriate landscape treatment and accent paving materials where feasible to enhance the pedestrian and building frontage experience at grade level and to ensure a high quality landscape transition is achieved.

The majority of the proposed parking is located through one underground parking, which limits the overall amount of surface parking. Underground parking access is provided by the internal driveway. The underground parking will help to reduce surface level parking and provide opportunities for greenspace and landscaping.

Loading, storage and other services will be internalized and located at the rear of the building to minimize impacts on landscaped open space. Access to loading, storage and servicing will be located efficiently to minimize impacts on vehicular and pedestrian traffic.

## 3.2 Summary of Official Plan Amendment Application

The subject lands are designated Mixed-Use Medium Density in the City of Hamilton Urban Hamilton Official Plan (UHOP) and further designated in the Binbrook Village Secondary Plan as Mixed Use – Medium Density – Pedestrian Focus.

An Official Plan Amendment is required to permit:

- Permit a multiple dwelling
- Permit a maximum building height of six storeys

A draft Official Plan Amendment is enclosed as **Appendix B** to this Report.

## 3.3 Summary of Zoning By-law Amendment Application

A Zoning By-law Amendment is required to permit the proposed mixed use development and implement the Official Plan and Secondary Plan Amendment. The proposed zoning for the subject lands is Mixed-Use Medium Density (C5a) – Pedestrian Focus Zone with the following site-specific provisions:

- Permit a multiple dwelling as a permitted use;
- A minimum interior side yard of 5.0 metres;
- A maximum building height of 21.5 metres;
- A minimum of 38% of the area of the ground floor façade facing the street shall be composed of doors and windows; and
- A maximum first storey height of 5.5 metres.

Details of the proposed zoning are included in **Section 4.5** of this report. A draft Zoning By-law Amendment is enclosed as **Appendix C** to this Report.



# 4.0 PLANNING ANALYSIS

The following is a review of the provincial, regional and municipal land use policy framework related to the subject lands, and how the proposal has met those considerations.

## 4.1 Provincial Policy Statement (2020)

The Provincial Policy Statement, 2020 (PPS) was issued by the Province of Ontario in accordance with Section 3 of the Planning Act. The 2020 PPS applies to all decisions regarding the exercise of any authority that affects a land use planning matter made on or after May 1, 2020.

The PPS provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure. The PPS encourages a diverse mix of land uses in order to provide choice and diversity to create complete communities. A variety of modes of transportation are required to facilitate pedestrian movement, active transportation opportunities and less reliance on the automobile. The PPS strongly encourages development that will provide long term prosperity, environmental health and social wellbeing. One of the key considerations of the PPS is that planning decisions ‘shall be consistent’ with the Policy Statement. The following is an analysis of the proposed development in the context of the policies in the PPS.

### **Settlement Areas (1.1.3)**

The PPS states that Settlement Areas shall be the focus of growth and development, and that their vitality and regeneration shall be promoted. The proposed development is located within the City of Hamilton which is a designated Settlement Area. Further, land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- efficiently use land and resources;
- are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
- minimize negative impacts to air quality and climate change, and promote energy efficiency;
- support active transportation;
- are transit-supportive, where transit is planned, exists or may be developed; and
- are freight-supportive.

As well, a range of uses and opportunities for intensification and redevelopment are encouraged.

The proposed development provides an opportunity for the development of underutilized land within an existing Settlement Area. The subject lands were previously used for low density residential uses and it is proposed to redevelop the lands with medium density residential uses and flexible commercial / office space providing for an increase in housing units in the area. The proposed development will provide an additional 121 residential apartment units to the Binbrook settlement area which contains existing municipal services, and primarily low density housing forms. The proposed redevelopment will contribute to the mix of housing choice in the area.

The proposed development will have a compact housing form with a density of 199 units per hectare. The proposed compact form of development will minimize the impacts on air quality and climate change and support future transit investments in the area.

As detailed in the Functional Servicing Report, prepared by S. Llewellyn and Associates, the subject lands can be serviced by municipal services.

### **Housing (1.4.3)**

The PPS identifies that planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- Establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households.
- Permitting and facilitating: all forms of housing required to meet the social, health, and well-being requirements of current and future residents, including special needs requirements; and all forms of residential intensification, including second units, and redevelopment;
- Directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- Promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and
- Establishing development standards for residential intensification, redevelopment and new residential development, which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed development will provide 121 units with a range and mix of unit sizes. The proposed development will contribute to the overall range and mix of housing types offered in Binbrook, which primarily contains low density housing forms such as single detached and townhouse dwellings. While the Binbrook Village Secondary Plan identifies a significant amount of residential

land for development, there are limited opportunities for medium density residential planned for the area that would permit apartment uses. The proposed development will contain a mix of one bedroom, one bedroom plus den, and two bedroom units, which will provide units for a broad demographic, and offer a more attainable housing choice.

Existing infrastructure and services are present in the area surrounding the proposed development and can support the increased residential density.

### **Public Spaces, Recreation, Parks, Trails and Open Space (1.5.1)**

The PPS identifies that healthy, active communities should be promoted by:

- planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;
- planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;
- providing opportunities for public access to shorelines; and
- recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.

The subject lands are proposed to contain a series of interconnected, sidewalks that provide connections throughout the development, and to Regional Road 56. Connections are provided to the existing sidewalk infrastructure. A recreational trail is located north of the proposed development within the area reserved for stormwater management, and provides connections to the surrounding parks and trails for recreational opportunities. An amenity space is provided within the proposed development offering opportunities for recreation and pedestrian connections to adjacent land uses and environmental features promote the use of open space and recreational trails.

### **Sewage, Water and Stormwater (1.6.6)**

As per the PPS, municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

The subject lands are within a Settlement Area, and are located within an area with existing services. The subject lands will be able to provide for connections to full municipal services, as detailed in the Functional Servicing Report prepared by S. Llewellyn and Associates and submitted in support of the applications.

### **Transportation Systems (1.6.7)**

The PPS identifies that transportation and land use considerations shall be integrated at all stages of the planning process. Further, it promotes multimodal transportation systems, and a land use pattern, density and mix of uses which minimize the length and number of vehicle trips and support current and future use of transit as well as active transportation.

The subject lands are located on Regional Road 56, a minor arterial road, which provides a connection north to Stoney Creek and to the Red Hill Valley Parkway and Lincoln M. Alexander Parkway, for connections throughout the City. Regional Road 56 connects to Binbrook Road (Highway 65) providing westbound connections to Mount Hope and the Hamilton International Airport.

Regional Road 56 was recently reconstructed in 2015 to provide for a mix of active transportation options, including delineated bicycle lanes and wide sidewalks connections. A multi-use trail exists to the north. Transit connections have been contemplated for the area, including trans-cab services. The proposed development will provide a transit supportive density for any future transit expansion in the area, and will be conveniently located for residents to access transit stops, as the building entrances are located onto Regional Road 56.

As a result of the existing road network connections and recently constructed active transportation infrastructure, the site is appropriately located for proposed density. Pedestrian connections are proposed as part of the development and will provide access to the existing active transportation network.

### **Summary**

Based on the above, the proposed Official Plan Amendment and Zoning By-law Amendment applications are consistent with the policies of the Provincial Policy Statement.

## **4.2A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)**

The 2020 A Place to Grow: Growth Plan for the Greater Golden Horseshoe ('A Place to Grow') came into effect on August 28, 2020. This Plan is the framework for implementing the Provincial Government's initiative to plan for growth and development in a way that supports economic prosperity, protects the environment, and helps communities to achieve a high quality of life.

The policies of A Place to Grow centres on the key themes of directing growth to Built-Up Area, intensification in strategic growth areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses.

Among the guiding principles of the plan include:



Figure 4:

**A Place to Grow:  
Growth Plan for the  
Greater Golden  
Horseshoe - Schedule  
2**

3160,3168, & 3190 Regional Road 56  
Binbrook  
City of Hamilton

**LEGEND**

- Subject Lands
  
- Urban Growth Centres
- Future Transportation Corridors\*
- Existing Major Highways\*
- Highway Extensions\*
- Welland Canal\*
- Gateway Economic Zone
- ◆ Gateway Economic Centre
- Border Crossings
- Built-Up Area – Conceptual
- Designated Greenfield Area – Conceptual
- Greenbelt Area\*
- Greater Golden Horseshoe Growth Plan Area\*\*
- Priority Transit Corridors\*
- Existing Higher Order Transit\*
- Committed GO\* Transit Rail Extensions
- Future High-Speed Rail Corridor\*
- ⊗ International Airports
- ⊗ Proposed Airport
- ⊗ Major Ports

DATE: April 2022

SCALE: 1: 5,000

FILE: 14196BO

DRAWN: LC



K14196BO - WINDWOOD 4/RPTA PLACE TO GROW.DWG

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- Support the achievement of complete communities that are designed to support healthy and active living and meeting the needs of daily living.
- Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.
- Support a range and mix of housing options.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities.
- Provide for different approaches to managing growth that recognize the diversity of communities in the Greater Golden Horseshoe.

### **Delineated Built-Up Area (2.2.2)**

The subject site is located within the delineated Built-Up Area of the City of Hamilton, as shown on **Figure 4**. A Place to Grow identifies general intensification targets for the Built-Up Area, stating that a minimum of 50 percent of all annual residential development will be within the Built-Up Area until 2031.

The subject site is located within the Built-Up Area and will contribute to the intensification target of 50 percent within A Place to Grow. The proposed dwelling units will contribute residential uses to the area, optimize existing infrastructure and add 121 residential apartment units within the Built-Up Area. Overall, the development achieves a density of approximately 199 units per hectare.

### **Housing (2.2.6)**

Section 2.2.6 of A Place to Grow provides policies to support the achievement of complete communities. Specifically, Section 2.2.6.2 states that municipalities will support the development of complete communities by: planning to accommodate forecasted growth to the horizon of this Plan; planning to achieve the minimum intensification target and density targets; considering the range and mix of housing options and densities of the existing housing stock; planning to diversify the overall housing stock across the municipality.

The proposed development will assist the City of Hamilton in achieving the minimum density targets set out in the Growth Plan and the Urban Hamilton Official Plan through the intensification of underutilized properties within the built-up area. The proposed residential units will contribute to the range and mix of housing options in the City by offering a medium density housing form.

### **Infrastructure to Support Growth (3.2)**

The Growth Plan also identifies that infrastructure planning, land use planning and infrastructure investment should be coordinated, as well as transportation system planning and investment should be coordinated with land use planning.

The proposed development will support the existing active transportation connections recently constructed on Regional Road 56. The proposed development will also support the consideration of providing future transportation options, including transit service. The subject lands are an ideal location for medium-density residential uses that will utilize existing municipal infrastructure and support potential transit development.

### Summary

Based on the above, the proposed Official Plan Amendment and Zoning By-law Amendment applications are in conformity with the policies of the Growth Plan.

## 4.3 City of Hamilton Urban Official Plan

The City of Hamilton’s Urban Official Plan (UHOP) came into effect on August 16<sup>th</sup>, 2013. A review of the Official Plan has identified that the subject lands fall within the following designations of the Official Plan:

- **Schedule C – Functional Road Classification**
  - Regional Road 56 - Minor Arterial
- **Schedule E – Urban Structure**
  - Neighbourhoods
- **Schedule E1 – Urban Land Use Designations (Figure 5)**
  - Mixed Use – Medium Density

The subject lands also fall within the Binbrook Village Secondary Plan Area, which is detailed in **Section 4.4** of this Report. Below is a review and discussion of the policies associated with the designations within the Official Plan.

### 4.3.1 LAND USE DESIGNATIONS

The City of Hamilton is committed to managing its urban growth and development in a sustainable, comprehensive manner that balances the economy, the environment and the social needs of the community. The goals that apply to the urban systems and land use designations in the UHOP include:

- Develop compact, mixed-use urban environments that support transit and active transportation;
- Develop complete communities where people can live, work, learn and play;
- Plan and designate lands for a range of housing types and densities, taking into account affordable housing needs;
- Promote and support design, which enhances and respects the character of existing neighbourhoods and creates vibrant, dynamic and livable urban places; and



Figure 5:

**Urban Hamilton  
Official Plan Schedule  
E1 - Urban Land Use  
Designations**

**LEGEND**

-  Subject Lands
-  Mixed Use - Medium Density
-  Neighbourhoods
-  Urban Boundary

**DATE:** February 2022

**SCALE:** 1: 3,000

**FILE:** 14196BO

**DRAWN:** LC



K114196BO - WINDWOOD 4RPT/HAMILTON OP LAND USE SCH E1.DWG

3160, 3168, & 3190 Regional Road 56  
Binbrook  
City of Hamilton

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- Recognize that Hamilton’s neighbourhoods are stable, not static.

The proposed development will assist the City in implementing these goals and objectives by providing for a medium density housing form, which will contribute to the range and mix of housing types and provide intensification in a settlement area.

### **Mixed Use – Medium Density Designation**

The subject lands are designated Mixed Use – Medium Density. Mixed Use – Medium Density areas are to serve a full range of retail, service commercial, entertainment, and residential accommodation at a moderate scale and to increase the proportion of multiple storey, mixed use buildings. These areas are to recognize the traditional mixed use main streets as well as other large commercial areas which serve the surrounding community or a series of neighbourhoods and which are intended to evolve and intensify into mixed use, pedestrian oriented areas. Mixed Use – Medium Density areas are to accommodate an increasing number of people who work and live within the area and contribute to the planned function of an area as a people place. Mixed Use - Medium Density are to serve as vibrant people places with increased day and night activity through the introduction of residential development.

The Mixed Use – Medium Density Designation permits the following uses:

- commercial uses such as retail stores, auto and home centres, home improvement supply stores, offices, medical clinics, personal services, financial establishments, live-work units, artist studios, restaurants, gas bars;
- institutional uses such as hospitals, places of worship, and schools;
- arts, cultural, entertainment, and recreational uses;
- hotels; and
- multiple dwellings.

A mix and range of densities and building heights up to a maximum of six (6) storeys is permitted depending on Secondary Plan policies and Zoning By-law regulations. The design of the development will reflect the direction of the Binbrook Village Secondary Plan. The Binbrook Village Secondary Plan is discussed in **Section 4.4**.

The subject lands are located within a 5 minute walking distance of the commercial area located to the north at the intersection of Regional Road 56 and Binbrook Road. The subject lands will be serviced by existing commercial amenities in the area including restaurants, a bank, pharmacies and public services. Additional commercial uses are located directly south of the subject lands including a commercial building, and a mixed-use development. Given the proximity of the existing commercial uses, residential uses are appropriate for the development of the subject lands. Additionally, flexible commercial / office units have been incorporated into a portion of the ground floor of the development to allow for residential or commercial uses along the street frontage of

Regional Road 56. Flexibility in uses has been integrated into the design of the development to meet changing market demand for either residential or commercial uses.

The proposed redevelopment is a compact form of development, which will contain residential apartments units with a range of unit types and sizes, and provides flexible commercial / office space.

The design of developments in the Mixed Use – Medium Density Designation are to be designed and oriented to create comfortable vibrant and stimulating pedestrian oriented streets. Developments are to facilitate a compact urban form with a streetscape design and building arrangement that supports pedestrian use and circulation.

The proposed development will support a comfortable and attractive pedestrian environment with sidewalks internal to, and in and out of the development. Detailed landscape design will be incorporated into the development at the time of site plan and will provide for an attractive pedestrian space. Surface parking is limited to accessible and visitor spaces and underground parking is provided for residents. Decreased parking on the surface through the incorporation of an underground parking design allows for an improved landscaped space and a pedestrian friendly design, which incorporates pedestrian walkways, outdoor amenity space and landscaped buffers.

#### 4.3.2 GROWTH MANAGEMENT AND INTENSIFICATION

The proposed development provides 121 residential units with a mix of one and two bedroom units, for a density of approximately 199 units per hectare. The proposed residential units will assist the City in accommodating the projected City-wide population growth and housing demands and will contribute to the residential intensification targets for the City of Hamilton.

The City's Official Plan and growth targets are currently under review as part of the City's MCR and GRIDS 2 process and the focus for future growth is for new population and housing to be accommodated through intensification. The proposed development offers a unique opportunity within the City to incorporate additional density within a Built-up Area.

#### 4.3.3 TRANSPORTATION NETWORK

The UHOP identifies that the transportation network and land uses are mutually exclusive, meaning that land uses are connected and accessible through the transportation network. The network is intended to be integrated and sustainable, as well as safe, environmentally friendly, affordable, efficient, convenient and accessible.

The transportation network should be integrated and also provide for convenient, fast, frequent and affordable public transportation. Active transportation and contribution to Transportation Demand Management (TDM) initiatives is also encouraged. The City shall encourage new

development to be located and designed to minimize walking distances to existing or planned transit and facilitate the efficient movement where feasible.

Details on the proposed local transportation system surrounding the proposed development is included in **Section 4.4** of this Report, as it relates to the Binbrook Village Secondary Plan Area.

Regional Road 56 is identified as a Minor Arterial Road on Schedule C – Functional Road Classification. Minor Arterial Roads are subject to the following policies:

- The primary function of a minor arterial road shall be to carry moderate volumes of intra-municipal and inter-regional traffic through the City in association with other types of roads.
- Land accesses shall be permitted with some controls.
- The basic maximum right-of-way widths for minor arterial roads shall be 36.576 metres unless otherwise specifically described in Schedule C-2 – Future Road Widening.
- Minor arterial roads shall generally be organized in a grid pattern with collectors, major and minor arterials, parkways and provincial highways.
- Bicycle lanes may be in place to accommodate cyclists and sidewalks shall generally be provided on both sides of the street for pedestrians.
- Gateway features may be permitted where required.
- On street parking and loading may be prohibited or at minimum be restricted in the peak hours.

The Official Plan policies permit land accesses with some controls. One vehicular access is provided to the subject lands via a private driveway to Regional Road 56. The design of the site has limited the number of vehicular access to one driveway to minimize conflicts with existing uses in the area.

The Official Plan requires minimum right-of-way widths and identifies future road widenings within the City of Hamilton. The proposed development has incorporated a road widening of approximately 5 metres along Regional Road 56 and daylight triangles for the proposed entrance, meeting the policies of the Official Plan.

Parking is designed to be provided off-street and will not impact the function of the Regional Road. Pedestrian and cycling accesses will be provided to Regional Road 56, supporting active transportation within the settlement area of Binbrook.

As part of this application, a Transportation Impact Study (TIS) was prepared by Paradigm, dated April, 2022. The TIS provides an analysis and recommendations relating to the traffic generation of the proposed development and a summary of the findings are included in **Section 5.7** of this Report.

**The proposed applications implement the direction of the applicable land use policy framework of the City of Hamilton Urban Official Plan.**

## 4.4 Binbrook Village Secondary Plan

The subject lands are located within the Binbrook Village Secondary Plan, which is adopted under the Official Plan. A review of the Secondary Plan has identified that the subject lands fall within the following designations:

- **Map B.5.1-1 Land Use Plan:** Mixed Use – Medium Density – Pedestrian Focus (**Figure 6**)

The Binbrook Village Secondary Plan is intended to implement an integrated and sustainable community with a unique small town identity. The Core of Binbrook is to be developed as a medium density area (Community Core) that enjoys a high degree of visibility and provides as a gateway to the City of Hamilton.

Urban design is of high importance in the quality and character for this highly visible area. Residents and visitors should sense they are within a unique area as they move around the Community Core and must know when they are entering or leaving it. The overall design of the Community Core is important in defining Binbrook Village’s small-town character and providing a sense of place. An Urban Design Brief has been prepared by MHBC which provides an analysis of relevant urban design policies.

The proposed development has been considered in the context of the vision and goals of the Binbrook Village Secondary Plan. The proposed development will create an attractive, comfortable and safe streetscape while integrating flexible commercial / office units on a portion of the ground floor. Access from the proposed development will be provided along the street frontage and includes connections to pedestrian sidewalks and bicycle lanes on Regional Road 56, offering convenient and safe connections to the Binbrook Core and other nearby amenities.

### 4.4.1 GENERAL POLICIES (5.1.3)

The Binbrook Village Secondary Plan identifies general policies that have been considered in the proposed development.

The proposed development will provide for an integrated and compact urban form that includes a mix of apartment unit types and flexible commercial / office units on a portion of the ground floor. The design of the proposed development provides a distinct and unique identity within the Binbrook Community through the use of high quality materials and enhanced façade design elements. Building massing elements have been utilized to ‘break-up’ the building façade and distinguish a visual separation between the third and fourth storey. The change in building material and enhancement will respect the existing character of the area and reflect similar building material and design elements of other historical building elements in the community. Further design discussion is included in the Urban Design Brief.



Figure 6:

### Binbrook Village Secondary Plan - Land Use Plan

3160, 3168, & 3190 Regional Road 56  
Binbrook  
City of Hamilton

**LEGEND**

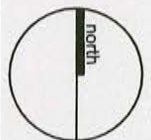
- Subject Lands
- Area or Site Specific Policy
- Low Density Residential 2d
- Low Density Residential 2e
- Low Density Residential 2h
- Low Density Residential 3e
- Neighbourhood Park
- Parkette
- SWM Storm Water Management
- Mixed Use - Medium Density - Pedestrian Predominant
- Gateway

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K314196BO - WINDWOOD 4RPT/BINBROOK VILLAGE SECONDARY PLAN - LAND USE.DWG

**MHBC** PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

200-340 BINGEMANS CENTRE DR, KITCHENER, ON, N2B 3K9  
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The proposed development is located on Regional Road 56, which is identified as a minor arterial road in UHOP Schedule C – Functional Road Classification. Future transit service, if established, is likely to utilize Regional Road 56. Direct pedestrian connections to the sidewalk network and potential transit stops are provided to Regional Road 56 from the proposed development. The proposed development will assist in providing transit supportive density for future transit connections and networks in the Binbrook area.

#### 4.4.2 MIXED USE - MEDIUM DENSITY DESIGNATION – PEDESTRIAN FOCUS

The Mixed-Use - Medium Density designation is proposed to serve as the commercial, service and cultural centre of Binbrook Village. Areas within the Mixed-Use – Medium Density designation are intended to support businesses and service uses. The Binbrook Village Secondary Plan identifies the general policies for development in the area, which are applicable to and have been considered for the development of the subject lands.

The Binbrook Village Secondary Plan refers to Section E.4.6 of the UHOP for additional policies on development in the area. **Section 4.3** of this Report identifies the applicable policies that have been considered for the development of the subject lands.

An Official Plan Amendment is required to amend the Binbrook Village Secondary Plan, Mixed Use – Medium Density Designation, to permit an increase in height from three (3) storeys to six (6) storeys and to permit multiple dwellings, including residential uses on the ground floor. Appropriate architectural design features and building setbacks have been implemented into the building design to ensure compatibility with the surrounding area and adjacent residential and commercial uses.

#### **Pedestrian Focus**

The subject lands are identified as a ‘Pedestrian Focus Street’ within the Binbrook Village Secondary Plan and Section E.4.3 of the UHOP provides policy direction for Pedestrian Focus Streets, which are intended to cater to the pedestrian by creating a comfortable, active and visually stimulating walking environment. Pedestrian focus streets shall have wide sidewalks, buildings oriented to the public sidewalks, and a high level of streetscape design and activity. These areas include the main street retail areas of the former downtowns as well as other historic main street areas and future areas designed to have similar pedestrian oriented character.

The proposed development concept includes an enhanced public facing building façade with pedestrian connections directly from the existing sidewalk network to the proposed building entrances. The location of the proposed development in proximity to the sidewalk network will provide for a visually stimulating environment that enhances the streetscape and sidewalk from Regional Road 56. Flexible commercial / office units are incorporated into a portion of the ground floor to allow for future commercial uses based on market demand.

The massing of the proposed development is divided through the use of varying high quality building materials to create a pedestrian scaled environment. Storeys one through three are comprised of brick and metal materials that resemble historic building materials of the Binbrook area. Concrete materials form building entrance features and storeys four through six. The use and transition of varying building materials between the third and fourth storey maintain the streetscape and character of other developments along Regional Road 56 (Windwood 2).

#### 4.4.3 GENERAL POLICIES

##### **Compatibility**

The proposed building will be compatible with other developments in the area through building orientation and appropriate setbacks. The proposed built form is similar to recently approved and planned developments including an approved six-storey mixed use development located to the north at 3033-3063 Binbrook Road (DA-17-107), the mixed-use development located to the south (Windwood 2), and the proposed residential development (Windwood 3) to the north.

Compatibility with the lower density uses to the west has been considered by articulating the proposed building towards Regional Road 56, and by focusing the height and massing of the building towards the street. The “U” shape of the building allows for an efficient built form, while minimizing impacts such as shadowing, and overlook onto the proposed development and adjacent properties. An appropriate building setback is proposed from the southerly and westerly property limits, maintaining distance of the proposed development and existing uses.

The proposed development has incorporated a landscaped strip along the west boundary of the property to provide screening of the proposed development from adjacent properties. The proposed landscaped buffer will allow for landscaping and fencing as required.

The building has been oriented towards the street frontage and an amenity space has been incorporated to the rear of the building providing additional opportunities for landscaping. The building incorporates a stepped design from the fifth to sixth floor reducing the massing of the building and minimizing shadowing.

##### **Streetscape Design Guidelines**

The Binbrook Village Secondary Plan identifies that streetscapes in Binbrook Village are to be designed with a quality streetscape that creates unique and attractive places. Streetscapes along major arterial roads are to be enhanced through the location of main building facades that present along the street and enhance the appearance from the street.

The proposed development includes a mix of high quality building materials and architectural design elements to enhance the massing and streetscape on Regional Road 56 and Viking Drive.

Building projections and façade enhancements distinguish design elements of the building, including building entrances and height transitions.

Sidewalks, crosswalks and landscaping elements are provided throughout the development and connect to entrances and existing active transportation routes, including the existing sidewalk network and bicycle lanes along Regional Road 56. A daylight triangle is provided at the intersection of Regional Road 56 and Viking Drive and provides sightlines to sidewalk connections and enhances safety for cyclists and other active transportation users to view vehicular traffic on both roads.

Barrier free design elements, including flush mounted curbs and accessible parking spaces, are provided throughout the proposed development, and will be detailed through a future site plan application.

### **Transportation and Parking**

The proposed development includes vehicle access from Regional Road 56. The singular vehicle access to the proposed development reduces the number of accesses along Regional Road 56 and improves the streetscape and urban character.

The proposed development includes surface parking and accessible vehicle parking with access from Regional Road 56. One (1) level of underground parking is proposed. The location of parking facilities for the proposed development will encourage a pedestrian friendly streetscape along Regional Road 56 and minimize potential conflicts between vehicles, pedestrians and cyclists.

The Secondary Plan identifies that sidewalks encourage active transportation and facilitate connections between local amenities, such as parks, businesses, schools and recreation areas. Sidewalks are to be provided on routes along streets that provide connections to nearby destinations.

The proposed development provides access to sidewalks along Regional Road 56. Access is provided through the building façade and adjacent to the commercial area to the south. An internal sidewalk network connects the public sidewalk network to the common amenity area located within the site.

The Secondary Plan identifies that the City shall encourage the provision of public transportation facilities to service Binbrook Village at such time as the need and economic feasibility is demonstrated.

The proposed development will assist Binbrook Village in providing the economic feasibility should public transit be re-introduced to the area. The development of a medium density building along a minor arterial road (Regional Road 56) will provide transit supportive density for future public transportation.



## **Infrastructure**

The Secondary Plan identifies policies relating to the use and connection to municipal services when available. Electrical power and other energy distribution systems are to be located underground.

The proposed development will be connected to existing municipal water and wastewater services in the area. The Functional Servicing Report prepared by S. Llewellyn confirms sufficient capacity for connection to existing municipal infrastructure.

## **Summary**

The proposed development has considered the general policy direction of the Binbrook Village Secondary Plan, as it is a medium density residential development containing a range and mix of unit types and sizes, and contemplates flexible commercial / office space on the ground floor. It will provide 121 residential units and has an overall proposed density of 199 units per hectare. The development will provide additional housing options within the Binbrook community and provides an enhancement to the existing fabric of the Community Core area, and contributes to the overall mixed use community.

## 4.5 City of Hamilton Zoning By-law 05-200

### Existing Zoning

The subject lands are currently zoned ‘Mixed Use Medium Density – Pedestrian Focus ‘C5a’ – Exception 570, in the City of Hamilton Zoning By-law 05-200, as shown on **Figure 7**.

The existing Mixed Use Medium Density – Pedestrian Focus ‘C5a’ zone permits dwelling units and commercial uses including:

- Dwelling Unit (in conjunction with a commercial use)
- Commercial Entertainment;
- Financial Establishment;
- Hotel;
- Medical Clinic;
- Office;
- Restaurant;
- Retail; and,
- Veterinary Service.

Special Exception 570 permits a maximum height of 11.0 metres for the subject lands.

### Proposed Zoning

To permit the proposed development, the subject lands will require a Zoning By-law Amendment to Mixed Use Medium Density (C5a) – Pedestrian Focus Zone with site specific regulations as detailed below. **Figure 8** illustrates the proposed zoning for the subject lands. The table below provides an analysis of the proposed development and the C5a zone regulations:

Mixed Use Medium Density (C5a) Zone			
Section	Provision	Required	Proposed
10.5a.3 a)	Maximum Building Setback from a Street Line (metres)	i) 3.0 metres for the first storey, but except where a visibility triangle is required for a driveway setback;  ii) Notwithstanding Section 10.5a.3i), 6.0 metres for that portion of a building providing an access driveway to a parking garage; and,	3 metres

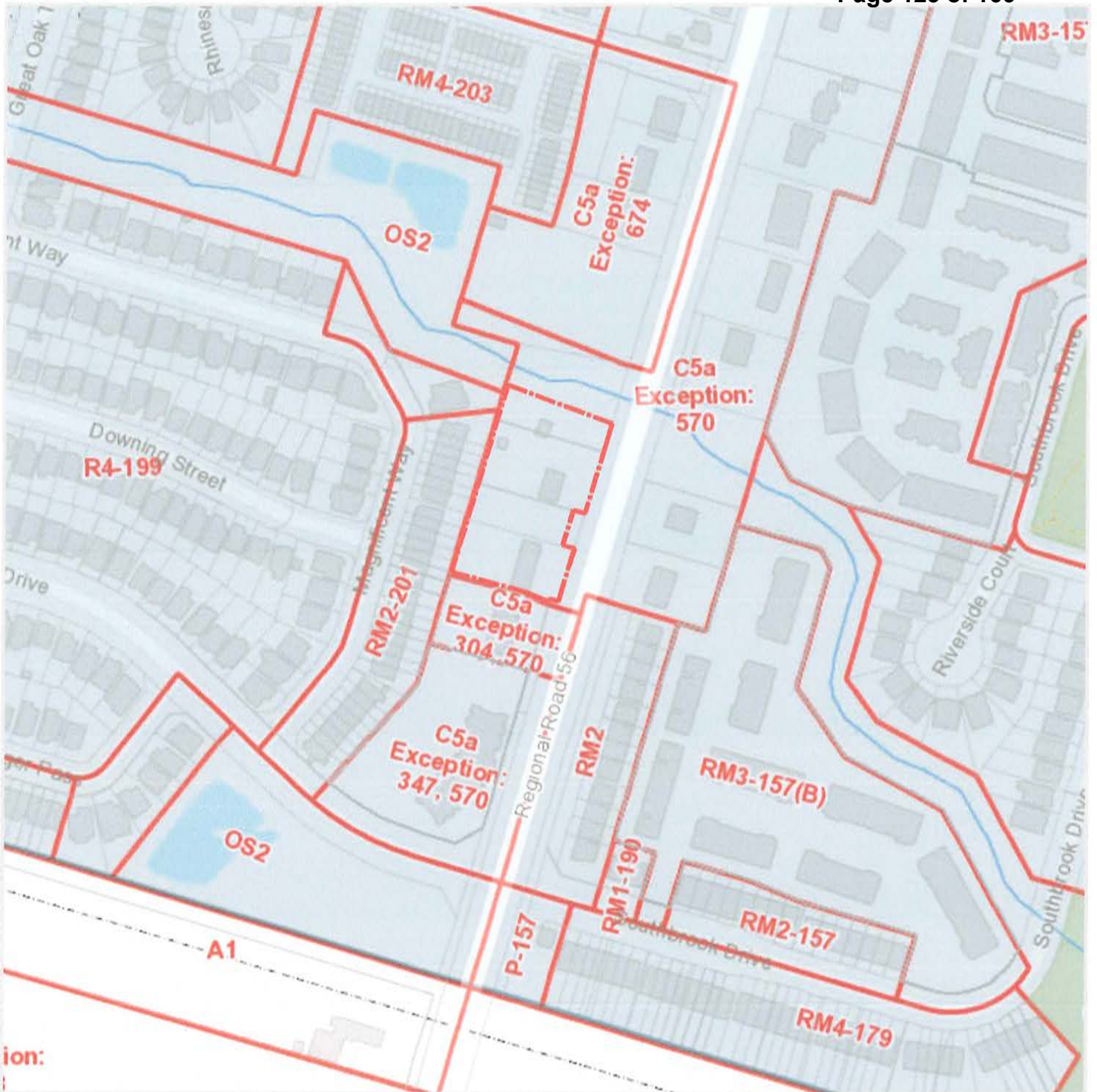


Figure 7:  
**Existing Zoning**

**LEGEND**

- Subject Lands
- A1 Agricultural Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

**DATE:** February 2022

**SCALE:** 1: 3,000

**FILE:** 14196BO

**DRAWN:** LC

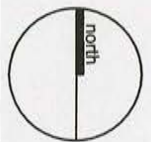




Figure 8:  
**Proposed Zoning**

**LEGEND**

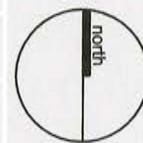
- Subject Lands
- Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) - Exception 570 Zone to Mixed Use Medium Density (C5a) - Pedestrian Focus Zone - Site Specific
- A1 Agricultural Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K14196BO - WINDWOOD 4RPTVPROPOSED ZONING.DWG

		iii) Section 10.5a.3ii) shall not apply for any portion of a building that exceeds the requirement of Section 10.5a.3 h)ii) and iii).	
10.5a.3 b)	Minimum Rear Yard	7.5 m	13.9 metres
10.5a.3 c)	Minimum Interior Side Yard	7.5 m metres abutting a Residential or Institutional Zone or lot containing a residential use.	5.0 metres
10.5a.3 d) i)	Minimum Façade height for any portion of a building along a street line;	7.5 m	17.7 metres
10.5a.3 d) ii) and iii) / Special Exception 570	Maximum Building Height	11.0 metres (Special Exception 570)	21.5 metres
10.5a.3 h)	Built Form for New Development	i) Rooftop mechanical equipment shall be located and/or screened from view of any abutting street.	Rooftop mechanical equipment is not visible from the east elevation.
10.5a.3 h)	Built Form for New Development	ii) For an interior lot or through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 75% of the measurement of the front lot front line.	84% (wall to wall, without balconies)
10.5a.3 h) 10.5a.3 h)	Built Form for New Development	iii) For a corner lot the minimum combined width of the ground floor façade facing the front lot line and flankage lot line shall be greater than or equal to 50% of the measurement of all lot lines abutting a street.  iv) In addition to Section 10.5a.3i) ii) and iii), the minimum width of the ground floor façade facing the front lot line shall exclude access driveways and required yard along a lot line abutting a street.	N/A
10.5a.3 h)	Built Form for New Development	v) No parking, stacking lanes, or aisles shall be located between the required building façade and the front lot line and flankage lot line	No parking, stacking lanes or aisles proposed between the façade and front lot line.
10.5a.3 h)	Built Form for New Development	vi) A minimum of one principal entrance shall be provided:	Principal entrance provided within the

		1. within the ground floor façade that is set back closest to a street; and, 2. shall be accessible from the building façade with direct access from the public sidewalk.	ground floor façade on Regional Road 56 with direct access from the public sidewalk.
10.5a.3 h)	Built Form for New Development	vii) A walkway shall be permitted in a Planting Strip where required by the Bylaw.	N/A
10.5a.3 h)	Built Form for New Development	viii) Notwithstanding Section 10.5a.3 , for properties designated under the Ontario Heritage Act, any alternative building design or building materials approved through the issuance of a Heritage Permit shall be deemed to comply with this Section.	N/A
		ix) A minimum of 60% of the area of the ground floor façade facing the street shall be composed of doors and windows	35%
		x) The first storey shall have a minimum height of 3.6 metres and a maximum height of 4.5 metres.	5.5 metres
10.5a.3 i)	Planting Strip Requirements	Where a property lot line abuts a property lot line within a Residential Zone or an Institutional Zone and not a Laneway, a minimum 1.5 metre wide Planting Strip shall be provided and maintained.	2.0 metres along westerly property edge
10.5a.3 j) / 4.19	Visual Barrier Requirement	A visual barrier shall be required along any lot line abutting a Residential Zone, Institutional Zone, Downtown (D5) Zone or Downtown (D6) Zone property line in accordance with the requirements of Section 4.19 of this By-law.	2.0 metres wide plating strip provided.
10.5a.3 k)	Outdoor Storage	i) No outdoor storage of goods, materials, or equipment shall be permitted; and,  ii) Notwithstanding Section 10.5a.3i), the display of goods or materials for retail purposes accessory to a Retail use shall only be permitted in a front or flankage yard.	No outdoor storage proposed.
5.6 c)	Minimum Parking – Multiple Dwelling C5a Zone– Units	1.0 per unit  121 spaces required	135 spaces provided including 5 barrier free spaces

	Greater than 50.0 square metres in GFA		
5.6 c)	Maximum Parking – Multiple Dwelling C5a Zone– Units Greater than 50.0 square metres in GFA	1.25 per unit  152 spaces permitted	135 spaces provided including 5 barrier free spaces
5.5 a)	Barrier Free Parking - 101 – 200 spaces	Minimum 1 space + 3% of the total number of required parking spaces;  4 spaces required	5 spaces provided at grade

**Requested Special Provisions:**

The proposal generally conforms to the C5a – Pedestrian Focus zoning as well as the parking provisions in Section 5 of the zoning by-law. The following special provisions are required to implement the proposed development, and are discussed below.

A draft zoning by-law for the proposed development is enclosed as **Appendix C** of this Report.

**1. Permit a multiple dwelling as a permitted use**

The proposed development is for a multiple dwelling with 121 residential units and contemplates flexible commercial / office uses on the ground floor along Regional Road 56. It is proposed to permit multiple dwellings as a permitted use to allow for flexibility of the ground floor units to accommodate future market demand for residential or commercial / office uses. The proposed development incorporates a ground floor design which is flexible to accommodate residential and commercial / office uses, is pedestrian friendly, and is designed with a first floor height and façade which animates the streetscape along Regional Road 56.

Mixed-use development is located to the south of the subject lands and currently contains vacant commercial spaces on the ground floor. The proposed multiple dwelling as a permitted use considers the current demand for commercial space and allows for future flexibility of the development.

**2. A minimum interior side yard of 5.0 metres**

A minimum interior side yard of 5.0 metres is requested whereas 7.5 metres is permitted. The reduced interior side yard setback will allow for the articulation of the building to the north, adjacent to the existing stormwater management area. The building placement considers the future development of the lands to the south for mixed-use and situates the building towards the

open space lands, allowing for a pedestrian walkway and enhanced landscaping south of the proposed building facilitating a pedestrian friendly design. The reduced side yard is not anticipated to cause adverse impacts to the adjacent open space area.

### **3. A maximum building height of 21.5 metres**

The proposed maximum building height is 21.5 metres, whereas 11 metres is permitted. The proposed 21.5 metre height will allow for the development of the five storey building with an sixth floor amenity space.

The proposed building is located along Regional Road 56 and focuses the mass of the building towards the street frontage. The sixth floor amenity space is located on the north portion of the building only, adjacent to the stormwater management area, and is located away from existing low to medium density residential uses. A sufficient setback is proposed from the westerly and southerly property limits and the "U" shape and massing of the building allows for an efficient built form, while minimizing impacts such as shadowing and overlook to adjacent developments.

The proposed building contains an enhanced ground floor design accommodating vehicle access through the ground floor and flexibility for commercial uses. The design of the first floor contributes to the increase in height for the development, however, contributes to the flexibility for mixed-use and accommodates a parking design which screens parking areas from view.

### **4. A minimum of 35% of the area of the ground floor façade facing the street shall be composed of doors and windows**

The proposed portion of the ground floor façade facing the street (Regional Road 56) is 38%, whereas the by-law requires 60%. The intent of this provision is to create active ground floor spaces, intended for commercial uses. The ground floor design of the building incorporates a vehicle access and accommodates flexibility for commercial and residential uses. As the street facing units are intended to be flexible for residential or commercial use, reducing the amount of windows and doors is required for safety and privacy concerns.

### **5. A maximum first storey height of 5.5 metres**

A maximum first storey height of 5.5 metres is proposed, whereas a maximum of 4.5 metres is permitted. The increased first storey height is required to permit the vehicle access design through the ground floor, which efficiently utilizes the space on the subject lands for a compact urban form of development. The ground floor vehicular access allows for parking, loading and underground access to be screened from the public street view. Additionally, an increased first storey height allows for future flexibility of the ground floor units to accommodate residential or commercial uses.



# 5.0 SUMMARY OF TECHNICAL REPORTS

## 5.1 Archaeological Report

A Stage 1 and 2 Archaeological Assessment was prepared by AMICK Consultants Limited in support of the proposed development. The Stage 2 Property Assessment of the study area confirmed that no archaeological resources were encountered, and provided for the following recommendations:

- No further archaeological assessment of the study area is warranted;
- The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed; and,
- The proposed undertaking is clear of any archaeological concern.

An acknowledgement letter from the Ministry of Culture, Tourism and Sport regarding the Stage 1-2 assessment has been received for the subject lands confirming that no further study is warranted and the subject lands are clear of archaeological concerns.

## 5.2 Urban Design Brief

An Urban Design Brief has been prepared by MHBC in support of the proposed development. The Urban Design Brief includes an analysis of the relevant urban design policy in the Urban Hamilton Official Plan, Binbrook Village Secondary Plan and the City’s terms of reference for urban design guidelines.

## 5.3 Functional Servicing Report

A Functional Servicing Report (FSR) was prepared by Scott Llewellyn and Associates in support of the proposed development. The purpose of the FSR is to provide details of the proposed servicing for the development and provides details related to the proposed stormwater management, sediment and erosion control, sanitary sewer servicing, and domestic and fire water supply servicing. The FSR concluded that the proposed development can be serviced by existing municipal services and constructed to meet the City of Hamilton requirements.

The FSR provided the following conclusions and recommendations:

- The development be graded and serviced in accordance with the Preliminary Grading & Erosion Control Plan and the Preliminary Site Servicing Plan prepared by S. Llewellyn & Associates Limited;
- A 75mmØ orifice plate be installed as per the Preliminary Site Servicing Plan and this report to provide adequate quantity control;
- A cast-in-place storage tank be installed as per the Preliminary Site Servicing Plan and this report to provide effective stormwater storage;
- Erosion and sediment controls be installed as described in this report to meet City of Hamilton requirements;
- A HydroStorm HS6 oil/grit separator be installed as per the Preliminary Site Servicing Plan and this report to provide efficient stormwater quality control;
- Area drains within the parking lot are to be fitted with FlexStorm inlet filters as illustrated on the Preliminary Site Servicing Plan and this report; and
- The proposed sanitary and water servicing system be installed as per the Preliminary Site Servicing Plan to adequately service the proposed development.

## 5.4 Noise Feasibility Study

A Noise Feasibility Study was prepared by HGC Engineering in support of the proposed development. The primary noise source for the proposed development was determined to be road traffic on Regional Road 56, with secondary noise contribution from Windwood Drive. Relevant road traffic data was obtained from City of Hamilton and used to predict future traffic sound levels.

The report provides the following conclusions and recommendations:

- Future road traffic sound levels will be within the MECP guidelines at the facades of the proposed residential building.
- Recommended noise control measures include appropriate wall and window glazing assemblies and an alternative means of ventilation to open windows. Central air conditioning will meet and satisfy this requirement.
- Noise warning clauses are recommended in order to inform future owners/tenants of the traffic noise impacts, to address sound level excesses and to inform future residents of their proximity to nearby existing retail and commercial uses.
- Sound emissions from the rooftop equipment of the existing commercial building to the south are expected to be within the MECP minimum exclusionary sound level limits. Further physical mitigation measures will not be required.

## 5.5 Transportation Impact Study

A Transportation Impact Study (TIS) has been prepared by Paradigm in support of the proposed development. The report provides the following key conclusions and recommendations:

- Traffic control signals are not warranted at Binbrook Road and Great Oak Trail under the 2033 horizon. A volume to capacity ratio of 0.57 is projected and the northbound approach operates at 57% or less of its available capacity.
- No other changes to the existing lane configurations or traffic control have been identified.
- The following TDM measures are recommended to be included in the site plan / development program:
  - Pedestrian amenities (benches, landscaping, lighting) are provided in the landscaping plan;
  - Long-term secure bicycle parking spaces be provided at a rate of 0.50 to 1.25 spaces per unit;
  - Short-term bicycle parking spaces be provided at a rate of 0.05-0.20 spaces per unit; and
  - Parking for occupants be unbundled from the purchase/rental of the residential units.

## 5.6 Geotechnical Investigation

A Geotechnical Investigation was prepared by Soil-Mat Engineers and Consultants in support of the proposed development. The purpose of the report is to provide an assessment of site subsurface soil and groundwater conditions. The report provides conclusions of the recommended foundation design and recommends that the underground parking level should be limited to 3 metres in depth below grade.

## 5.7 Tree Preservation Plan

The tree inventory documented 114 live trees, including 110 within the Study Area limits and four (4) within 6 m of the property boundary. The trees have been inventoried and assessed for possible preservation in the context of the proposed works. A total of 33 trees are recommended for preservation and a total of 108 live trees and 12 dead require removal (119 private and 1 public) due to direct conflict with the proposed works. As per the City of Hamilton By-law NO.15-125, an approved permit will be required to remove the tree on public lands in the right-of-way. Furthermore, 107 trees will need to be compensated for by replacement planting, cash-in-lieu or a combination of both.

# 6.0 PUBLIC CONSULTATION STRATEGY

The Formal Consultation for the proposed development, identified that a Public Consultation Strategy is required to ensure that neighbouring residents are informed about the proposal and also provided opportunities to provide input.

This proposal will follow the requirements outlined by City Council's Public Participation Policy. This will include the circulation of the Notice of Complete Application to property owners within 120 metres of the subject lands, the posting of a Public Notice Sign on the subject property, which will provide information regarding details of the proposal and contact information should additional information be desired.

MHBC Planning and Losani Homes will liaise with City Staff and the Ward Councillor to determine if a Community Information Meeting would be beneficial to the public engagement process. If it is determined that this meeting would be beneficial, it will be held following the preliminary circulation of the application.

The intent of the meeting would be to inform the public about the proposed development and to record comments and feedback from the public, which will be included in City Staff's Planning Report that will be presented at the Public Meeting before the Planning Committee.

Following the application review process, a Formal Public Meeting will be scheduled to be heard before the City's Planning Committee. The Formal Public Meeting date will be posted to the Public Notice Sign, and Public Meeting Notices will be circulated to property owners within 120 metres of the subject lands and additional individuals who requested notification.

A copy of the Formal Consultation Document from 2021 is attached as **Appendix A**.

# 7.0 SUMMARY & CONCLUSIONS

The proposed Official Plan Amendment and Zoning By-law Amendment applications for the subject lands are appropriate and represent good planning for the following reasons:

1. The applications are consistent with the Provincial Policy Statement and conform to the Growth Plan for the Greater Golden Horseshoe.
2. The applications support provincial and City intensification targets and growth policies by providing for additional housing units and population in a compact form within the Built-Up Area.
3. The applications support intensification in the Built-Up Area and provide for a density and design which facilitates pedestrian movement contributing to a complete community, implementing the objectives of the Urban Hamilton Official Plan and Secondary Plan.
4. The proposed redevelopment introduces additional apartment uses, to support a range and mix of housing types within the Binbrook Village Secondary Plan area.
5. The redevelopment of the lands can be accommodated by existing municipal services.

Respectfully submitted,

**MHBC**

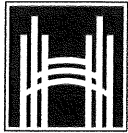


Dave Aston, MSc, MCIP, RPP  
Vice-President, Partner



Stephanie Mirtitsch, BES, MCIP, RPP  
Associate

# **APPENDIX A - FORMAL CONSULTATION AGREEMENT**



Hamilton

Planning and Economic Development Department  
Development Planning, Heritage and Design  
71 Main Street West, 5<sup>th</sup> Floor, Hamilton ON L8P 4Y5  
Phone: 905.546.2424 - Fax: 905.546.4202

**Formal Consultation Document**

Meeting Date: June 9, 2021 File No: FC-21-071  
 Owner: 1593123 Ontario Ltd  
 Applicant: MHBC Planning Ltd. c/o Stephanie Mirtitsch

**PROPERTY INFORMATION**

<b>Address and/or Legal Description:</b>	3160, 3168, 3180 and 3190 Regional Road 56, Glanbrook			
<b>Lot Frontage:</b>	3160 Regional Road 56 ±16.5 m	3168 Regional Road 56 ± 35.7 m	3180 Regional Road 56 ± 20.3 m	3190 Regional Road 56 ± 30.7 m
<b>Lot Depth:</b>	± 61 m	± 61.3 m	± 61 m	± 60.4 m
<b>Lot Area:</b>	0.11 ha	0.21 ha	0.10 ha	0.19 ha
<b>Urban Hamilton Official Plan Designation</b>	Mixed-Use Medium Density			
<b>Binbrook Village Secondary Plan Designation</b>	Mixed – Use Medium Density – Pedestrian Focus			
<b>City of Hamilton Zoning By-law No. 05-200:</b>	Mixed – Use Medium Density – Pedestrian Focus (C5, 570) Zone			

Description of current uses, buildings, structures and natural features on the subject lands:

3160, 3168 and 3190 Regional Road 56 currently contain single detached dwellings. 3180 Regional Road 56 is vacant. There is a trail and conservation lands located to the north of 3160 Regional Road 56.

Brief description of proposal:

The applicant proposes to construct a 6 Storey 126 unit residential dwelling with 44 surface parking spaces and 114 underground parking spaces.

**APPLICATIONS REQUIRED**

Rural Hamilton Official Plan Amendment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Urban Hamilton Official Plan Amendment	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Local Official Plan Amendment	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Zoning By-law Amendment (Type: Complex)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Subdivision	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Condominium	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Site Plan (Type: Full Site Plan))	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
Consent	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Variance(s)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Other	Yes <input type="checkbox"/>	No <input type="checkbox"/>

**Note:** The City of Hamilton is in the process of creating a new comprehensive Zoning By-law for the entire City. The new Zoning By-law is being prepared in phases by Land Use topic. New Rural, Commercial and Residential zoning may be implemented which could be different than the current zoning. Accordingly, additional applications may be required. If a Building Permit has not been issued by the City prior to the new zoning coming into effect, the approved site plan may be affected, related to zoning compliance, which may require further planning approvals (i.e. Minor Variance, Zoning Amendment, etc.).

**FEES REQUIRED**

City of Hamilton:	APPLICATION TYPE	UNITS	FEE	TOTAL
	Official Plan Amendment	1	\$33,470.00	\$33,470.00
	Complex Zoning By-law Amendment	1	\$ 24,255.00	\$ 24,255.00
	Per unit fee to be determined at the time of submission			
	<b>TOTAL (UHOPA &amp; ZBA)</b>			<b>\$ 57,725.00</b>
	25% joint application fee reduction			-\$14,431.25
	Formal consultation credit	1	-\$ 1,205.00	-\$ 1,205.00
	<b>TOTAL (UHOPA, ZBA, joint reduction fee and FC Credit)</b>			<b>\$ 42,088.75</b>
	Site Plan Control Application	1	\$ 24,280.00	\$ 24,280.00
	Tree Protection Review	1	\$ 610.00	\$ 610.00
	<b>GRAND TOTAL</b>			<b>\$ 66,978.75</b>
Conservation Authority Review Fees:	To be determined by the Niagara Peninsula Conservation Authority.			
<b>TOTAL:</b>				<b>\$ 66,978.75</b>



**Notes:**

- *Formal Consultation fee may be credited towards a future application*
- *Notwithstanding the fees noted above, all fees are payable based on the rate in the fee schedule by-law in effect on the date the payment is made.*
- *Further fees may be required at a later date as per the fee schedule.*
- *Separate cheques are payable to the City of Hamilton and the applicable Conservation Authority.*
- *A Cost Acknowledgement Agreement for potential costs at the Ontario Municipal Board may also be required.*

**DESIGN REVIEW PANEL**

The Design Review Panel shall provide urban design advice to Planning Division staff on Planning applications with respect to complex Zoning and Site Plan applications in the following Design Priority Areas:

- (a) Downtown Hamilton Secondary Plan Area;
- (b) Areas of Major Change and Corridors of Gradual Change within the West Harbor Secondary Plan Area;
- (c) Primary Corridors as shown on Schedule E – “Urban Structure” of the Urban Hamilton Official Plan;
- (d) Any other large scale projects that may impact the physical environment functionally and/or aesthetically.

The Director of Planning or his or her designate may waive projects from the review of the Design Review Panel, if the project is not deemed to have the potential to significantly impact the physical environment functionally and/or aesthetically.

Design Review Panel review required?       Yes       No

**REQUIRED INFORMATION AND MATERIALS**

All identified reports, studies, and/or plans must be submitted before an application is deemed complete. Unless otherwise noted, 5 copies of each item and an electronic digital file in PDF locked file format must be submitted.

Reports, Studies, Plans	Required	Staff Responsible for providing guidelines or terms of reference
<b>Background Information</b>		
Survey Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360

Concept Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
<b>Planning</b>		
Affordable Housing Report/Rental Conversion Assessment	<input type="checkbox"/>	
Draft OPA, and By-laws	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Land Use/Market Needs Assessment	<input type="checkbox"/>	
Planning Justification Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Site Plan and Building Elevations	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development Planning – E. Meneray x 6360  Urban Design – V. Cox x 1393  Conceptual Elevations required at OPA/ZBA stage: Urban Design – V. Cox x 1393
Urban Design Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Urban Design – V. Cox x 1393
<b>Cultural</b>		
Archaeological Assessment	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Cultural Heritage – C. Richer x 7163
Cultural Heritage Impact Assessment	<input type="checkbox"/>	
<b>Environmental</b>		
Aggregate Resource Assessment	<input type="checkbox"/>	
Aggregate/Mineral Resource Analysis	<input type="checkbox"/>	
Air Quality Study	<input type="checkbox"/>	
Channel Design and Geofluvial Assessment	<input type="checkbox"/>	
Chloride Impact Study	<input type="checkbox"/>	
Cut and Fill Analysis	<input type="checkbox"/>	

Demarcation of top of bank, limit of wetland, limit of natural hazard, limit of Environmentally Significant Area (ESA), or limit of Conservation Authority regulated area	<input type="checkbox"/>	
Environmental Impact Statement (EIS)	<input type="checkbox"/>	
Erosion Hazard Assessment	<input type="checkbox"/>	
Fish Habitat Assessment	<input type="checkbox"/>	
Floodline Delineation Study/Hydraulic Analysis	<input type="checkbox"/>	
General Vegetation Inventory (GVI)	<input type="checkbox"/>	
Impact Assessment for new Private Waste Disposal Sites	<input type="checkbox"/>	
Karst Assessment/Karst Contingency Plan	<input type="checkbox"/>	
Landscape Plan	<input checked="" type="checkbox"/>	Required at Site Plan stage: Natural Heritage – C. Plosz x 1231  Urban Design – V. Cox x 1393  Forestry – S. Brush x 7375  Landscape Architecture – C. Graham x. 2337
Linkage Assessment	<input type="checkbox"/>	
Meander Belt Assessment	<input type="checkbox"/>	
Nutrient Management Study	<input type="checkbox"/>	
Odour, Dust and Light Assessment	<input type="checkbox"/>	
Restoration Plan	<input type="checkbox"/>	
Shoreline Assessment Study/Coastal Engineers Study	<input type="checkbox"/>	
Slope Stability Study and Report	<input type="checkbox"/>	
Species Habitat Assessment	<input type="checkbox"/>	
Tree Management Plan/Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Forestry – S. Brush x 7375
Tree Protection Plan (TPP)	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Natural Heritage – C. Plosz x 1231
<b>Environmental/Servicing and Infrastructure</b>		
Contaminant Management Plan	<input type="checkbox"/>	
Record of Site Condition (RSC)	<input type="checkbox"/>	
Erosion and Sediment Control Plan	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development

		Approvals – S. Al-Dabbagh x 5197
Hydrogeological Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA and Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Grading Plan	<input checked="" type="checkbox"/>	Conceptual Grading Plan required at OPA/ZBA stage: Development Approvals – S. Al-Dabbagh x 5197  Landscape Architecture – C. Graham x. 2337  Grading Plan required at Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Master Drainage Plan	<input type="checkbox"/>	
Stormwater Management Report/Plan and/or update to an existing Stormwater Management Plan	<input checked="" type="checkbox"/>	Required at OPA/ZBA and Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197  Niagara Peninsula Conservation Authority Nikolas Wensing
Soils/Geotechnical Study	<input type="checkbox"/>	
Sub-watershed Plan and/or update to an existing Sub-watershed Plan	<input type="checkbox"/>	
<b>Financial</b>		
Financial Impact Analysis	<input type="checkbox"/>	
Market Impact Study	<input type="checkbox"/>	
<b>Servicing and Infrastructure</b>		
Recreation Feasibility Study	<input type="checkbox"/>	
Recreation Needs Assessment	<input type="checkbox"/>	
School Accommodation Issues Assessment	<input type="checkbox"/>	
School and City Recreation Facility and Outdoor Recreation/Parks Issues Assessment	<input type="checkbox"/>	
Functional Servicing Report	<input checked="" type="checkbox"/>	Required at OPA/ZBA and Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
Servicing Options Report	<input type="checkbox"/>	

Water and Wastewater Servicing Study	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197
<b>Land Use Compatibility</b>		
Agricultural Impact Assessment	<input type="checkbox"/>	
Dust Impact Analysis	<input type="checkbox"/>	
Land Use Compatibility Study	<input type="checkbox"/>	
Landfill Impact Study	<input type="checkbox"/>	
Minimum Distance Separation Calculation	<input type="checkbox"/>	
Noise Impact Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
Odour Impact Assessment	<input type="checkbox"/>	
Sun/Shadow Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Urban Design – V. Cox x 1393
Vibration Study	<input type="checkbox"/>	
Wind Study	<input type="checkbox"/>	
<b>Transportation</b>		
Cycling Route Analysis	<input type="checkbox"/>	
Transportation Impact Study	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Transportation Planning – G. Borys <a href="mailto:T.planning@hamilton.ca">T.planning@hamilton.ca</a>
Parking Analysis/Study	<input type="checkbox"/>	
Pedestrian Route and Sidewalk Analysis	<input type="checkbox"/>	
Roadway/Development Safety Audit	<input type="checkbox"/>	
Modern Roundabout and Neighbourhood Roundabout Analysis	<input type="checkbox"/>	
Neighbourhood Traffic Calming Options Report	<input type="checkbox"/>	
Transit Assessment	<input type="checkbox"/>	
Transportation Demand Management Options Report	<input type="checkbox"/>	
<b>Cost Recoveries</b>		
Cost Acknowledgement Agreement	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development Planning – E. Meneray x 6360
DRP Submission Requirements	<input type="checkbox"/>	
Public Consultation Strategy	<input checked="" type="checkbox"/>	Required at OPA/ZBA stage: Development

		Planning – E. Meneray x 6360
<ul style="list-style-type: none"> <li>• Wastewater Generation Assessment</li> <li>• Water Servicing Report</li> <li>• Watermain Hydraulic Analysis, if required</li> <li>• Storm Drainage Area Plans</li> <li>• Securities</li> <li>• Shoring Plans</li> <li>• Shoring Agreement</li> <li>• Construction Management Plans</li> <li>• Cost Recoveries</li> </ul>	<input checked="" type="checkbox"/>	Required at Site Plan stage: Development Approvals – S. Al-Dabbagh x 5197

**ADDITIONAL INFORMATION**

Comments:

Development Planning

- The Binbrook Village Secondary Plan permits a maximum height of three storeys and the Mixed – Use Medium Density – Pedestrian Focus (C5, 570) Zone permits a maximum height of 11.0 metres. As the proposal is for a six storey building, an Official Plan Amendment and Zoning By-law Amendment application will be required.

Urban Design

- The proposal does not align with the Binbrook Village Secondary Plan vision. Staff encourage the applicant to review the policies within the Binbrook Village Secondary Plan and associated Binbrook Village Community Core Urban Design Guidelines
- It is important to note that development in Binbrook Village shall maintain and respect Binbrook’s historical community identity.
- There are concerns with the long continuous building mass along Regional Road 56 and the large building footprint which is not in keeping with the village character. Staff recommend revising the proposal to better align with the vision outlined in the Secondary Plan.

Finance

- Note that \$68,885.85 is outstanding Municipal Act Sewer & Water Charges for 3160, 3168 and 3190 Regional Road 56.
- If payment is made at a later date, staff will confirm the value with Corporate Service staff.

#### Real Estate

- Please have the Applicant confirm the location of the City Trail/Pathway outlined in Red to confirm that the trail is not located on the northerly portion of the Applicant's Lands (3160 Regional Road 56) and is in fact confirmed to be within the adjacent City owned parcel

#### Environmental Services Division

- Staff note that the development is eligible for municipal waste collection, but the current design it is not serviceable. The applicant will need to revise the site plan to address Environmental Services Division in order to receive municipal waste collection.

#### Landscape Architectural Services

- Require a grading and landscape plan to show how the grading and landscaping will function in association to the existing trail that runs along the north edge of the property on parcel 3160.
- A parcel with the trail should be dedicated to the City as it is a critical part of the trail infrastructure.

#### **PLEASE BE ADVISED OF THE FOLLOWING:**

1. *The purpose of this document is to identify the information required to commence processing a complete application as set out in the Planning Act. Formal Consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Hamilton to either support or refuse the application.*
2. *This document expires 1 year from the date of signing or at the discretion of the Director of Planning.*
3. *In the event this Formal Consultation Document expires prior to the application being accepted by the City, another document may be required.*
4. *If an application is submitted without the information and materials identified in this Formal Consultation Document the City may deem such an application incomplete and refuse to accept the application.*
5. *In accordance with the Planning Act, it is the policy of the City of Hamilton to provide public access to all Planning Act applications and supporting documentation submitted to the City. Therefore, the information contained in an application and any documentation, including reports, studies and drawings, provided in support of an application, by the owner, or the owner's agents, consultants and solicitors, constitutes public information and will become part of the public record. With the filing of an application, the applicant consents to the City of Hamilton making the application and its supporting documentation available to the general public, including copying and*

*disclosing the application and its supporting documentation to any third party upon their request.*

6. *It may be determined during the review of the application that additional studies or information will be required as a result of issues arising during the processing of the application.*
7. *The above requirements for deeming an application complete are separate and independent of any review under the Ontario Building Code (OBC) as part of the Building Permit review process. In the event that a building permit application does not comply with the OBC, a letter outlining the deficiencies or areas of non-compliance will be issued to the owner and/or agent. Formal consultation and building permit review are separate and independent processes.*

**SIGNATURES**

Charlie Toman, SPM



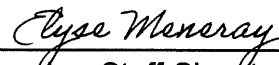
Aug 17, 2021

\_\_\_\_\_  
Planning Staff

\_\_\_\_\_  
Planning Staff Signature

\_\_\_\_\_  
Date

Elyse Meneray



August 17, 2021

\_\_\_\_\_  
Planning Staff

\_\_\_\_\_  
Planning Staff Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Engineering Staff

\_\_\_\_\_  
Engineering Staff Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Owner

\_\_\_\_\_  
Owner Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Applicant (I have the authority to bind the Owner)

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Agent (I have the authority to bind the Owner)

\_\_\_\_\_  
Agent Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other Staff or Agency

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date



\_\_\_\_\_  
Other Staff or Agency

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Other Staff or Agency

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

# **APPENDIX B - DRAFT OFFICIAL PLAN AMENDMENT**

**Authority:** Item XX, Planning Committee  
Report: XX-XXX (PEDXXXXX)  
CM: Date XXXXXXX, 2022  
Ward: 11

**Bill No. XXX**

CITY OF HAMILTON

BY-LAW NO. \_\_\_\_\_

**To Adopt:**

**Official Plan Amendment No. XX to  
the Urban Hamilton Official Plan**

Respecting:

**3160, 3168, 3180 and 3190 Regional Road 56 (Binbrook)**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. XX to the Urban Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this XX day of XXXX, 2022

---

F. Eisenberger  
Mayor

---

A. Holland  
City Clerk

Schedule "1"

## Urban Hamilton Official Plan Amendment No. XX

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. XX to the Urban Hamilton Official Plan.

### 1.0 **Purpose and Effect:**


The purpose and effect of this Amendment is to add a Site Specific Policy Area XX of the Binbrook Village Secondary Plan to permit a six storey multiple dwelling for the lands located at 3160, 3168, 3180 and 3190 Regional Road 56 (Binbrook)

### 2.0 **Location:**

The lands affected by this Amendment are known municipally as 3160, 3168, 3180 and 3190 Regional Road 56 (Binbrook).

### 3.0 **Basis:**

The basis for permitting this Amendment is to accommodate a six storey multiple dwelling development in conformity with overall Provincial and City policy planning direction.

Urban Hamilton Official Plan Amendment No. XX	Page 1 of 2	
--	----------------	---

**4.0 Actual Changes:**

**4.1 Volume 2 – Secondary Plans**

**Text**

4.2.1 Chapter B-2 Glanbrook Secondary Plans

- a. That Volume 2 Chapter B – Glanbrook Secondary Plans: Binbrook Village Secondary Plan Specific Policy Area XX be added to Section 5.1.13 as follows:

For lands municipally known as 3160, 3168, 3180 and 3190 Regional Road 56, and shown on Area Specific Policy – Area XX on Map B.5.1.1 – Binbrook Village Secondary Plan – Land Use Plan:

- Multiple residential uses shall be permitted
- A maximum building height of six storeys (21.5 metres) shall be permitted.

**Schedules and Appendices**

4.1.2 Schedules

- a. That Schedule B.5.5.1 – Binbrook Village Secondary Plan– Land Use Plan be amended to add 'Area Specific Policy XX'

**5.0 Implementation:**

This Official Plan Amendment is Schedule "1" to By-law No. \_\_\_\_\_ passed on the XX of XXXX, 2022.

\_\_\_\_\_  
Fred Eisenberger  
MAYOR

\_\_\_\_\_  
A. Holland  
CITY CLERK

*For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law*

Is this by-law derived from the approval of a Committee Report?

Committee: Chair and Members      Report No.: PEDXXXX      Date: XX/XX/2022

Ward(s) or City Wide: 11

Prepared by:

Phone No: 905-546-2424 ext. XXXX

*For Office Use Only, this doesn't appear in the by-law*

# APPENDIX C - DRAFT ZONING BY-LAW

Authority: Item , Planning Committee  
Report 22-\_\_\_\_(PED22\_\_\_\_)  
Ward: 11

## CITY OF HAMILTON

### BY-LAW NO. 22-\_\_\_\_

#### A By-law to amend Zoning By-law 05-200 to Permit the Development of a Residential Development on Lands Located at 3160, 3168, 3180 and 3090 Regional Road 56 (Binbrook)

**WHEREAS** Council approved Item\_\_\_\_of Report 22-\_\_\_\_of the Planning Committee, at its meeting held on \_\_\_\_\_, 2022;

**AND WHEREAS** this By-law conforms to the Urban Hamilton Official Plan;

**NOW THEREFORE** Council enacts as follows:

1. That Map Nos. 1911, 1912, 1934, 1935, and 1956 of Schedule "A" – Zoning Maps, of Zoning By-law No. 05-200, be amended as follows:
  - a. by amending the Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone with special provisions, to the lands the extent and boundaries of which are shown as Schedule "A" to the By-law.
2. That Schedule "C" – Special Exceptions, of By-law No. 05-200 is hereby amended by adding an additional special exception as follows:

"XXX Within the lands zoned Mixed Use Medium Density - Pedestrian Focus (C5a, XXX) Zone identified on Map Nos. 1911, 1912, 1934, 1935, and 1956 of Schedule "A" Zoning Maps and described as 3160, 3168, 3180, and 3090 Regional Road 56, the following special provisions shall apply:

- a) Notwithstanding Subsection 10.5a.1, a multiple dwelling be permitted as a permitted use, including on the ground floor;
- b) Notwithstanding Subsection 10.5a.3 c) the minimum interior side yard shall be 5.0 metres;
- c) Notwithstanding Subsection 10.5a.3 (d) ii), and Special Exception 570 a) the maximum building height shall be 21.5 metres.



- d) Notwithstanding Subsection 10.5a.3(h) ix) minimum of 35% of the area of the ground floor façade facing the street shall be composed of doors and windows.
  - e) Notwithstanding Subsection 10.5a.3(h) x) the first storey shall have a maximum height of 5.5 metres.
3. That the Clerk is hereby authorized and directed to proceed with the giving of the notice of passing of this By-law, in accordance with the *Planning Act*.

**PASSED and ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2022

\_\_\_\_\_  
F. Eisenberger  
Mayor



\_\_\_\_\_  
A. Holland  
City Clerk

ZAC-22-X



Figure 8:  
**Proposed Zoning**

**LEGEND**

-  Subject Lands
-  Rezone from Mixed Use Medium Density - Pedestrian Focus (C5a) - Exception 570 Zone to Mixed Use Medium Density (C5a) - Pedestrian Focus Zone - Site Specific
- A1 Agricultural Zone
- C5a Mixed Use Medium Density - Pedestrian Focus Zone
- OS2 Public Open Space Zone
- R4 Residential 4 Zone
- RM2 Residential Multiple 2 Zone
- RM3 Residential Multiple 3 Zone
- RM4 Residential Multiple 4 Zone

DATE: February 2022

SCALE: 1: 3,000

FILE: 14196BO

DRAWN: LC



K:\14196BO - MIDWOOD 48PT PROPOSED ZONING.DWG

**MHBC** PLANNING URBAN DESIGN & LANDSCAPE ARCHITECTURE  
200-540 BINGEMAN'S CENTRE DR. KITCHENER, ON, N2B 3K9  
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM



## Ontario Land Tribunal

655 Bay Street, Suite 1500, Toronto, ON M5G 1E5  
Tel: 416-212-6349 | 1-866-448-2248  
Web Site: olt.gov.on.ca

## Appeal Form (A1)

<b>Municipal/Approval Authority Date Stamp</b>
--

<b>Receipt Number (OLT Office Use Only)</b>
---

<b>OLT Case Number (OLT Office Use Only)</b>
--

<b>Date Stamp – Appeal Received by OLT</b>
--

Please complete this Appeal Form by following the instructions in the companion document titled "Appeal Form Instructions". Please read **both** documents carefully to ensure you submit the correct information and complete this form correctly.

There are guides available for review on the Tribunal's [website](#) for different appeal types to assist you in filing an appeal.

**Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal) prior to completing this Appeal Form. Relevant portions of the applicable legislation should also be reviewed before submitting this form. Your appeal must be filed with the appropriate authority within the appeal period as set out in the notice of the decision and applicable legislation.**

### Section 1 – Contact Information (Mandatory)

Applicant/Appellant/Objector/Claimant Information			
Last Name:		First Name:	
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):			
<b>1583123 Ontario Inc.</b>			
Email Address:			
Daytime Telephone Number:		Alternative Telephone Number:	
	ext.		
Mailing Address			
Unit Number:	Street Number:	Street Name:	P.O. Box:

City/Town:	Province:	Country:	Postal Code:

Representative Information				
<input type="checkbox"/> I hereby authorize the named company and/or individual(s) to represent me				
Last Name:		First Name:		
<b>Meader</b>		<b>Jennifer</b>		
Company Name or Association Name (Association must be incorporated – include copy of letter of incorporation):				
<b>Turkstra Mazza Associates</b>				
Email Address:				
<b>jmeader@tmalaw.ca</b>				
Daytime Telephone Number:		Alternative Telephone Number:		
<b>905.529.3476</b>	ext. <b>2740</b>	<b>416.605.0508</b>		
Mailing Address				
Unit Number:	Street Number:	Street Name:		P.O. Box:
	<b>15</b>	<b>Bold Street</b>		
City/Town:	Province:	Country:	Postal Code:	
<b>Hamilton</b>	<b>Ontario</b>	<b>Canada</b>	<b>L8P 1T3</b>	
<p><b>Note:</b> If your representative is not licensed under the <i>Law Society Act</i>, please confirm that they have your written authorization, as required by the <i>OLT Rules of Practice and Procedure</i>, to act on your behalf and that they are also exempt under the Law Society's by-laws to provide legal services. Please confirm this by checking the box below.</p>				
<input type="checkbox"/> I certify that I understand that my representative is not licensed under the <i>Law Society Act</i> and I have provided my written authorization to my representative to act on my behalf with respect to this matter. I understand that my representative may be asked to produce this authorization at any time along with confirmation of their exemption under the Law Society's by-laws to provide legal services.				

Location Information	
Are you the current owner of the subject property? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Address and/or Legal Description of property subject to the appeal:	
<b>3160, 3168, 3180 and 3190 Regional Road 56, Binbrook, Hamilton</b>	
Municipality:	
<b>City of Hamilton</b>	
Upper Tier (Example: county, district, region):	
<b>Not Applicable</b>	

Language Requirements
-----------------------

Do you require services in French?  Yes  No

To file an appeal, please complete the section below. Complete one line for each appeal type

Subject of Appeal		Type of Appeal (Act/Legislation Name)	Reference (Section Number)
Example	Minor Variance	<i>Planning Act</i>	45(12)
1	<b>Official Plan Amendment</b>	<b>Planning Act</b>	<b>22(7)</b>
2	<b>Zoning By-law Amendment</b>	<b>Planning Act</b>	<b>34(11)</b>
3			
4			
5			

**Section 2 – Appeal Type (Mandatory)**

Please select the applicable type of matter

Select	Legislation associated with your matter	Complete Only the Section(s) Below
<input checked="" type="checkbox"/>	Appeal of <i>Planning Act</i> matters for Official Plans and amendments, Zoning By-Laws and amendments and Plans of Subdivision, Interim Control By-laws, Site Plans, Minor Variances, Consents and Severances	3A
<input type="checkbox"/>	Appeal of <i>Development Charges Act, Education Act, Aggregate Resources Act, Municipal Act</i> matters	3A
<input type="checkbox"/>	Appeal of or objection to <i>Ontario Heritage Act</i> matters under subsections 29, 30.1, 31, 32, 33, 40.1 and 41	3A
<input type="checkbox"/>	Appeal of <i>Planning Act</i> (subsections 33(4), 33(10), 33(15), 36(3)), <i>Municipal Act</i> (subsection 223(4)), <i>City of Toronto Act</i> (subsection 129(4)) and <i>Ontario Heritage Act</i> (subsections 34.1(1), 42(6)) matters	3A & 3B
<input type="checkbox"/>	Appeal of <i>Clean Water Act, Environmental Protection Act, Nutrient Management Act, Ontario Water Resources Act, Pesticides Act, Resource Recovery and Circular Economy Act, Safe Drinking Water Act, Toxics Reduction Act, and Waste Diversion Transition Act</i> matters	4A
<input type="checkbox"/>	Application for Leave to Appeal under the <i>Environmental Bill of Rights, 1993</i>	4B
<input type="checkbox"/>	Appeal under the <i>Niagara Escarpment Planning and Development Act (NEPDA)</i>	5
<input type="checkbox"/>	Appeal of <i>Conservation Authorities Act, Mining Act, Lakes and Rivers Improvement Act, Assessment Act, and Oil, Gas and Salt Resources Act</i> matters	6

<input type="checkbox"/>	Legislation not listed above	Contact OLT before filing your appeal
--------------------------	------------------------------	---------------------------------------

**Section 3A – Planning Matters**

**Appeal Reasons and Specific Information**

Number of new residential units proposed:

**121**

Municipal Reference Number(s):

**Municipal File Nos. UHOPA-22-024, ZAC-22-051, and FC-21-071**

List the reasons for your appeal:

**Please see attached covering letter.**

Has a public meeting been held by the municipality?       Yes     No

For appeals of Official Plans, Official Plan Amendments, Zoning By-laws and Zoning By-law Amendments, please indicate if you will rely on one or more of the following grounds:

A: A decision of a Council or Approval Authority is:

- Inconsistent with the Provincial Policy Statement issued under subsection 3(1) of the *Planning Act*
- Fails to conform with or conflicts with a provincial plan
- Fails to conform with an applicable Official Plan

**And**

B: For a non-decision or decision to refuse by council:

- Consistency with the provincial policy statement, issued under subsection 3(1) of the *Planning Act*
- Conformity with a provincial plan
- Conformity with the upper-tier municipality's Official Plan or an applicable Official Plan

If it is your intention to argue one or more of the above grounds, please explain your reasons:

Please see the attached covering letter and Planning Justification Report prepared by MHBC and dated May 2022.

Oral/Written submissions to council

Did you make your opinions regarding this matter known to council?

Oral submissions at a public meeting of council

Written submissions to council

Not applicable

Related Matters

Are there other appeals not yet filed with the Municipality?

Yes  No

Are there other matters related to this appeal? (For example: A consent application connected to a variance application).

Yes  No

If yes, please provide the Ontario Land Tribunal Case Number(s) and/or Municipal File Number(s) for the related matters:

Section 3B – Other Planning Matters

Appeal Specific Information (Continued)

Date application submitted to municipality if known (yyyy/mm/dd):

Date municipality deemed the application complete if known (yyyy/mm/dd):

Please briefly explain the proposal and describe the lands under appeal:

Please see the attached covering letter and Planning Justification Report.

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the Section 3B Checklist(s) located here and submit all documents listed.



Section 4A – Appeals under Environmental Legislation

Appeal Specific Information

Outline the grounds for the appeal and the relief requested:

Reference Number of the decision under appeal:

Portions of the decision in dispute:

Date of receipt of Decision or Director's Order (yyyy/mm/dd):

Applying for Stay?  Yes  No

If Yes, outline the reasons for requesting a stay: (Tribunal's Guide to Stays can be viewed [here](#))

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4A Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

Section 4B – Environmental Application for Leave to Appeal

Are you filing an Application for Leave to Appeal under the *Environmental Bill of Rights, 1993*?  Yes  No

Identify the portions of the instrument you are seeking to appeal:

Identify the grounds you are relying on for leave to appeal. Your grounds should include reasons why there is good reason to believe that no reasonable person, having regard to the relevant law and to any government policies developed to guide decisions of that kind could have made the decision; and why the decision could result in significant harm to the environment:

Outline the relief requested:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 4B Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

**Section 5 – Appeal regarding Development Permit Application under the *Niagara Escarpment Planning and Development Act***

**Appeal Specific Information**

Development Permit Application File No:

Address or legal description of the subject property:

Reasons for Appeal: Outline the nature and reasons for your appeal. Specific planning, environmental and/or other reasons are required. (The Niagara Escarpment Plan is available on the Niagara Escarpment Commission's website ([www.escarpment.org](http://www.escarpment.org)))

**Section 6 – Mining Claim and Conservation Matters**

**Appeal Specific Information**

List the subject Mining Claim Number(s) (for unpatented mining claims) and accompanying Townships, Areas and Mining Division(s) where mining claims are situated. List all "Filed Only" Mining Claims, if appropriate: (This is to be completed for *Mining Act* appeals only.)

List the Parcel and the Property Identifier Numbers (PIN), if rents or taxes apply to mining lands, if appropriate (mining claims only):

Provide the date of the Decision of the Conservation Authority or the Provincial Mining Recorder, as appropriate:

Provide a brief outline of the reasons for your application/appeal/review. If other lands/owners are affected, please include that information in the outline being provided below:

**Respondent Information**

Conservation Authority:

Contact Person:

Email Address:

Daytime Telephone Number:

Alternative Telephone Number:

ext.

Mailing Address or statement of last known address/general area they were living and name of local newspaper if address is not available

Unit Number:

Street Number:

Street Name:

P.O. Box:

City/Town:	Province:	Country:	Postal Code:

There are required documents and materials to be submitted to the Ontario Land Tribunal (OLT) based on the type of legislation and section you are filing under. Please see the [Section 6 Checklist\(s\)](#) located [here](#) and submit all documents listed on the checklist.

**Section 7 – Filing Fee**

**Required Fee**

Please see the attached link to view the [OLT Fee Chart](#).

Total Fee Submitted: **\$2,200**

Payment Method	<input type="checkbox"/>	Certified Cheque	<input type="checkbox"/>	Money Order	<input checked="" type="checkbox"/>	Lawyer's general or trust account cheque
	<input type="checkbox"/>	Credit Card				

If you wish to pay the appeal fee(s) by credit card, please check the box above and OLT staff will contact you by telephone to complete the payment process upon receipt of the appeal form. **DO NOT INCLUDE YOUR CREDIT CARD INFORMATION ON THIS FORM. YOU WILL BE CONTACTED TO COMPLETE YOUR PAYMENT OVER THE PHONE.**

If a request for a fee reduction is being requested, please pay the minimum filing fee for each appeal and complete/submit the [Fee Reduction request form](#).


Request for Fee Reduction form is attached (if applicable – see Appeal Form Guide for more information)

**Section 8 – Declaration (Mandatory)**

**Declaration**

I solemnly declare that all the statements and the information provided, as well as any supporting documents, are true, correct and complete.

By signing this appeal form below, I consent to the collection of my personal information.

Name of Appellant/Representative	Signature of Appellant/Representative	Date (yyyy/mm/dd)
Jennifer Meader		2022/11/21

Personal information or documentation requested on this form is collected under the authority of the *Ontario Land Tribunal Act* and the legislation under which the proceeding is commenced. All information collected is included in the Ontario Land Tribunal (OLT) case file and the public record in this proceeding. In accordance with the *Freedom of Information and Protection of Privacy Act* and section 9 of the *Statutory Powers Procedure Act*, all information collected is available to the public subject to limited exceptions.

We are committed to providing services as set out in the *Accessibility for Ontarians with Disabilities Act, 2005*. If you have any accessibility needs, please contact our Accessibility Coordinator at [OLT.Coordinator@ontario.ca](mailto:OLT.Coordinator@ontario.ca) or toll free at 1-866-448-2248 as soon as possible.

**Section 9 – Filing Checklists (Mandatory)**

Filing/Submitting your form and documentation

You must file your Appeal Form with the appropriate authority(s) by the filing deadline.

<b>If the completed Section is:</b>	<b>Refer to the relevant checklist and submit all documents listed on the checklist when filing your Appeal Form.</b>
Section 3B	Review the Section 3B Checklist(s) and attach all listed documents.
Section 4A	Review the Section 4A Checklist(s) and attach all listed documents.
Section 4B	Review the Section 4B Checklist(s) and attach all listed documents.

<b>If the completed Section is:</b>	<b>You must file with the following:</b>	
Section 3A	<p align="center">Municipality or the Approval Authority/School Board</p> <p align="center">*If you are filing under the <i>Ontario Heritage Act</i>, including under <b>s. 34.1(1)</b>, please carefully review the specific section of that legislation to determine if your appeal needs to be filed with the Tribunal <b><u>in addition</u></b> to the Municipality or Approval Authority.</p>	
Section 3A & 3B or Section 4A or Section 4B or Section 6	<p>Ontario Land Tribunal 655 Bay Street, Suite 1500 Toronto, ON M5G 1E5</p>	<p>Phone: 416-212-6349   1-866-448-2248 Website: <a href="http://www.olt.gov.on.ca">www.olt.gov.on.ca</a></p>
Section 5	<p align="center"><b>For the Areas of:</b> Dufferin County (Mono) Region of Halton Region of Peel Region of Niagara City of Hamilton</p> <p align="center"><b>File with:</b>  NIAGARA ESCARPMENT COMMISSION 232 Guelph Street, 3<sup>rd</sup> Floor Georgetown, ON L7G 4B1</p>	<p align="center"><b>For the Areas of:</b> Bruce County Grey County Simcoe County Dufferin County (Mulmur, Melancthon)</p> <p align="center"><b>File with:</b>  NIAGARA ESCARPMENT COMMISSION 1450 7<sup>th</sup> Avenue Owen Sound, ON N4K 2Z1</p>

	<p>Phone: 905-877-5191 Fax: 905-873-7452 Website: <a href="http://www.escarpment.org">www.escarpment.org</a> Email: <a href="mailto:necgeorgetown@ontario.ca">necgeorgetown@ontario.ca</a></p>	<p>Phone: 519-371-1001 Fax: 519-371-1009 Website: <a href="http://www.escarpment.org">www.escarpment.org</a> Email: <a href="mailto:necowensound@ontario.ca">necowensound@ontario.ca</a></p>
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**NOTE:** Please review the notice of the decision you are appealing to determine the appeal deadline and the specific official with whom the appeal should be filed (e.g. Secretary-Treasurer, Clerk, Minister, Ontario Land Tribunal).

**NOTE:** Relevant portions of the applicable legislation should be reviewed before submitting this form. Please ensure that a copy of this Appeal Form is served in accordance with the requirements of the applicable legislation.