



**PLANNING COMMITTEE  
REPORT  
23-011**

July 11, 2023

9:30 a.m.

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

**Present:** Councillor J.P. Danko (Chair)  
Councillor T. Hwang (1st Vice Chair)  
Councillor C. Cassar (2nd Vice Chair)  
Councillors J. Beattie, C. Kroetsch, M. Francis, T. McMeekin,  
N. Nann, E. Pauls, M. Tadeson, A. Wilson, M. Wilson

**Also in Attendance:** Councillors B. Clark, T. Jackson

**THE PLANNING COMMITTEE PRESENTS REPORT 23-011 AND RESPECTFULLY RECOMMENDS:**

**1. Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications (PED23153) (City Wide) (Item 9.1)**

That Report PED23153, respecting Active Official Plan Amendment, Zoning By-law Amendment, and Plan of Subdivision Applications, be received.

**2. Outstanding Parking Penalty Revenue (PED23071) (City Wide) (Item 9.2)**

That Report PED23071, respecting Outstanding Parking Penalty Revenue, be received.

**3. Application for a Zoning By-law Amendment for Lands Located at 350 Albright Road, Hamilton (PED23147) (Ward 5) (Item 10.1)**

- (a) That Amended Zoning By-law Amendment Application ZAC-23-033 by T. Johns Consulting Group Ltd. c/o Katelyn Gillis on behalf of Guidos de Bres Christian High School, for a change in zoning from the Neighbourhood Institutional (I1) Zone to Community Institutional (I2, H152) Zone and Conservation / Hazard Land (P5) Zone, to permit the former elementary school building and associated lands to be converted to a secondary school (Guidos de Bres Christian High School) for lands

located at 350 Albright Road, Hamilton, as shown on Appendix “A” attached to Report PED23147, be APPROVED on the following basis:

- (i) That the draft By-law, as amended, attached as Appendix “B” to Report PED23147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.

**4. Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands located at 1093 Fennell Avenue East, Hamilton (PED23114) (Ward 6) (Item 10.2)**

- (a) That Official Plan Amendment Application UHOPA-22-019, by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 2650494 Ontario Inc. (c/o H. Haakimi, Elite MD Group), Owner, to amend the Urban Hamilton Official Plan to redesignate the subject lands from the “District Commercial” designation to the “Mixed Use – Medium Density” designation to permit a 394 unit mixed use building with a maximum height of 12 storeys and 34 townhouse units, for lands located at 1093 Fennell Avenue East, as shown on Appendix “A” attached to Report PED23114, be APPROVED on the following basis:
  - (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23114, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-22-045, by UrbanSolutions Planning & Land Development Consultants Inc. on behalf of 2650494 Ontario Inc. (c/o H. Haakimi, Elite MD Group), Owner, for a change in zoning from the District Commercial (C6) Zone to the Mixed Use Medium Density (C5, 849, H147) Zone, to permit a 12 storey, 394 unit mixed use building and 34, two storey townhouse dwellings, for lands located at 1093 Fennell Avenue East, as shown on Appendix “A” attached to Report PED23114, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED23114, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject property by introducing the Holding symbol ‘H147’ to the proposed Mixed Use Medium Density (C5) Zone. The Holding Provision ‘H147’ is to be removed to allow for a 12 storey mixed use building and 34, two storey townhouse dwellings, conditional upon:
  - (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton’s current RSC administration fee;
- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. X.

**5. Application for Zoning By-law Amendment for Lands Located at 329 Highland Road West, Stoney Creek (PED23120) (Ward 9) (Item 10.3)**

- (a) That Amended Zoning By-law Amendment Application ZAC-20-004 by WEBB Planning Consultants Inc., on behalf of Toscani Developments Ltd., Owner, for a change in zoning from Single Residential Zone “R1” Zone to Low Density Residential (R1, 850) Zone, Modified, to permit eight single detached dwellings on a condominium road, for a portion of the lands located at 329 Highland Road West, as shown on Appendix “A” attached to Report PED23120, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED23120, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law attached as Appendix “B” attached to Report PED23120, be added to District Map No. 1550 of Zoning By-law No. 05-200 as R1, 850 Zone;

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (iv) That the proposed change in zoning comply with the Urban Hamilton Official Plan (UHOP).

**6. Application for Zoning By-law Amendment for Lands Located at 111 and 115 Fiddler's Green Road, Ancaster (PED23093) (Ward 12) (Item 10.4)**

- (a) That Zoning By-law Amendment Application ZAC-22-058, by T. Johns Consulting Group Ltd. (c/o Katelyn Gillis) on behalf of Shcherbatykh Holding Inc. (c/o Dr. Julia Shcherbatykh), Owner, for a change in zoning from General Commercial "C3-211" Zone, Modified, and Existing Residential "ER" Zone to Neighbourhood Commercial (C2, 852, H150) Zone, to permit a two storey mixed use building with six dwelling units, ground floor commercial area of 538.4 square metres, and 32 surface parking spaces, for the lands located at 111 and 115 Fiddler's Green Road, as shown on Appendix "A" attached to Report PED23093, be APPROVED, on the following basis:

- (i) That the draft By-law attached as Appendix "B" to Report PED23093, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject property by introducing the Holding symbol 'H150' to the proposed Mixed Use Medium Density (C5) Zone.

The Holding Provision 'H150' is to be removed conditional upon:

- (1) The Owner enters into a conditional building permit agreement with respect to completing a Record of Site Condition or a signed Record of Site Condition (RSC) being submitted to the City of Hamilton and the Ministry of the Environment, Conservation and Parks (MECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MECP, and the submission of the City of Hamilton's current RSC administration fee;
- (iii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2020), conform to A Place to Grow:

Growth Plan for the Greater Golden Horseshoe (2019, as amended), and

- (iv) That the proposal complies with the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan.

**7. Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) (Item 10.5)**

- (a) That Draft Plan of Subdivision Application 25T-202210, by Wellings Planning Consultants (c/o Glenn Wellings), on behalf Royal Living Development Group Inc. (Alex Arbab), Owners, on lands located at 705 and 713 Rymal Road East, as shown on Appendix “A” attached to Report PED23131, be APPROVED in accordance with By-law No. 07-323 being the delegation of the City of Hamilton’s Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:

- (i) That this approval apply to the Draft Plan of Subdivision 25T-202210, certified by S. D. McLaren, O.L.S., dated August 5, 2022, consisting of one development block for townhouse dwellings (Block 1) and one block for road right of way dedications (Block 2) as shown on Appendix “B” attached to Report PED23131;
- (ii) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix “C” attached to Report PED23131;
- (iii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202110, as shown on Appendix “C” attached to Report PED23131, be received and endorsed by City Council;
- (iv) That in accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (v) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

**8. Application for Amendments to the Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464 and Zoning By-law No. 05-200, and**

**Draft Plan of Subdivision for Lands Located at 3479 Binbrook Road,  
Glanbrook (PED23117) (Ward 11) (Item 10.6)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-23-015, by Metropolitan Consulting Inc. (c/o Peter De Iulio) on behalf of Palmel Developments Inc. (c/o David Pitblado), Owners, to redesignate lands in the Binbrook Village Secondary Plan from “Low Density Residential 2e” to “Low Density Residential 3e”, “Low Density Residential 2h”, “Utility”, “Utility – SWM”, and “Neighbourhood Park”; to redesignate lands from “Low Density Residential 2h” to “Low Density Residential 2e”, “Low Density Residential 3e”, and “Utility – SWM”; to redesignate lands from “Low Density Residential 3e” to “Utility”; to redesignate lands from “Parkette” to “Low Density Residential 2h”, “Utility”, and “Utility – SWM”; to redesignate lands from “Neighbourhood Park” to “Low Density Residential 2h” and “Utility”; to redesignate lands from “Utility” to “Low Density Residential 2h” and “Low Density Residential 3e”; and to redesignate lands from “Institutional” to “Neighbourhood Park” and “Utility”, and to amend the Binbrook Village Secondary Plan – Open Space Linkages Map B.5.1-2, for lands located at 3479 Binbrook Road, as shown on Appendix “A” attached to Report PED23117, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED23117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Zoning By-law Amendment Application ZAC-22-008, by Metropolitan Consulting Inc. (c/o Peter De Iulio) on behalf of Palmel Developments Inc. (c/o David Pitblado), Owners, for a change in zoning from the Restricted Agricultural “A2” Zone to the Residential Multiple “RM3-326” Zone, Modified, to permit the development of up to 146 multiple dwelling units on three blocks, for lands located at 3479 Binbrook Road, as shown on Appendix “A” attached to Report PED23117, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix “C” to Report PED23117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

- (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Zoning By-law Amendment Application ZAC-22-008, by Metropolitan Consulting Inc. (c/o Peter De Iulio) on behalf of Palmel Developments Inc. (c/o David Pitblado), Owners, for a change in zoning from the Restricted Agricultural “A2” Zone to the Low Density Residential – Small Lot (R1a, 867) Zone, Low Density Residential – Small Lot (R1a, 868) Zone, Low Density Residential – Small Lot (R1a, 869) Zone, Conservation / Hazard Land (P5) Zone and Neighbourhood Park (P1) Zone, in order to establish 196 single detached dwellings, 42 semi detached dwellings, 388 street townhouse dwellings, a neighbourhood park, naturalized drainage channel, and stormwater management pond, for lands located at 3479 Binbrook Road, as shown on Appendix “A” attached to Report PED23117, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix “D” to Report PED23117, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
  - (iii) That this By-law will comply with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. XX;
- (d) That Red Line Revised Draft Plan of Subdivision Application 25T-202201, by Metropolitan Consulting Inc. (c/o Peter De Iulio) on behalf of Palmel Developments Inc. (c/o David Pitblado), Owners, for lands located at 3479 Binbrook Road, as shown on Appendix “A” attached to Report PED23117, be APPROVED, subject to the following:
  - (i) That this approval apply to the red line revised Draft Plan of Subdivision “Binbrook Meadows” 25T-202201, certified by R. Mayo, O.L.S., dated May 11, 2023, consisting of three blocks for up to 146 multiple dwelling units (Blocks 1, 2 and 3), 14 blocks for 388 street townhouse dwellings (Blocks 4, 5, 6, 9, 10, 12, 13, 19, 20, 21, 22, 26, 30 and 32), nine blocks for 196 single detached dwellings (Blocks 16, 17, 18, 23, 24, 25, 27, 28 and 29), one block for 42 semi detached dwellings (Block 31), one block for parkland (Block 8), two blocks for a drainage channel (Blocks 7 and 11), two blocks for a walkway (Blocks 14 and 15), one block for a stormwater management pond (Block 33), two blocks for a right-of-way

dedication (Blocks 34 and 35), and 16 public roadways (Streets “A” to “K”) including extensions to existing roads (Gowland Drive, Whitwell Way, McAllister Drive, McKee Drive, and Windwood Drive), as shown on the red line revised Draft Plan of Subdivision attached as Appendix “F” to Report PED23117, subject to the Owner entering into a standard form subdivision agreement as approved by City Council and with the Special Conditions attached as Appendix “G” to Report PED23117;

- (ii) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council.

**9. Application for a Zoning By-law Amendment for Lands Located at 211 York Road, Dundas (PED23165) (Ward 13) (Item 10.7)**

- (a) That Zoning By-law Amendment Application ZAR-23-008 by 211 York Investments Inc., for a change in zoning from Community Institutional (I2, 446, H108) Zone to Neighbourhood Commercial (C2, 446, H108) Zone, to permit 39 dwelling units and ground floor commercial uses in the existing two storey building, for lands located at 211 York Road, Dundas, as shown on Appendix “A” attached to Report PED23165, be APPROVED, on the following basis:
  - (i) That the draft By-law, attached as Appendix “B” to Report PED23165, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by replacing the Holding symbol H108, in its entirety in Schedule “D” of City of Hamilton Zoning By-law No. 05-200; and, that it shall be lifted upon completion of the following:
    - (1) The Owner submits and receives approval of a Functional Servicing Report to demonstrate the demand for the proposed stormwater management, sanitary flows and water



usage is similar to the existing usage, all to the satisfaction of the Manager of Engineering Approvals;

- (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, conforms to the Niagara Escarpment Plan, 2017, and complies with the Urban Hamilton Official Plan.

**10. Urban Expansion Areas Secondary Planning Policy Framework and Guidelines (PED23144) (City Wide) (Item 10.8)**

- (a) That the Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED23144, to establish a policy framework to guide the preparation of Secondary Plans for the Urban Expansion Areas, be approved on the following basis:
  - (i) That the draft Official Plan Amendment, attached as Appendix “A” to Report PED23144, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended;
- (b) That the Secondary Planning Guidelines for Urban Expansion Areas, attached as Appendix “B” to Report PED23144, be approved.

**11. Application for Zoning By-law Amendment for Lands Located at 140 Wilson Street West, Ancaster (PED23122) (Ward 12) (Item 11.2)**

- (a) That Zoning By-law Amendment Application ZAC-20-024, by A.J. Clarke and Associates (c/o Stephen Fraser, Agent), on behalf of 1376412 Ontario Inc. (c/o Ali Alaichi, Owner), for a change in zoning from the Existing Residential “ER” Zone to the Holding Residential Multiple “H-RM6-714” Zone, Modified, under Zoning By-law No. 87-57 (Ancaster), in order to permit a three storey multiple dwelling containing nine dwelling units with 14 surface parking spaces, for lands located at 140 Wilson Street West, as shown on Appendix “A” attached to Report PED23122, be APPROVED on the following basis:
  - (i) That the draft By-law, as amended as follows, attached as Appendix “B” to Report PED23122, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (1) Deleting “1.55” from subsection (f) Parking of the proposed Holding Residential Multiple “H-RM6-714” Zone, Modified, and replacing it with “1.33”; and,
  - (2) Deleting “29 percent” from subsection (i) Minimum Landscaping of the proposed Holding Residential Multiple “H-RM6-714” Zone, Modified, and replacing it with “26 percent”.
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding ‘H’ to the proposed Residential Multiple “RM6-714” Zone, Modified, as shown on Schedule ‘A’ to Appendix “B” attached to Report PED23122:

The Holding Residential Multiple “H-RM6-714” Zone, Modified, applicable to the lands located at 140 Wilson Street West be removed conditional upon the following:

- (1) That the applicant complete an Archaeological Assessment to the satisfaction of the Ministry of Citizenship and Multiculturalism and the Director of Planning and Chief Planer;
- (2) That the Owner prepare and receive approval of a Landscape Plan, including providing for 1 for 1 compensation for 22 privately owned trees (10 cm diameter at breast height (DBH) or greater) that are removed from private property through replanting trees on site and/or payment of cash-in-lieu, to the satisfaction of the Director of Planning and Chief Planner
- (3) That the Owner shall investigate the noise levels and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;

- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and complies with the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan.
  - (b) That Staff be directed, through review of a Landscape Plan submitted to satisfy Holding Provision b) of the proposed Holding Residential Multiple “H-RM6-714” Zone, Modified, to work with the Applicant / Owner to:
    - (i) Maintain as much landscaping area as possible within the subject lands and municipal boulevard and ensure adequate protection of Tree No. 2 on the Tree Protection Plan while ensuring the relocation of the proposed driveway access provides for safe and efficient pedestrian and vehicular traffic movement and visibility; and,
    - (ii) Explore the potential to retain Tree No. 1 on the Tree Protection Plan, if possible.
- 12. Application for Condominium Conversion for lands located at 121-125 King Street East, Hamilton (PED23171) (Ward 2) (Item 11.3)**
  - (a) That Condominium Conversion Application 25CDM-CONV-202307, by Bousfields Inc. c/o David Falletta and Gore Park Lofts Development Corp., Owner, to establish a Draft Plan of Condominium for 46 new residential units, one commercial unit and 46 storage lockers, on lands located at 121-125 King Street East (Hamilton), as outlined on the location map attached as Appendix “A” to Report PED23171, be APPROVED; and,
  - (b) That staff be directed to prepare a list of conditions for Draft Plan of Condominium.
- 13. Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (PED23046(a)) (City Wide) (Item 11.4)**
  - (a) That Planning and Economic Development Department staff, in conjunction with Legal Services staff, be directed to provide input to the Provincial Land and Development Facilitator under protest with respect to any private development proposals and associated community benefits within the lands removed by the Province from the Greenbelt Plan Area;
  - (b) That the Eleven Directions to Guide Development attached as Appendix “D”, as amended, to Report PED23046(a), which were previously approved by Council as part of the City’s Municipal Comprehensive Review process, be utilized as the framework for the City’s input to the

Provincial Land and Development Facilitator with respect to any private development proposals within the lands removed by the Province from the Greenbelt Plan Areas;

Direction #11

The City of Hamilton considers agricultural use to be of prime consideration, along with the protection of wetlands and natural heritage features.

- (c) That Planning and Economic Development Department staff be directed to schedule a public meeting of the Planning Committee for the purpose of obtaining public input as to the City's priorities and expectations with respect to any private development proposals within the lands removed by the Province from the Greenbelt Plan Area; and, that staff consult with City of Hamilton Public Engagement staff to ensure: the statutory meeting meets best engagement practice as much as possible; that the statutory meeting be held in the evening, be live streamed, and be held at a publicly accessible facility that is in close proximity to the Book Road lands; and, that all MPP and MP's be extended an invitation to attend.
- (d) That Planning and Economic Development Department staff be directed to request public discussion except where excluded under the provisions of the Municipal Act, including public agendas, a list of participants and minutes.
- (e) That the Mayor send a letter regarding these recommendations to the Association of Municipalities of Ontario, Federation of Canadian Municipalities, Rural Ontario Municipal Association and all Ontario Municipalities.

**14. Delegated Authority to Incorporate Lands as a Public Highway (PED23157) (City Wide) (Item 11.5)**

- (a) That the General Manager of the Planning and Economic Development Department, or their delegate, be authorized and directed to prepare by-laws under the provisions of subsection 31(2) of the *Municipal Act*, as amended, and place before Council for enactment, to incorporate lands as a public highway, provided:
  - (i) That the incorporating by-laws are in a standard form satisfactory to the City Solicitor;

- (ii) That, upon passage of the by-laws, the City Solicitor, or designate, be authorized and directed to register the by-laws.

**15. Parking Enforcement and Canada Post (PED23159) (City Wide) (Item 11.6)**

That the draft Amending By-law to Regulate On-Street Parking 01-218 as shown in Appendix "A" attached to Report PED23159 and in a form satisfactory to the City Solicitor, be approved.

**16. Application for Cash-in-Lieu of Parking for Lands Located at 174 and 180 Ottawa Street North, Hamilton (PED23167) (Ward 4) (Item 11.7)**

- (a) That Cash-in-Lieu of Parking Application CIL-22-003 by T. Johns Consulting Ltd., for Indwell Community Homes, Owner, for an exemption from the parking provisions of Zoning By-law No. 05-200 for four of the required nine parking spaces, for lands located at 174 and 180 Ottawa Street North, as shown on Appendix "A" attached to Report PED23167, be APPROVED on the following basis:

- (i) That the owner pays the Cash-in-Lieu of Parking sum of \$1 for each of the four parking spaces;
- (ii) That the City Solicitor be authorized and directed to prepare the appropriate Cash-in-Lieu of Parking Agreement in accordance with Section 40 of the *Planning Act* and authorized to register the agreement on title of the subject land;
- (iii) That the City Clerk be authorized to provide a certificate in accordance with Section 40 (5) of the *Planning Act* when all money payable to the City under the Cash-in-lieu of Parking Cash-in-lieu of Parking Agreement has been paid or the agreement has been terminated.

**17. Hamilton Municipal Heritage Committee Report 23-006 (Item 11.8)**

- (a) **Recommendation to Designate 64 Hatt Street, Dundas, under Part IV of the Ontario Heritage Act (PED23124) (Ward 13) (Item 8.1)**

- (i) That the City Clerk be directed to give notice of Council's intention to designate 64 Hatt Street, Dundas, shown in Appendix "A" attached to Report PED23124, as a property of cultural heritage value pursuant to the provisions of Part IV, Section 29 of the

Ontario Heritage Act, in accordance with the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED23124, subject to the following:

- (1) If no objections are received to the notice of intention to designate in accordance with the Ontario Heritage Act, City Council directs staff to introduce the necessary by-law to designate the property to be of cultural heritage value or interest to City Council;
- (2) If an objection to the notice of intention to designate is received in accordance with the Ontario Heritage Act, City Council directs staff to report back to Council to allow Council to consider the objection and decide whether or not to withdraw the notice of intention to designate the property.

**(b) Monthly Report on Proactive Listings for the Municipal Heritage Register, June 2023 (PED23146) (Ward 3) (Item 10.1)**

- (i) That staff be directed to list the following properties on the Municipal Heritage Register as non-designated properties that Council believes to be of cultural heritage value or interest, as outlined in Report PED23146, in accordance with Section 27 of the Ontario Heritage Act:
  - (1) 89 Wentworth Street South, Hamilton (Ward 3);
  - (2) 91 Wentworth Street South, Hamilton (Ward 3).

**18. Application to Deem lands Being Block 14 of Registered Plan 62M-1161 not to be Part of a Registered Plan of Subdivision, for the Purposes of Subsection 50(3) of the Planning Act (Ancaster) (PED23097) (Ward 12) (Item 11.9)**

- (a) That approval be given to deem Block 14 of Registered Plan 62M-1161 not to be part of a Registered Plan of Subdivision, for the purposes of Subsection 50(3) of the *Planning Act*, as shown on Appendix “A” to Report PED23097, on the following basis:
  - (i) That the draft By-law, as Appendix “D” to Report PED23097, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the proposal to deem Block 14 of Registered Plan 62M-1161 not to be part of a Registered Plan of Subdivision is consistent with

the Provincial Policy Statement (2020) and complies with the Urban Hamilton Official Plan.

**19. Sign Variance Appeal SV-22-004 for the Property Known as 360 – 410 Lewis Road, Stoney Creek, Denied by the Director of Development Planning and Appealed by the Owner (PED23160) (Ward 10) (Item 11.10)**

- (a) That the Appeal of Sign Variance Application, SV-22-004 by the Owners 360 Lewis Investments GP Inc. c/o Joe Accardi, which seeks relief from Section 5.2.2 of Sign By-Law No. 10-197 to permit the replacement of two existing Ground Signs with new electronic Ground Signs, for the property known as 360 – 410 Lewis Road, Stoney Creek (as shown on Appendix “A” attached to Report PED23160) be DENIED, on the following basis:
  - (i) That the requested variances are not in keeping with the general intent and purpose of Sign By-law No. 10-197;
  - (ii) That the requested variances do not meet the tests stipulated in Sign By-law No. 10-197.

**20. Sign Variance Appeal SV-22-011 for the Property Known as 1038, 1040 and 1042 Garner Road West, Ancaster, Denied by the Director of Development Planning and Appealed by the Owner (PED23149) (Ward 12) (Item 11.11)**

- (a) That the Appeal of Sign Variance Application, SV-22-011, by the Owners 2228023 Ontario Inc. c/o Dan Gubekjian, which seeks relief from Section 5.2.2 of Sign By-Law No. 10-197 to allow for the existing Ground Sign with an electronic message display to allocate up to 50% of the sign area or 8.70 square metres for third party advertising, specifically for a business that is not on the property on which the Ground Sign is displayed or an activity, product or service that is not available on that property on digital Ground Sign; for the property known as 1038, 1040 and 1042 Garner Road West, Ancaster (refer to Appendix “A” attached to Report PED23149), be DENIED, on the following basis:
  - (i) That the requested variance is not in keeping with the general intent and purpose of Sign By-law No. 10-197;
  - (ii) That the requested variance does not meet the tests stipulated in Sign By-law No. 10-197.

**21. Request for Class 4 Designation for Lands Located at 115 and 121 Vansitmart Avenue, Hamilton (PED23172) (Ward 4) (Item 11.12)**

That staff be directed to report back upon receipt of comments from Canadian National Railway on the Class 4 Area designation additional noise assessment information from the applicant and a peer review, if deemed necessary by staff and at the expense of the owner, of the updated noise and vibration study to confirm the assumptions made in the study relating to impulse sound levels and indoor noise levels for sleeping quarters for lands located at 115 and 121 Vansitmart Avenue.

**22. Demolition Permit for 3260 Homestead Drive (Item 12.1)**

WHEREAS, the owner of the above-mentioned property would like to demolish the building prior to obtaining a Building Permit for a replacement building;

WHEREAS, the owner has plans to rebuild and is currently in the planning process, has received development approval and is working through site plan approval to redevelop the above property and the neighbouring property at 3250 Homestead Drive into a 40-unit condominium building.

WHEREAS, the previous owner did receive a demolition permit for the rear portion of the house and was in the process of demolishing parts of the interior and exterior when the property was purchased in the summer of 2021.

WHEREAS, The remaining house is beyond repair and dangerous for people to enter, yet people continue to break in.

WHEREAS, neighbouring residents have encouraged the property owner to apply for a demolition permit as soon as possible to relieve the challenges and risks of vandalism and mischief at the property.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 3260 Homestead Drive, Glanbrook, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions in Sub-Section 6.(a) of Demolition Control Area By-law 22-101.

**23. Outstanding Parking Penalty Revenue (Item 12.2)**

WHEREAS, beginning in 2020 the Ministry of Transportation of Ontario made several changes to the Ontario licence plate renewal program which included the relaxation of renewal expectations over the course of the COVID-19 Pandemic followed by the elimination of, and refunding of, fees associated with the renewal of licence plates;



WHEREAS, collectively changes to Ontario licence plate renewal program are believed to have made drivers less mindful, or aware of the need to renew their licence plates;

WHEREAS, licence plate holders are required to pay outstanding fees, such as Administrative Penalties issued by the City for parking infractions, in order to renew their licence plate;

WHEREAS, since the beginning of the COVID-19 Pandemic, the Hamilton Municipal Parking System and the City of Hamilton has observed an increase in uncollected Parking Penalty Revenues with the estimated cumulative impact on outstanding revenue being approximately \$3-\$3.5 M; and,

WHEREAS, other municipalities have seen similar trends in increased outstanding revenues corresponding to changes in licence plate renewals.

THEREFORE, BE IT RESOLVED:

That the Mayor correspond with the Minister of Transportation to:

- (a) Outline concerns with respect to the observed link between changes to the Ontario licence plate renewal program and the City's ability to collect outstanding parking penalty revenues;
- (b) Request if the Ministry of Transportation intends to introduce new tools to assist with the collection of outstanding parking penalties issued by municipalities.

**24. Appeal to the Ontario Land Tribunal for Refusal of Official Plan Amendment Application (UHOPA-21-023) and Zoning By-law Amendment Application (ZAC-21-049) by 2691893 Ontario Inc. c/o IronPoint Capital Management Inc. (c/o GSP Group Inc., Applicant) for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (LS23023/PED22037(b)) (Ward 12) (Item 15.1)**

- (a) That the directions to staff in closed session respecting Report LS23023/PED22037(b) be approved;
- (b) That closed session recommendations (a), (b), (c), and (d) to Report LS23023/ PED22037(b) and Appendices "A", "B", "C" and "D" hereto, be approved and remain confidential until made public coincident with staff's presentation of the City's position to the Tribunal;
- (c) That the balance of this Report LS23023/PED22037(b) remains confidential.

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

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

**6. DELEGATION REQUESTS**

**6.3 Delegations respecting Provincial Amendments to the Greenbelt Plan (Item 11.4) (For today's meeting)**

**(a) Added Delegation Requests**

- (iii) Nicole Tollenaar
- (iv) Patricia Baker - WITHDRAWN
- (v) Mary Love
- (vi) Robert Wakulat
- (vii) Janwillem Jansen (pre-recorded video)
- (viii) Laura Katz (pre-recorded video)
- (ix) Ian Borsuk
- (x) James S. Quinn

**6.4 John Ariens, Arcadis, respecting Garner Road Sign Variance Appeal (Item 11.11) (For today's meeting)**

**6.5 Matt Johnston, Urban Solutions, respecting 382 Southcote Road (Item 11.1) (For today's meeting)**

**6.6 David Falletta, Bousfields Inc., respecting 121-125 King St. E. (Item 11.3) (For today's meeting)**

**6.7 Joe Hoffman, Goodmans LLP, respecting 121-125 King St. E. (Item 11.3) (For today's meeting)**

**10. PUBLIC MEETINGS**

**10.2 Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands located at 1093 Fennell Avenue East, Hamilton (PED23114) (Ward 6)**

- (a) Added Written Submissions
  - (i) Drazen Spehar

**10.3 Application for Zoning By-law Amendment for Lands Located at 329 Highland Road West, Stoney Creek (PED23120) (Ward 9)**

- (a) Added Written Submissions
  - (i) Adam Sajgo

**10.4 Application for Zoning By-law Amendment for Lands Located at 111 and 115 Fiddler's Green Road, Ancaster (PED23093) (Ward 12) - REVISED Report and Appendix "B"**

**10.5 Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6)**

- (a) Added Written Submissions
  - (i) Rehab Alsayari

**10.6 Application for Amendments to the Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464 and Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 3479 Binbrook Road, Glanbrook (PED23117) (Ward 11)**

- (a) Added Written Submissions
  - (i) Greg Halliday

**10.7 Application for a Zoning By-law Amendment for Lands Located at 211 York Road, Dundas (PED23165) (Ward 13)**

- (a) Added Written Submissions
  - (i) Kevin Golem
  - (ii) Jarrid Radoslav

**10.8 Urban Expansion Areas Secondary Planning Policy Framework and Guidelines (PED23144) (City Wide)**

- (b) Added Written Submissions
  - (iii) Jeannette Macdonald McKibbon
  - (iv) Daniel Coleman
  - (v) Gus Mihailovich
  - (vi) Allison Barnes

- (vii) David Falletta, Bousfields Inc.
- (viii) Hailey Van Sickle
- (ix) Laura Robson
- (x) Tony Maddalena
- (xi) Gail Moffatt
- (xii) Margaret Tremblay
- (xiii) Simon Caneo
- (xiv) Elaine Harvey and Roger Connelly
- (xv) Shania Ramharrack-Maharaj
- (xvi) Patricia and Dennis Baker
- (xvii) Marilyn Daniels
- (xviii) Aileen McMillan
- (xix) Eileen Booty
- (xx) Cynthia Meyer
- (xxi) Heather Yoell
- (xxii) Caroline Hill Smith
- (xxiii) John Corbett, Corbett Land Strategies Inc.
- (xxiv) Emma West, Bousfields Inc.
- (xxv) Anne Washington
- (xxvi) Carolanne Forster
- (xxvii) Liz Koblyk

(c) Added Registered Delegations

- (i) Patricia Baker
- (ii) Mary Love
- (iii) Peter Appleton
- (iv) Carolyn Stupple

**11. DISCUSSION ITEMS**

**11.4 Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (PED23046(a)) (City Wide) (Deferred from the June 13th Planning Committee Meeting)**

(a) Added Written Submissions:

- (i) Daniel Coleman
- (ii) Karen Bouwman
- (iii) Alex Matheson
- (iv) Rose Janson
- (v) Geralynne Keech
- (vi) Michelle Tom
- (vii) Wyn Andress
- (viii) Rick Johnson
- (ix) Elaine Elson

- (x) Dieter Klaus
- (xi) Tracey Hancock
- (xii) Gus Mihailovich
- (xiii) Allison Barnes
- (xiv) Jill Tonini
- (xv) Andra Zommers
- (xvi) Robert Wakulat
- (xvii) John Corbett, Corbett Land Strategies
- (xviii) Martha Howatt
- (xix) Janet and Jim Fraser
- (xx) George Baier
- (xxi) Anna Vermaat
- (xxii) Patricia Cole-Stever
- (xxiii) Margaret Tremblay
- (xxiv) Lois Corey
- (xxv) Mike Gleadall
- (xxvi) Elaine Harvey and Roger Connelly
- (xxvii) Dorothy McIntosh
- (xxviii) John Radoman
- (xxix) Patricia and Dennis Baker
- (xxx) Robin Cameron
- (xxxi) Charlane Surerus
- (xxxii) Marilyn Daniels
- (xxxiii) Hailey Van Sickle
- (xxxiv) Laura Robson
- (xxxv) Grace Petz
- (xxxvi) Kathy Garneau
- (xxxvii) Marie Covert
- (xxxviii) Eileen Booty
- (xxxix) Cynthia Meyer
- (xl) Heather Yoell
- (xli) Caroline Hill Smith
- (xlii) Elizabeth Knight
- (xliii) Laura Trethewey
- (xliv) Jean Mackay
- (xlv) Anne Washington
- (xlvi) Stephen Cooke
- (xlvii) Martine Bercier
- (xlviii) Mark Forler
- (xlix) Carolanne Forster
- (l) Liz Koblyk
- (li) Yvonne Sutherland-Case
- (lii) Helena Dalrymple

**15. PRIVATE AND CONFIDENTIAL**

**15.2 Closed Session Minutes - June 13, 2023**

The agenda for the July 11, 2023 Planning Committee meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

Councillor Hwang declared an interest with Item 10.7 Application for a Zoning By-law Amendment for Lands Located at 211 York Road, Dundas (PED23165) (Ward 13), as the property owners are her business partners.

Councillor Hwang declared an interest with Item 11.10 Sign Variance Appeal SV-22-004 for the Property Known as 360 – 410 Lewis Road, Stoney Creek, Denied by the Director of Development Planning and Appealed by the Owner (PED23160) (Ward 10) (Item 11.10), as the property owners are her business partners.

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

**(i) June 13, 2023 (Item 4.1)**

The Minutes of the June 13, 2023 meeting were approved, as presented.

**(d) DELEGATION REQUESTS (Item 6)**

**(a) Various Delegation Requests (Items 6.1 – 6.7)**

The following Delegations Requests were approved as follows:

- (i) Nicole Wilson respecting a Request to Withdraw the City's Appeal of Committee of Adjustment decision on 245 Mill Street (For the August 15<sup>th</sup> meeting) (Item 6.1)
- (ii) Bismarck Coca Jr., Pride Signs Limited, respecting Sign Variance Appeal for 360-410 Lewis Road (Item 11.10) (For today's meeting) (Item 6.2)
- (iii) Delegations respecting Provincial Amendments to the Greenbelt Plan (Item 11.4) (For today's meeting) (Item 6.3)
  - (i) Sean Everingham
  - (ii) Peter Appleton
  - (iii) Nicole Tollenaar
  - (iv) Patricia Baker
  - (v) Mary Love
  - (vi) Robert Wakulat

- (vii) Janwillem Jansen (pre-recorded video)
- (viii) Laura Katz (pre-recorded video)
  
- (iv) John Ariens, Arcadis, respecting Garner Road Sign Variance Appeal (Item 11.11) (For today's meeting) (Added Item 6.4)
  
- (v) Matt Johnston, Urban Solutions, respecting 382 Southcote Road (Item 11.1) (For today's meeting) (Added Item 6.5)
  
- (vi) David Falletta, Bousfields Inc., respecting 121-125 King St. E. (Item 11.3) (For today's meeting) (Added Item 6.6)
  
- (vii) Joe Hoffman, Goodmans LLP, respecting 121-125 King St. E. (Item 11.3) (For today's meeting) (Added Item 6.7)

**(e) DELEGATIONS (Item 7)**

- (i) Matt Johnston, Urban Solutions, respecting Redesignation of Class 4 Noise Designation for 115 and 121 Vansitmart Avenue (Item 11.12) (Approved at the April 4th meeting) (Item 7.1)**

Matt Johnston with Urban Solutions, addressed the Committee respecting Redesignation of Class 4 Noise Designation for 115 and 121 Vansitmart Avenue.

The delegation from Matt Johnston with Urban Solutions respecting Redesignation of Class 4 Noise Designation for 115 and 121 Vansitmart Avenue, was received.

- (ii) Bismarck Coca Jr., Pride Signs Limited, respecting Sign Variance Appeal for 360-410 Lewis Road (Item 11.10) (Item 7.2)**

Bismarck Coca Jr. with Pride Signs Limited, addressed the Committee respecting Sign Variance Appeal for 360-410 Lewis Road.

The Delegation from Bismarck Coca Jr. with Pride Signs Limited, respecting Sign Variance Appeal for 360-410 Lewis Road, was received.

- (iii) Delegations respecting Provincial Amendments to the Greenbelt Plan (Item 11.4) (Item 7.3)**

The following Delegations were not in attendance when called upon:

- (i) Sean Everingham
- (iii) Nicole Tollenaar
- (iv) Patricia Baker

- (vi) Robert Wakulat
- (x) James S. Quinn

A member of the public advised they were added as a Delegate to Item 10.8 in error and wished to speak to this matter (Item 11.4).

Carolyn Stupple was added as a Delegation for Provincial Amendments to the Greenbelt Plan (Item 11.4).

The following Delegations addressed the Committee respecting Provincial Amendments to the Greenbelt Plan (Item 11.4):

- (ii) Peter Appleton (pre-recorded video)
- (v) Mary Love (in-person)
- (vii) Janwillem Jansen (pre-recorded video)
- (viii) Laura Katz (pre-recorded video)
- (ix) Ian Borsuk (in-person)
- (x) Carolyn Stupple (in-person)

The following Delegations respecting Provincial Amendments to the Greenbelt Plan were received:

- (ii) Peter Appleton (pre-recorded video)
- (v) Mary Love (in-person)
- (vii) Janwillem Jansen (pre-recorded video)
- (viii) Laura Katz (pre-recorded video)
- (ix) Ian Borsuk (in-person)
- (xi) Carolyn Stupple (in-person)

**(iv) John Ariens, Arcadis, respecting Garner Road Sign Variance Appeal (Item 11.11) (Added Item 7.4)**

John Ariens with Arcadis, addressed the Committee respecting Garner Road Sign Variance Appeal.

The Delegation from John Ariens with Arcadis respecting Garner Road Sign Variance Appeal, was received.

**(v) Matt Johnston, Urban Solutions, respecting 382 Southcote Road (Item 11.1) (For today's meeting) (Added Item 7.5)**

Matt Johnston with Urban Solutions, addressed the Committee respecting 382 Southcote Road (Item 11.1) and requested that the Staff Report be deferred to the August 15, 2023 Planning Committee meeting.



The Delegation from Matt Johnston with Urban Solutions respecting 382 Southcote Road (Item 11.1), was received.

**(vi) David Falletta, Bousfields Inc., respecting 121-125 King St. E. (Item 11.3) (Added Item 7.6)**

David Falletta with Bousfields Inc., addressed the Committee respecting 121-125 King St. E. (Item 11.3).

The Delegation from David Falletta with Bousfields Inc. respecting 121-125 King St. E. (Item 11.3), was received.

**(vii) Joe Hoffman, Goodmans LLP, respecting 121-125 King St. E. (Item 11.3) (For today's meeting) (Added Item 7.7)**

Joe Hoffman with Goodmans LLP, addressed the Committee respecting 121-125 King St. E. (Item 11.3).

The Delegation from Joe Hoffman with Goodmans LLP, respecting 121-125 King St. E. (Item 11.3), was received.

**(f) PUBLIC HEARINGS (Item 10)**

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

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

**(i) Application for a Zoning By-law Amendment for Lands Located at 350 Albright Road, Hamilton (PED23147) (Ward 5) (Item 10.1)**

The staff presentation was waived.

Katelyn Gillis with T. Johns Consulting Group Ltd., was in attendance, and indicated support for the staff report with the exception of the Holding Provision.

The presentation from Katelyn Gillis with T. Johns Consulting Group Ltd., was received.

Chair Danko called three times for public delegations and none came forward.

- (a) The public submissions regarding this matter were received and considered by the Committee; and,
- (b) The public meeting was closed.
- (a) That Amended Zoning By-law Amendment Application ZAC-23-033 by T. Johns Consulting Group Ltd. c/o Katelyn Gillis on behalf of Guidos de Bres Christian High School, for a change in zoning from the Neighbourhood Institutional (I1) Zone to Community Institutional (I2, H152) Zone and Conservation / Hazard Land (P5) Zone, to permit the former elementary school building and associated lands to be converted to a secondary school (Guidos de Bres Christian High School) for lands located at 350 Albright Road, Hamilton, as shown on Appendix "A" attached to Report PED23147, be APPROVED on the following basis:
  - (i) That the draft By-law, attached as Appendix "B" to Report PED23147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That Schedule "D" – Holding Provisions, of Zoning By-law No. 05-200, be amended by adding a Holding Provision as follows:

H152. Notwithstanding Section 8.2 of this By-law, within lands zoned Community Institutional (I2, H152) Zone, identified on Map 1245 of Schedule A – Zoning Maps and described as 350 Albright Road, no development shall be permitted until such time as the applicant submits and receives approval of a Transportation Impact Study to the satisfaction of the Manager, Transportation Planning;
  - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.

The recommendations in Report PED23147 were **amended** by deleting sub-section (ii) and re-numbering the rest accordingly:

- (a) That Amended Zoning By-law Amendment Application ZAC-23-033 by T. Johns Consulting Group Ltd. c/o Katelyn Gillis on behalf of Guidos de Bres Christian High School, for a change in zoning from the Neighbourhood Institutional (I1) Zone to Community Institutional (I2, H152) Zone and Conservation / Hazard Land (P5) Zone, to permit the former elementary school building and associated lands to be converted to a secondary school (Guidos de Bres Christian High School) for lands located at 350 Albright Road, Hamilton, as shown on Appendix “A” attached to Report PED23147, be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED23147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

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

~~**H152. Notwithstanding Section 8.2 of this By-law, within lands zoned Community Institutional (I2, H152) Zone, identified on Map 1245 of Schedule A – Zoning Maps and described as 350 Albright Road, no development shall be permitted until such time as the applicant submits and receives approval of a Transportation Impact Study to the satisfaction of the Manager, Transportation Planning;**~~

- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended) and complies with the Urban Hamilton Official Plan.

For disposition of this matter, refer to Item 3.

- (ii) **Application for an Official Plan Amendment and a Zoning By-law Amendment for Lands located at 1093 Fennell Avenue East, Hamilton (PED23114) (Ward 6) (Item 10.2)**

The staff presentation was waived.

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

The delegation from Matt Johnston with Urban Solutions, was received.

Chair Danko called three times for additional public delegations and no one came forward.

- (a) The following public submission (Item 10.2 (a)) regarding this matter was received and considered by the Committee:
  - (i) Drazen Spehar – In opposition to the development
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 4.

**(iii) Application for Zoning By-law Amendment for Lands Located at 329 Highland Road West, Stoney Creek (PED23120) (Ward 9) (Item 10.3)**

The staff presentation was waived.

James Webb with WEBB Planning Consultants Inc. was in attendance and indicated support for the staff report.

The delegation from James Webb with WEBB Planning Consultants Inc., was received.

Chair Danko called three times for public delegations and none came forward.

- (a) The following public submission (Item 10.3 (a)) regarding this matter was received and considered by the Committee; and
  - (i) Adam Sajgo – Concerns with development
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 5.

**(iv) Application for Zoning By-law Amendment for Lands Located at 111 and 115 Fiddler's Green Road, Ancaster (PED23093) (Ward 12) (Item 10.4)**

The staff presentation was waived.

Katelyn Gillis with T. Johns Consulting Group Ltd., was in attendance and indicated support for the staff report, with the exception of the parking ratio.

The delegation from Katelyn Gillis with T. Johns Consulting Group Ltd., was received.

Chair Danko called three times for public delegations and none came forward.

- (a) The following written submissions (Item 10.4(a)), regarding this matter were received and considered by the Committee: and,
  - (i) George J. Gresko, in Opposition to the application.
  - (ii) Dylan and Gabrielle DePodesta, in Opposition to the application
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 6.

**(v) Application for Approval of a Draft Plan of Subdivision for Lands Located at 705 and 713 Rymal Road East, Hamilton (PED23131) (Ward 6) (Item 10.5)**

The staff presentation was waived.

Glenn Wellings with Wellings Planning Consultants, was in attendance and indicated support for the staff report.

The delegation from Glenn Wellings with Wellings Planning Consultants, was received.

Chair Danko called three times for public delegations and none came forward.

- (a) The following written submission (Item 10.5 (a)) regarding this matter was received and considered by the Committee; and,
  - (i) Rehab Alsayari – Concerns with the development
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 7.

The Committee Recessed from 12:35 p.m. to 1:15 p.m.

**(vi) Application for Amendments to the Urban Hamilton Official Plan, Township of Glanbrook Zoning By-law No. 464 and Zoning By-law No. 05-200, and Draft Plan of Subdivision for Lands Located at 3479 Binbrook Road, Glanbrook (PED23117) (Ward 11) (Item 10.6)**

The staff presentation was waived.

Peter De Iulio with Metropolitan Consulting Inc., was in attendance and indicated support for the staff report.

The delegation from Peter De Iulio with Metropolitan Consulting Inc., was received.

Chair Danko called three times for public delegations.

The following delegation addressed the Committee:

- (i) Carolyn Stupple – Concerns with the development
- (a) The following written submissions (Item 10.6(a)) regarding this matter were received and considered by the Committee:
  - (i) Greg Halliday, Concerns with the application.
- (b) The following public delegation (Added Item 10.6(b)) regarding this matter was received and considered by the Committee:
  - (i) Carolyn Stupple
- (c) The public meeting was closed.

For disposition of this matter, refer to Item 8.

**(vii) Application for a Zoning By-law Amendment for Lands Located at 211 York Road, Dundas (PED23165) (Ward 13) (Item 10.7)**

The staff presentation was waived.

Mitch Gold with Forge & Foster, was in attendance and indicated support for the staff report.

The delegation from Mitch Gold with Forge & Foster, was received.

Chair Danko called three times for public delegations and none came forward.

- (a) The following written submissions (Item 10.7 (a)) regarding this matter were received and considered by the Committee; and,
  - (i) Kevin Golem, Concerns with development
  - (ii) Jarrid Radoslav, Concerns with development
- (b) The public meeting was closed.

For disposition of this matter, refer to Item 9.

**(viii) Urban Expansion Areas Secondary Planning Policy Framework and Guidelines (PED23144) (City Wide) (Item 10.8)**

Mark Kehler, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

**Registered Delegations (Item 10.8(c)):**

- (i) Patricia Baker – Not in attendance
- (ii) Mary Love – Not in attendance
- (iii) Peter Appleton – Not in attendance
- (iv) Carolyn Stupple (in-person) – Concerns with Report

Chair Danko called three times for public delegations and none came forward.

- (a) The following public submissions (Item 10.8 (a), (b) and (c)) regarding this matter were received and considered by the Committee; and,
  - (i) Rob Stovel Jr. on behalf of Greenhorizons– Concerns with the Report Recommendations
  - (ii) Aileen McMillan - Opposed
  - (iii) Jeannette Macdonald McKibbon - Concerns
  - (iv) Daniel Coleman - Opposed
  - (v) Gus Mihailovich - Opposed
  - (vi) Allison Barnes - Opposed
  - (vii) David Falletta, Bousfields Inc. - Concerns
  - (viii) Hailey Van Sickle - Opposed
  - (ix) Laura Robson - Opposed
  - (x) Tony Maddalena - Opposed
  - (xi) Gail Moffatt - Opposed
  - (xii) Margaret Tremblay - Opposed

- (xiii) Simon Caneo - Opposed
- (xiv) Elaine Harvey and Roger Connelly - Opposed
- (xv) Shania Ramharrack-Maharaj - Opposed
- (xvi) Patricia and Dennis Baker - Opposed
- (xvii) Marilyn Daniels - Opposed
- (xviii) Aileen McMillan - Opposed
- (xix) Eileen Booty - Concerns
- (xx) Cynthia Meyer - Opposed
- (xxi) Heather Yoell - Opposed
- (xxii) Caroline Hill Smith - Opposed
- (xxiii) John Corbett, Corbett Land Strategies Inc. - Comments
- (xxiv) Emma West, Bousfields Inc. – in support of the staff  
Recommendations
- (xxv) Anne Washington – Opposed
- (xxvi) Carolanne Forster – Concerns
- (xxvii) Liz Koblyk - Opposed

- (b) The public meeting was closed.

For disposition of this matter, refer to Item 10.

**(g) DISCUSSION ITEMS (Item 11)**

**(i) Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 382 Southcote Road, Ancaster (PED23119) (Ward12) (Item 11.1)**

Report PED23119 respecting Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 382 Southcote Road, Ancaster, was DEFERRED to the August 15, 2023 Planning Committee meeting.

**(ii) Application for Zoning By-law Amendment for Lands Located at 140 Wilson Street West, Ancaster (PED23122) (Ward 12) (Item 11.2)**

- (a) That Zoning By-law Amendment Application ZAC-20-024, by A.J. Clarke and Associates (c/o Stephen Fraser, Agent), on behalf of 1376412 Ontario Inc. (c/o Ali Alaichi, Owner), for a change in zoning from the Existing Residential “ER” Zone to the Holding Residential Multiple “H-RM6-714” Zone, Modified, under Zoning By-law No. 87-57 (Ancaster), in order to permit a three storey multiple dwelling containing nine dwelling units with 14 surface parking spaces, for lands located at 140 Wilson Street West, as shown on Appendix “A” attached to Report PED23122, be APPROVED on the following basis:



- (i) That the draft By-law attached as Appendix “B” to Report PED23122, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding ‘H’ to the proposed Residential Multiple “RM6-714” Zone, Modified, as shown on Schedule ‘A’ to Appendix “B” attached to Report PED23122:

The Holding Residential Multiple “H-RM6-714” Zone, Modified, applicable to the lands located at 140 Wilson Street West be removed conditional upon the following:

- (1) That the applicant complete an Archaeological Assessment to the satisfaction of the Ministry of Citizenship and Multiculturalism and the Director of Planning and Chief Planer;
  - (2) That the Owner prepare and receive approval of a Landscape Plan, including providing for 1 for 1 compensation for 22 privately owned trees (10 cm diameter at breast height (DBH) or greater) that are removed from private property through replanting trees on site and/or payment of cash-in-lieu, to the satisfaction of the Director of Planning and Chief Planner
  - (3) That the Owner shall investigate the noise levels and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019,

as amended), and complies with the Urban Hamilton Official Plan and Ancaster Wilson Street Secondary Plan.

- (a) The Draft Zoning By-law Amendment attached as Appendix “B” to Report PED23122 was **amended** by:
  - (i) ***Deleting “1.55” from subsection (f) Parking of the proposed Holding Residential Multiple “H-RM6-714” Zone, Modified, and replacing it with “1.33”; and,***
  - (ii) ***Deleting “29 percent” from subsection (i) Minimum Landscaping of the proposed Holding Residential Multiple “H-RM6-714” Zone, Modified, and replacing it with “26 percent”.***
- (b) ***That Staff be directed, through review of a Landscape Plan submitted to satisfy Holding Provision b) of the proposed Holding Residential Multiple “H-RM6-714” Zone, Modified, to work with the Applicant / Owner to:***
  - (i) ***Maintain as much landscaping area as possible within the subject lands and municipal boulevard and ensure adequate protection of Tree No. 2 on the Tree Protection Plan while ensuring the relocation of the proposed driveway access provides for safe and efficient pedestrian and vehicular traffic movement and visibility; and,***
  - (ii) ***Explore the potential to retain Tree No. 1 on the Tree Protection Plan, if possible.***

For disposition of this matter, refer to Item 11.

**(iii) Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3) (PED23046(a)) (City Wide) (Item 11.4)**

Steve Robichaud, Director of Planning and Chief Planner, addressed the Committee with the aid of a PowerPoint presentation.

The presentation from Steve Robichaud, Director of Planning and Chief Planner, respecting Provincial Amendments to the Greenbelt Plan (Greenbelt Plan Amendment No. 3), was received.

The following written submissions were received:

- (i) Daniel Coleman – opposed to the proposed

- amendments/consulting with a Province Facilitator
- (ii) Karen Bouwman - opposed
  - (iii) Alex Matheson - opposed
  - (iv) Rose Janson – opposed
  - (v) GERALYNNE KEECH - opposed
  - (vi) Michelle Tom - opposed
  - (vii) Wyn Address - opposed
  - (viii) Rick Johnson - opposed
  - (ix) Elaine Elson - opposed
  - (x) Dieter Klaus - opposed
  - (xi) Tracey Hancock - opposed
  - (xii) Gus Mihailovich - opposed
  - (xiii) Allison Barnes - opposed
  - (xiv) Jill Tonini - opposed
  - (xv) Andra Zommers - opposed
  - (xvi) Robert Wakulat - opposed
  - (xvii) John Corbett, Corbett Land Strategies – in support of the staff report
  - (xviii) Martha Howatt - opposed
  - (xix) Janet and Jim Fraser - opposed
  - (xx) George Baier - opposed
  - (xxi) Anna Vermaat - opposed
  - (xxii) Patricia Cole-Steves - opposed
  - (xxiii) Margaret Tremblay - opposed
  - (xxiv) Lois Corey - opposed
  - (xxv) Mike Gleadall - opposed
  - (xxvi) Elaine Harvey and Roger Connelly - opposed
  - (xxvii) Dorothy McIntosh - opposed
  - (xxviii) John Radoman - opposed
  - (xxix) Patricia and Dennis Baker - opposed
  - (xxx) Robin Cameron - opposed
  - (xxxi) Charlane Surerus - opposed
  - (xxxii) Marilyn Daniels - opposed
  - (xxxiii) Hailey Van Sickle - opposed
  - (xxxiv) Laura Robson - opposed
  - (xxxv) Grace Petz - opposed
  - (xxxvi) Kathy Garneau - opposed
  - (xxxvii) Marie Covert - opposed
  - (xxxviii) Eileen Booty - opposed
  - (xxxix) Cynthia Meyer - opposed
  - (xl) Heather Yoell - opposed
  - (xli) Caroline Hill Smith - opposed
  - (xlii) Elizabeth Knight - opposed
  - (xliii) Laura Trethewey - opposed
  - (xliv) Jean Mackay - opposed
  - (xlv) Anne Washington – opposed

- (xvi) Stephen Cooke - opposed
  - (xvii) Martine Bercier - opposed
  - (xlviii) Mark Forler - opposed
  - (xlix) Carolanne Forster - opposed
  - (l) Liz Koblyk - opposed
  - (li) Yvonne Sutherland-Case - opposed
  - (lii) Helena Dalrymple – opposed
- 
- (a) That Planning and Economic Development Department staff, in conjunction with Legal Services staff, be directed to provide input to the Provincial Land and Development Facilitator with respect to any private development proposals and associated community benefits within the lands removed by the Province from the Greenbelt Plan Area;
  - (b) That the Ten Directions to Guide Development attached as Appendix “D” to Report PED23046(a), which were previously approved by Council as part of the City’s Municipal Comprehensive Review process, be utilized as the framework for the City’s input to the Provincial Land and Development Facilitator with respect to any private development proposals within the lands removed by the Province from the Greenbelt Plan Areas;
  - (c) That Planning and Economic Development Department staff be directed to schedule a public meeting of the Planning Committee for the purpose of obtaining public input as to the City’s priorities and expectations with respect to any private development proposals within the lands removed by the Province from the Greenbelt Plan Area.

Sub-section (a) to Report PED23046(a) was **amended**, as follows:

- (a) That Planning and Economic Development Department staff, in conjunction with Legal Services staff, be directed to provide input to the Provincial Land and Development Facilitator **under protest** with respect to any private development proposals and associated community benefits within the lands removed by the Province from the Greenbelt Plan Area;

Report PED23046(a) was **amended**, by adding a new sub-section (d) as follows:

- (d) ***That Planning and Economic Development Department staff be directed to request public discussion except where***

***excluded under the provisions of the Municipal Act, including public agendas, a list of participants and minutes.***

Appendix “D” to Report PED23045(a) was ***amended*** by adding a new Direction #11, as follows, and re-numbering the balance accordingly:

***Direction #11***

***The City of Hamilton considers agricultural use to be of prime consideration, along with the protection of wetlands and natural heritage features.***

Report PED23046(a) was ***amended*** by adding a new sub-section (e), as follows:

- (e) ***That the Mayor send a letter regarding these recommendations to the Association of Municipalities of Ontario, Federation of Canadian Municipalities, Rural Ontario Municipal Association and all Ontario Municipalities.***

Report PED23046(a) was ***amended*** by adding wording to sub-section (c) as follows:

- (c) That Planning and Economic Development Department staff be directed to schedule a public meeting of the Planning Committee for the purpose of obtaining public input as to the City’s priorities and expectations with respect to any private development proposals within the lands removed by the Province from the Greenbelt Plan Area; ***and, that staff consult with City of Hamilton Public Engagement staff to ensure: the statutory meeting meets best engagement practice as much as possible; that the statutory meeting be held in the evening, be live streamed, and be held at a publicly accessible facility that is in close proximity to the Book Road lands; and, that all MPP and MP's be extended an invitation to attend.***

Upon Committee’s request the Sub-Sections ***as Amended***, were voted on separately, refer to Item 13.

The July 11, 2023 Planning Committee meeting was extended to 9:00 p.m.

The Committee Recessed from 5:30 p.m. to 6:00 p.m.

- (v) **Sign Variance Appeal SV-22-004 for the Property Known as 360 – 410 Lewis Road, Stoney Creek, Denied by the Director of Development Planning and Appealed by the Owner (PED23160) (Ward 10) (Item 11.10)**

That the Committee support the proposed variances, as submitted.

The Motion above was DEFEATED.

For disposition of this matter, refer to Item 19.

**(h) MOTIONS (Item 12)**

Councillor Danko relinquished the Chair to Councillor Hwang to introduce the following motion:

- (i) **Outstanding Parking Penalty Revenue (Item 12.2)**

For disposition of this matter, refer to Item 23.

Councillor Danko assumed the Chair for the remainder of the meeting.

**(i) PRIVATE & CONFIDENTIAL (Item 15)**

Committee moved into Closed Session pursuant to Section 9.3, Sub-sections (e), (f) and (k) of the City's Procedural By-law 21-021, as amended; and, Section 239(2), Sub-sections (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

- (i) **Appeal to the Ontario Land Tribunal for Refusal of Official Plan Amendment Application (UHOPA-21-023) and Zoning By-law Amendment Application (ZAC-21-049) by 2691893 Ontario Inc. c/o IronPoint Capital Management Inc. (c/o GSP Group Inc., Applicant) for Lands Located at 442, 450, 454 and 462 Wilson Street East (Ancaster) (LS23023/PED22037(b)) (Ward 12) (Item 15.1)**

For disposition of this matter, refer to Item 24.

- (ii) **Closed Session Minutes – June 13, 2023 (Added Item 15.2)**

- (a) The Closed Session Minutes dated June 13, 2023, were approved as presented; and,
- (b) The Closed Session Minutes dated June 13, 2023, are to remain confidential.

**(i) ADJOURNMENT (Item 16)**

There being no further business, the Planning Committee adjourned at 6:59 p.m.

---

Councillor J.P. Danko, Chair  
Planning Committee

---

Lisa Kelsey  
Legislative Coordinator