



## City of Hamilton Report for Information

**To:** Chair and Members of Planning Committee  
**Date:** February 25, 2025  
**Report No:** PED25039  
**Subject/Title:** Appeal of Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision Applications for Lands Located at 2876 Upper James Street, Glanbrook  
**Ward(s) Affected:** Ward 11

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### Recommendations

- 1) That Report PED25039 respecting appeal of Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications for lands located at 2876 Upper James Street, Glanbrook **BE RECEIVED** for information.

### Key Facts

- The appeal of the Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications, filed by Kagan Shastri DeMelo Winer Park LLP on behalf of RCG Upper James Hamilton Inc. and Pure Upper James Street Holdings ULC, was received by the City Clerk's Office on November 15, 2024, 955 days after the receipt of the initial application and 358 days after the November 23, 2023, resubmission.
- The proposed development consists of two warehouse buildings with gross floor areas of 42,628 square metres and 38,292 square metres including office space, 260 parking spaces, 144 loading bays, and 127 trailer parking spaces.
- The proposed Draft Plan of Subdivision consists of one industrial block, one environmental protection block, one wetland compensation block, two environmental buffer blocks, one future development block, and one road widening block.
- The Urban Hamilton Official Plan Amendment application proposes modifications to the following schedules: Schedule B – Natural Heritage System, Schedule B-2 – Detailed Natural Heritage Features Key Natural Heritage Feature Significant

Woodlands, Schedule B-8 – Detailed Natural Heritage Features Key Natural Heritage Feature Streams, Airport Employment Growth District Secondary Plan Map B.8-1 – Land Use Plan, Airport Employment Growth District Secondary Plan Map B.8-2 – Natural Heritage System, and Airport Employment Growth District Secondary Plan Map B.8-4 – Phasing Plan.

- The Zoning By-law Amendment application proposes to change the zoning to a site specific Airport Prestige Business (M11, H37) Zone and Conservation/Hazard Land (P5) Zone in Hamilton Zoning By-law No. 05-200.

## **Financial Considerations**

N/A

## **Background**

In accordance with Subsections 22(7), 34(11.0.0.0.1), and 51(34) of the *Planning Act*, Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications may be appealed to the Ontario Land Tribunal after 120 days if Council has not made a decision on the applications.

This Information Report has been prepared in accordance with Council's motion dated May 18, 2010, directing staff to advise the Planning Committee and City Council of appeals for non-decision to the Ontario Land Tribunal.

The subject property is municipally known as 2876 Upper James Street (refer to Appendix A attached to Report PED25039) and is located on the west side of Upper James Street between English Church Road East and Homestead Drive in Glanbrook. The property is approximately 22.71 hectares in area with approximately 62.6 metres of frontage along Upper James Street. The lands are currently vacant and contain watercourses representing seasonal fish habitat, a significant woodland, and unevaluated wetlands.

The applications were originally submitted by RCG Upper James Hamilton Inc. (c/o Jenny Stark) on April 5, 2022, and were deemed complete on April 5, 2022.

The appeal of the applications, filed by Kagan Shastri DeMelo Winer Park LLP on behalf of RCG Upper James Hamilton Inc. and Pure Upper James Street Holdings ULC, was received by the City Clerk's Office on November 15, 2024, 955 days after the receipt of the initial application and 358 days after the November 23, 2023, resubmission, included as Appendix B attached to Report PED25039.

## **Proposed Development**

The initial proposal was to permit the development of one warehouse building with a gross floor area of 95,232 square metres including office space, 527 parking spaces, 139 loading bays, and 70 trailer parking spaces. The initial proposal also included a public right-of-way which connected Upper James Street with the adjacent lands to the south. The revised proposal is to permit the development of two warehouse buildings with gross floor areas of 42,628 square metres and 38,292 square metres (80,920 square metres total) including office space, 260 parking spaces, 144 loading bays, and 127 trailer parking spaces. The latest proposal does not include a public right-of-way.

## **Official Plan Amendment Application (UHOPA-22-014)**

The subject lands are identified as “Employment Area” on Schedule E – Urban Structure and designated “Airport Employment Growth District” on Schedule E-1 – Urban Land Use Designations, and further designated “Airport Reserve” on Map B.8-1 – Airport Employment Growth District Secondary Plan – Land Use Plan.

The subject lands are further identified as “Key Hydrologic Feature Streams” on Schedule B – Natural Heritage System, “Key Hydrologic Feature Streams” on Schedule B-8 – Detailed Natural Heritage Features Key Hydrologic Feature Streams, and “Seasonal Habitat” and “Support/Indirect Fish Habitat” on Airport Employment Growth District Secondary Plan Map B.8-2 – Natural Heritage System.

The Urban Hamilton Official Plan Amendment application proposes modifications to the following schedules:

- Schedule B – Natural Heritage System, to remove the identification of “Key Hydrologic Feature Streams” from two streams that traverse the property and to add the identification of “Core Areas” for the existing woodlot on the northeast corner of the property;
- Schedule B-2 – Detailed Natural Heritage Features Key Natural Heritage Feature Significant Woodlands, to add the identification of “Key Natural Heritage Feature Significant Woodlands” for the existing woodlot on the northeast corner of the property;
- Schedule B-8 – Detailed Natural Heritage Features Key Natural Heritage Feature Streams, to remove the identification of “Key Hydrologic Feature Streams” from two streams that traverse the property;
- Airport Employment Growth District Secondary Plan Map B.8-1 – Land Use Plan, to redesignate the lands from “Airport Reserve” to “Airport Prestige Business” and “Natural Open Space”;
- Airport Employment Growth District Secondary Plan Map B.8-2 – Natural Heritage System, to remove the identifications of “Support/Indirect Fish Habitat” from the southern stream and “Seasonal Habitat” from a portion of the northern

stream, to add the identification of “Support/Indirect Fish Habitat” generally located along the northern property line, and to introduce add the identification of a “Core Area” on the northeast corner of the property; and,

- Airport Employment Growth District Secondary Plan Map B.8-4 – Phasing Plan, to add the identification of “Servicing Phase 1” for the subject lands.

### **Zoning By-law Amendment Application (ZAC-22-027)**

The subject lands are currently zoned Airport Reserve (M9, H37) Zone in City of Hamilton Zoning By-law No. 05-200. The Zoning By-law Amendment application proposes to change the zoning to a site specific Airport Prestige Business (M11, H37) Zone and Conservation/Hazard Land (P5) Zone in Hamilton Zoning By-law No. 05-200. To facilitate the proposed development, as shown on the Concept Plan in Appendix C attached to Report PED25039, the applicant proposes the following modifications:

- To decrease the minimum lot area from 4000.0 square metres to 2,300 square metres;
- To remove the minimum yard abutting a street requirement of 6.0 metres;
- To increase the maximum yard abutting a street from 27.0 metres to 170 metres;
- To decrease the minimum landscaped area from 15% of total lot area to 5% of the total lot area; and,
- To establish a minimum parking requirement of 0.3 parking spaces per 100 square metres.

### **Draft Plan of Subdivision Application (25T-202204)**

The proposed Draft Plan of Subdivision consists of one industrial block (Block 1), one environmental protection block (Block 2), one wetland compensation block (Block 3), two environmental buffer blocks (Blocks 4 and 5), one future development block (Block 6), and one right-of-way widening block (Block 7), as shown on the Draft Plan of Subdivision Plan in Appendix C attached to Report PED25039.

### **Analysis**

Issues identified as a result of the circulation and technical review include, but are not limited to:

- The Environmental Impact Statement does not demonstrate that the removal of 1.68 hectares of wetlands, which provide significant wildlife habitat for species including Terrestrial Crayfish and Monarch, will not have a negative impact on the natural features and their ecological function;

- A Stage 3 Archaeological Assessment for two sites of archaeological interest on the subject property has not been completed as recommended by the Stage 1-2 Archaeological Assessment;
- Excavation of the Terryberry Sawmill, which is a multi-component archaeological site located on the subject property, has yet to be completed;
- The Functional Servicing and Stormwater Management Report does not demonstrate that there is sufficient capacity within the municipal infrastructure network to support the proposed development;
- The Tree Management Plan does not establish the ownership of all boundary trees through a legal survey and the preservation of existing trees has not been taken into sufficient consideration as a total of 679 trees have been inventoried on the subject property and 240 trees have been proposed to be removed;
- The Transportation Assessment does not demonstrate whether the intersection with Upper James Street should be signalized, whether an exclusive northbound left-turn lane is required, whether an exclusive southbound right-turn lane is required, and whether the proposed development can be supported by the local road network; and,
- The Environmental Buffer Block (Block 4) and Future Development Block (Block 6) are not appropriately designed as the blocks do not have frontage onto a public right-of-way to provide access.

## **Relationship to Council Strategic Priorities**

- **Priority 1. Sustainable Economic & Ecological Development**
  - 1.1 Reduce the burden on residential taxpayers
  - 1.4 Protect green space and waterways
- **Priority 3. Responsiveness & Transparency**
  - 3.1 Prioritize customer service and proactive communication

## **Consultation**

In accordance with the provisions of the *Planning Act* and the Council Approved Public Participation Policy, Notice of Complete Application and Preliminary Circulation for the applications were sent to 29 property owners within 120 metres of the subject lands on April 27, 2022. An Open House was not held for this proposal.

To date staff have received four submissions from the public with concerns with land use, privacy, and site access.

## **Appendices and Schedules Attached**

Appendix A: Location Map

Appendix B: Letter of Appeal

Appendix C: Draft Plan of Subdivision and Concept Plan

**Appeal of Official Plan Amendment, Zoning By-law Amendment and Draft Plan of  
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