



City of Hamilton

Report for Consideration

To: Chair and Members
Planning Committee

Date: May 5, 2026

Report No: PED26091

Subject/Title: Application for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 471 Moxley Road, Flamborough

Ward(s) Affected: Ward 13

Recommendations

1. That **Amended Official Plan Amendment Application RHOPA-26-001, by The Angrish Group (c/o Ruchika Angrish), on behalf of Wingbury Holdings Inc. (c/o Walter Koppelaar)**, to amend the Rural Hamilton Official Plan by adding a new “Rural Site Specific Area – Area X” within the Greensville Rural Settlement Area, to permit a tradesperson’s shop, a commercial school, and an art gallery, for lands located at 471 Moxley Road, Flamborough, as shown in Appendix “A” to Report PED26091, **BE APPROVED** on the following basis:
 - (a) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED26063, be adopted by City Council; and,

- (b) That the proposed Official Plan Amendment is consistent with the Provincial Planning Statement (2024) and conforms to the Greenbelt Plan (2017).
2. That **Amended Zoning By-law Amendment Application ZAC-26-004 by The Angrish Group (c/o Ruchika Angrish), on behalf of Wingbury Holdings Inc. (c/o Walter Koppelaar)**, for a change in zoning from the Agriculture (A) Zone to the Settlement Commercial (S2, 967, H217) Zone, to permit the development of a commercial plaza containing seven buildings and 289 parking spaces, for lands located at 471 Moxley Road, as shown in Appendix “A” to Report PED26091, **BE APPROVED** on the following basis:
- (a) That the draft amending By-law, attached as Appendix “C” to Report PED26091, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed change in zoning is consistent with the Provincial Planning Statement (2024), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan and Greensville Rural Settlement Area Plan upon adoption of the Official Plan Amendment; and,
- (c) That the amending By-law apply Holding Provisions of Section 36(1) of the *Planning Act, R.S.O. 1990*, to the subject property by including the Holding symbol ‘H’ to the proposed Settlement Commercial (S2, 967, H217) Zone.

The Holding Provision “217” is to be removed conditional upon:

- (i) An updated Stormwater Management design as per the Mid-Spencer/Greensville Rural Settlement Area Subwatershed Study, Aquafor Beech Limited, April 2016, be submitted and approved, to the satisfaction of the Director of Development Engineering.

- (ii) That an updated Servicing Plan is submitted and approved that demonstrates that adequate land is dedicated for the required wet pond facility, and on-site septic system, as well as clarify the location of the onsite well on the civil plans that will be used to meet domestic water demand, to the satisfaction of the Director of Development Engineering.
- (iii) A Hydrogeological Assessment prepared by a Qualified Professional (P.GEO., P.Eng) is submitted and approved following the City of Hamilton Guidelines for Hydrogeological Studies and Technical Standards for Private Servicing, to the satisfaction of the Director of Development Engineering.
- (iv) A Chloride Impact Assessment prepared by a qualified professional (P.Geo., P.Eng.), is submitted and approved to evaluate if the chloride loading due to winter de-icing activities will result in adverse source water quality concerns in the context of the MECP Reasonable Use Concept (RUC) water quality guidelines ('MOE Guideline B-7'), to the satisfaction of the Director of Development Engineering.
- (v) That a Tree Protection Plan is submitted and approved, to the satisfaction of the Director of Heritage and Urban Design. The submission of this Plan would include the applicable Tree Protection Plan review fee payable to the City of Hamilton.
- (vi) That an updated Transportation Assessment, be submitted and approved to address concerns related to the left turn lane parallel and taper segments and meet the range prescribed by the Transportation Association of Canada Geometric Design Guidelines, 2017, to the satisfaction of the Manager of Transportation Planning.

Key Facts

- The purpose of the applications is to add a new “Rural Site Specific Area” to permit a tradesperson’s shop, a commercial school, and an art gallery within the Greensville Rural Settlement Area Plan and to change the zoning from the Agriculture (A) Zone to the Settlement Commercial (S2, 967, H217) Zone.
- The proposed commercial development contains 12,374 square metres of commercial space, 289 parking spaces, 26 bicycle parking spaces, and will be on private services, as shown in Appendix “E”.
- Staff recommends approval of the Official Plan Amendment and Zoning By-law Amendment applications.

Financial Considerations

Not applicable.

Analysis

The subject property is approximately 5.04 hectares in area and located within the northern portion of the Greensville Rural Settlement Plan Area. The property has frontage onto Highway No. 5, Brock Road and Moxley Road, and is currently utilized for agricultural purposes.

The proposal is to develop a commercial plaza with expanded permitted uses which includes a tradesperson’s shop, commercial school, and art gallery. The proposed commercial plaza will consist of 21 units within seven buildings, private water and sewage services and a stormwater management facility. Six of the seven commercial buildings will be located along the frontage of Brock Road and Highway No. 5. The remaining commercial building, the communal sewage system, and the stormwater management facility will be located along the frontage of Moxley Road.

Details on the surrounding land uses, the Historical Background and Concept Plan are included in Appendices “A1”, “D” and “E”.

Provincial Planning Statement (2024)

The Provincial planning policy framework is established through the *Planning Act* (Section 3) and the Provincial Planning Statement (2024). The *Planning Act* requires that all municipal land use decisions affecting planning matters be consistent with the Provincial Planning Statement (2024).

The proposed development is located within a rural settlement area and is designed to promote efficient use of land by providing local and rural residents with access to daily necessities and provide opportunities for businesses to operate and serve the local community. Private servicing infrastructure is required due to the unavailability of municipal servicing. Furthermore, the proposed development acts as a buffer between the existing residential and an existing extractive industrial operation, providing effective mitigation from the potential noise and visual impacts of the operation.

Based on the foregoing, the proposal represents appropriate development within a rural settlement area and is consistent with the Provincial Planning Statement (2024).

Greenbelt Plan (2017)

The subject lands are located within the Greensville Rural Settlement Area which is identified as a Settlement Area (Hamlet) within the Protected Countryside of the Greenbelt Plan. Settlement areas within the Greenbelt support as well as provide economic and commercial functions to prime agriculture areas and rural lands. The proposed commercial development introduces uses that would support the surrounding community. Staff have recommended amendments to the uses proposed by the applicant to align with the objective of supporting the settlement area and the surrounding rural area.

Based on the foregoing, the proposal is for commercial development that serves the local community in a settlement area and conforms to the policies of the Greenbelt Plan.

Rural Hamilton Official Plan

The subject land is designated “Settlement Commercial” on Map 8a – Greensville Rural Settlement Area Plan. The subject land has frontage along Highway No. 5, Brock Road and Moxley Road which are designated “Provincial Highway”, “Arterial Road” and “Collector Road” on Schedule C – Rural Functional Road Classification. A full review of applicable Urban Hamilton Official Plan policies is provided in Appendix “F”.

“Rural Settlement Area” are areas where a variety of land uses are clustered together on a small scale outside the designated urban area. These settlement areas are intended to include residential and service centres that serve the immediate community and the surrounding rural area.

The subject lands are further designated as “Settlement Commercial” on Map 8A – Greensville Rural Settlement Area Plan, which allows for the development of small-scale commercial uses and professional or personal service uses, further enforcing the objective of creating local community supportive uses that serve the needs of the residents in the settlement area and surrounding rural community. The Greensville Settlement Area Plan includes policies permitting uses that include convenience commercial, professional, and personal services, automotive service stations and antique shops and art galleries that contribute to the character of the area. The proposal is to add commercial uses such as tradesperson’s shop, commercial school, and art gallery. The additional uses provide residents as well as the broader rural community opportunities for additional trades businesses (i.e carpentry, plumbing shops) and provides access to uses not widely available to the larger rural community.

The Greensville Rural Settlement Area is subject to additional servicing policies through the Mid-Spencer/Greensville Rural Settlement Area Subwatershed Study dated April 2016. The settlement area and surrounding lands are experiencing growth in terms of

additional residential and industrial uses. Approximately 25 metres east of the subject lands is an extractive industrial use, and approximately 35 metres to the west of the subject site is a residential subdivision. To address potential land use conflicts, staff have limited the uses permitted on the subject lands as well as modified the existing definition related to medical clinics to prevent overnight accommodation through the Zoning By-law Amendment attached as Appendix “B”.

Development on the subject lands must consider the requirements of the Mid-Spencer Creek/Greenville Subwatershed Study. The study identified the target to maintain or enhance predevelopment groundwater recharge. The proposed development includes private water and sewage services which will draw from the groundwater. The proposal includes a stormwater management facility that will address stormwater runoff from the proposed development to surrounding right of ways and abutting properties. To ensure the servicing policies of the Official Plan are satisfied, staff require an updated Stormwater Management Design, Hydrogeological Assessment and Chloride Impact Assessment to address existing hydrogeological concerns and potential impacts as part of the Holding ‘H’ Provisions contained in Appendix “C”.

The subject site is predominantly an agricultural field; however, the boundaries of the property contain significant mature trees that would need to be preserved. The submitted Tree Protection Plan was not prepared in accordance with the City’s Tree Protection Guidelines and therefore, an updated Tree Protection Plan is required to be submitted and approved as part of the Holding ‘H’ Provision.

Staff have identified concerns with the proposed driveway and entrance plans for the proposed development that will need to be addressed during the Site Plan Control application. Due to the concerns related to the proposed turn lanes and reduced parking spaces within the “Rural Settlement Area”, an Updated Transportation Assessment, has been required as part of the Holding “H” Provision.

Staff are of the opinion that the overall development maintains the general intent of the Rural Hamilton Official Plan and Greenville Rural Settlement Area Plan, as it creates

an opportunity for commercial and personal service uses that will serve the community as well as the surrounding rural area.

Based on the foregoing, the proposal complies with the applicable policies of the Rural Hamilton Official Plan and the Greensville Rural Settlement Area Plan upon adoption of the Official Plan Amendment, subject to the recommended Holding 'H' Provisions.

City of Hamilton Zoning By-law No. 05-200

The purpose of the Zoning By-law Amendment application is to change the zoning from Agriculture (A) Zone to the Settlement Commercial (S2, 967, H217) Zone. Modifications proposed by the applicant and staff as well as Holding "H" Provisions proposed by staff are required to facilitate the proposal and are discussed in Appendix "H".

Rationale For Recommendation

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Planning Statement (2024) and conforms to the Greenbelt Plan (2017);
 - (ii) It complies with the general intent and purpose of the Rural Hamilton Official Plan and the Greensville Rural Settlement Area Plan; and,
 - (iii) It is compatible with the existing land uses in the settlement area and the surrounding rural community, represents good planning, provides additional commercial uses that can support the existing rural area, and supports developing a complete community.

2. Official Plan Amendment

The Official Plan Amendment can be supported as the proposal contributes to the development of healthy, liveable, and safe communities. The proposal will

foster employment, will retain the character of the hamlet, and provide commercial space that will serve the surrounding community. The proposal will also involve developing private water and wastewater services and a stormwater solution that are subject to Holding “H” Provisions and will need to adhere to the objectives and conclusions of the Mid Spencer/Greenville Rural Settlement Area Subwatershed Study.

Therefore, staff support the proposed Official Plan Amendment.

3. Zoning By-law Amendment and Holding “H” Provisions

Planning staff are satisfied that the proposal is consistent with the Rural Hamilton Official Plan, subject to the inclusion of the recommended Holding ‘H’ Provisions. In addition, the proposal is subject to obtaining Site Plan approval prior to development.

Although the Rural Hamilton Official Plan permits commercial uses on the subject land, the property was not zoned to reflect the commercial permissions due to the Mid Spencer/Greenville Rural Settlement Area Subwatershed Study. The Study provided recommendations related to private water and sewage servicing as well as stormwater management that are required to be addressed prior to any development occurring on the subject land. The expanded commercial uses of a tradesperson’s shop, commercial school, and art gallery reflect uses that are compatible with the existing lands uses and will support the existing settlement area as well as surrounding rural area. Therefore, the proposal complies with the general intent of the Rural Hamilton Official Plan as outlined in the Policy Review summary in Appendix “F”.

The application requires modifications to the landscaping requirements related to the parking spaces, reduction to the parking rate, and a reduction in the number of long term bicycle parking spaces. The reductions are requested to accommodate the scale and orientation of the proposed development.

Therefore, staff support the proposed Zoning By-law Amendment with the recommended modifications, subject to the Holding 'H' Provisions.

Alternatives

Should the applications be denied, the subject lands can be used in accordance with the applicable regulations of the Agriculture (A) Zone in the Flamborough Zoning By-law No. 90-145-Z.

Relationship to Council Strategic Priorities

1. Priority 1: Sustainable Economic & Ecological Development
 - 1.1. 1.2: Facilitate the growth of key sectors.
2. Priority 2: Responsiveness & Transparency
 - 2.1. 2.1: Prioritize customer service and proactive communication.

Consultation

The applications were circulated to internal departments and external agencies. Refer to the comment summary and responses provided in Appendix "I".

The applicant held a community meeting on July 9, 2025, and a public mailout was delivered to surrounding landowners within a 500 metre radius of the subject lands. There were 27 people in attendance at the meeting. The response to the public consultation that occurred prior to the submission of the application is included as Appendix "I". The public expressed concerns regarding the impacts generated by the commercial plaza on existing private water services as well as the potential to contaminate the existing groundwater supply. Concerns related to the increase in traffic were also noted.

At the time of writing this report, approximately 18 submissions were received from the public regarding the proposed development, and a summary is included in Appendix “J”.

Appendices and Schedules Attached

Appendix A: Location Map

Appendix A1: Existing and Surrounding Land Uses and Zoning

Appendix B: Draft Rural Hamilton Official Plan Amendment

Appendix C: Draft Zoning By-law Amendment

Appendix D: Historical Background Report Fact Sheet

Appendix E: Concept Plan

Appendix F: Policy Review

Appendix G: Staff and Agency Comments

Appendix H: Zoning Modification Table

Appendix I: Public Consultation Summary

Appendix J: Public Comments Received

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