PLANNING COMMITTEE
REPORT 15-018
AS AMENDED BY COUNCIL NOVEMBER 25, 2015
AS FURTHER AMENDED BY COUNCIL ON DECEMBER 9, 2015
9:30 am
Tuesday, November 17, 2015
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors J. Partridge (Chair), B. Johnson, (1st Vice Chair), M. Pearson (2nd Vice-Chair), C. Collins, D. Conley, J. Farr, M. Green, and A. Johnson
Absent with regrets: Councillor R. Pasuta, personal
Also Present Councillors L. Ferguson and T. Whitehead

THE PLANNING COMMITTEE PRESENTS REPORT 15-018 AND RESPECTFULLY RECOMMENDS:

The following Item was amended by adding subsection (e):
1. Applications to Amend the Town of Ancaster Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 153 Wilson Street West (Ancaster) (PED15172) (Ward 12) (Item 6.1)

   (a) That approval be given to Ancaster Official Plan Amendment Application OPA-14-018, by Garth Trails Limited, Owner, to amend Site Specific Policy - Area C, of the Ancaster Wilson Street Secondary Plan to permit a multiple dwelling with a maximum density of 161 units per hectare, where the height of the multiple dwelling shall have no more than three storeys entirely above grade at the front façade, and no more than four storeys entirely above grade at the rear, for lands located at 153 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED15172, on the following basis:

   (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED15172, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

COUNCIL – November 25, 2015
(ii) That staff be directed to settle the appeal of the Ancaster Wilson Street Secondary Plan based on the draft wording for a future Urban Hamilton Official Plan Amendment attached as Appendix “F” to Report PED15172, which is consistent with the intent of the Ancaster Wilson Street Secondary Plan Official Plan Amendment, as approved by the Director of Planning and Chief Planner, and the City Solicitor.

(b) That approval be given to Amended Zoning By-law Amendment Application ZAC-13-014 by Garth Trails Limited, Owner, for a change in zoning from the Residential "R4-637" Zone, Modified to the Residential Multiple "RM6-665" Zone, Modified, in order to permit the development of a three-storey multiple residential building with 76 residential units and associated underground and surface parking areas, for lands located at 153 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED15172, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED15172, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Map 1 of Schedule “B” of the Town of Ancaster Zoning By-law No. 87-57.

(c) That the current owner, or any future owner of 153 Wilson Street West, Ancaster, and the Board of Directors of 173 Wilson Street West, Ancaster, agree to the following:

(i) The owner of 153 Wilson Street West, at their own expense, plant a minimum of 23 trees, 6 metres high, on the east and south perimeter property of 173 Wilson Street West to create a landscape buffer between the two adjacent properties,

(ii) Prior to the planting of the trees, the owners of 153 Wilson St. West and the Board of Directors of 173 Wilson St. West agree in writing to the species of trees and the location of the species to be planted in the perimeter landscape buffer,

(iii) That the trees have a minimum 2 year warranty,

(iv) That the trees be planted by June 30th, 2016.

(d) That the external surface parking lot be constructed with impressed concrete in a flagstone pattern with a dark grey pigment or approved equal.

(e) That the implementing by-law be revised accordingly to give effect to subsections (c) and (d).

The following Item was TABLED to the December 9, 2015 Council meeting:
2. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 71 Main Street and 10 Baldwin Street (Dundas) (PED15175) (Ward 13) (Item 6.2)

(a) That amended Urban Hamilton Official Plan Amendment Application UHOPA-14-009, by Centurian (Dundas) Holdings Limited (Owner), for lands located at 71 Main Street and 10 Baldwin Street (Dundas), as shown on Appendix “A” to report PED15175 be approved; subject to the following revision:

(i) That parking be provided at a ratio of 1 space per dwelling unit;

(b) That amended Zoning By-law Amendment Application ZAC-14-025 by Centurion (Dundas) Holdings Limited (Owner), for a change in zoning from the Central Area Commercial (C.A.C/S-91) Zone, Modified and the Low Density Residential (R3) Zone to the Medium to High Density Multiple Dwelling - Holding (H-RM3/S-) Zone, Modified, and for a modification to the Low Density Residential (R3) Zone, for the lands known as 71 Main Street (Dundas) and 10 Baldwin Street, as shown on Appendices “A” and “C” to Report PED15175, be approved, subject to the following modifications to the proposed Zoning By-law:

(i) Parking shall be provided at a ratio of 1 space per dwelling unit;

(ii) The following additional requirements shall be added to the Holding Zone applicable to the subject lands:

(1) Submission, approval and implementation of a Traffic Impact Study to the satisfaction of the Senior Director, Growth Management Division, Planning and Economic Development Department; and,

(2) The applicant enter into an external works agreement with the City of Hamilton for any required improvements to the existing public alleyway abutting the subject lands. All improvements for that portion of the alleyway abutting the subject lands shall be at the applicant’s cost; and,

(c) That pursuant to Section 34(17) of the Planning Act, the no further notice be given with respect to the proposed changes to the Zoning By-law;

(d) That the General Manager of Planning and Economic Development Department be directed to revise Official Plan Amendment and Zoning By-law
Amendment attached as Appendices “B” and “C” to PED15175 and present the revised Official Plan Amendment and Zoning By-law at the December 9, 2015 Council meeting for adoption;

(e) That the General Manager of Planning and Economic Development Department be directed to include the following warning clauses in any future site plan application and, if applicable, condominium application:

(i) The City of Hamilton will not be providing maintenance or snow removal service for the private condominium road or laneway;

(ii) Parking is provided at a ratio of 1 space per unit. It is the responsibility of the owner / tenant to ensure that their parking needs (including those of visitors) can be accommodated onsite. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity;

(iii) This property is eligible for weekly collection of garbage, recycling, organics, and leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City’s Solid Waste Management By-law 09-067; and,

(f) That Bills 298 and 299 be revised accordingly.

3. Proposed Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 120 Vineberg Drive, Hamilton (PED15179) (Ward 7) (Item 6.3)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-023 by Chappel South Developments Limited, to permit block townhouse units with a minimum density of 29.0 units per net residential hectare within the Neighbourhoods Designation, as shown on Appendix “A” to Report PED15179, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED15179, be adopted by City Council.

(b) That approval be given to Amended Zoning By-law Amendment Application ZAC-14-022, by Chappel South Developments Limited, to amend City of Hamilton Zoning By-law No. 6593 for lands located at 120 Vineberg Drive, Hamilton, from the “AA” (Agricultural)District to the “R-4” (Small Lot Single Family Dwelling) District (Block 1), from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, etc.) District (Blocks 2 and 5), from the “AA” (Agricultural) District to the “RT-30/S-1728” (Street-Townhouse) District,
Modified (Block 3), and from the “AA” (Agricultural) District to the “R-4-‘H’/S-1728” (SmallLot Single Family Dwellings - Holding) District, Modified (Block 4) as shown on the Draft By-law, attached as Appendix “C” to Report PED15179, and furthermore that the Amending By-law, attached as Appendix “C” to Report PED15179, be approved on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED15179, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), conform to the Places to Grow – Growth Plan, and upon finalization of Official Plan Amendment No. 40 will comply with the Urban Hamilton Official Plan (UHOP).

(c) That approval be given to Draft Plan of Subdivision 25T-201404, by Chappel South Developments Limited, to establish a Draft Plan of Subdivision known as “Chappel Estates South”, on lands located at 120 Vineberg Drive, Hamilton, as shown on Appendix “A” to Report PED15179, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T-201404, prepared by Urbex Engineering Ltd., and certified by S. D. McLaren, O.L.S., dated May 27, 2014, attached as Appendix “D”, consisting of 42 lots for 42 single-detached dwellings (Lots 1-42, inclusive), 14 blocks for future residential purposes (Blocks 43-56, inclusive) (note that Block 43 on Appendix “D” is intended to form a single-detached dwelling lot on Crescent “A”, but will form part of the temporary turning circle until such time that Phase 2 on Appendix “F” is approved. Accordingly, Block 43 will not immediately be used for residential purposes), three blocks for a future roadway (temporary turning circle) (Blocks 57-59, inclusive), four blocks for the purposes of a 0.3 m reserve (Blocks 60-63, inclusive), and one block for future townhouse purposes (Block 64), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “E”, as amended, to Report PED15179;

(ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 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 day of issuance of each building permit.

With regard to Block 64 (Block Townhouse), a parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required.
Additionally, Lots 1-42 (Single Family Detached Residential) will require a parkland dedication ratio of 5%.

(iii) Acknowledgement that there will be a City share for installation of a 400mm diameter watermain on the Vineberg Drive extension, in accordance with the Financial Policies for Development.

(d) That the Chappel East Neighbourhood Plan be amended to change the designation of a portion of the subject lands (Block 64 on Appendix “D”) from “Single and Double” to “Attached Housing”.

4. Applications for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 275 Springbrook Avenue, Ancaster (PED15181) (Ward 12) (Item 6.4)

(a) That approval be given to Zoning Application ZAC-13-054, by Scarlett Homes (Ancaster) Ltd., to amend Ancaster Zoning By-law No. 87-57 for lands located at 275 Springbrook Avenue, Ancaster, from the Agricultural “A” Zone to the Residential “R4-548” Zone, Modified (Block 1) and the Residential-Holding “H-R4-663” Zone, Modified (Block 2) in order to permit 16 lots for single detached dwellings on the subject lands, as shown on Appendix “A” to Report PED15181, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED15181, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

(ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (PPS), conform with the Places to Grow – Growth Plan, and complies with the Urban Hamilton Official Plan (UHOP).

(b) That approval be given to Draft Plan of Subdivision 25T-201307 by Scarlett Homes (Ancaster) Ltd., to establish a Draft Plan of Subdivision known as “Star Meadows”, on lands located at 275 Springbrook Avenue, Ancaster, as shown on Appendix “A” to Report PED15181, subject to the following conditions:

(i) That this approval apply to the Draft Plan of Subdivision, 25T-201307, prepared by John Chun, Scarlett Homes (Ancaster) Ltd., and certified by S.D. McLaren, O.L.S., dated December 11, 2013, attached as Appendix “C”, consisting of 16 lots for single detached dwellings (Lots 1-16) and a new municipal road shown as “Chambers Court”, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the special conditions attached as Appendix “D” to Report PED15181;
(ii) Acknowledgement by the City of Hamilton that there will be a City share for the east west portion of Springbrook Avenue. The City Share will be 50% of the actual cost of construction of the road; and,

(iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, and will be calculated in accordance with the City’s Parkland Dedication By-law, and 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.

5. Lay-By Parking Needs at Upper Paradise Road and Stone Church Road West (PED06340(b)) (Ward 8) (Outstanding Business List Item) (Item 8.1)

That Report PED06340(b) respecting Lay-By Parking Needs at Upper Paradise Road and Stone Church Road West be received and referred to the General Manager of Public Works to address the parking requirements.

6. Update on Request for Information - Downtown Parking Structure (PED15183) (Ward 2) (Item 8.2)

(a) That staff be authorized to enter into negotiations with the following three proponents regarding a potential joint agreement to secure additional public parking in the Downtown:

(i) A. Desantis Developments  
(ii) Vrancor  
(iii) Collins Corporation / MHC
FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED WRITTEN COMMENTS

6.1(i) Tom and Jennifer McBarron, 134 Rembrandt Court, Ancaster respecting Applications to Amend the Town of Ancaster Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 153 Wilson Street West (Ancaster) (PED15172).


6.1(iii) Anne Morrison, 307 – 125 Wilson Street West, Ancaster respecting Applications to Amend the Town of Ancaster Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 153 Wilson Street West (Ancaster) (PED15172)

6.1(iv) John & Lillian Babcock, 21 – 173 Wilson Street West, Ancaster respecting Applications to Amend the Town of Ancaster Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 153 Wilson Street West (Ancaster) (PED15172)

6.2(i) Yvonne Garry, 15 Dundas Street, Dundas on behalf of the Dundas Preservation Group respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 71 Main Street and 10 Baldwin Street (Dundas) (PED15175)

6.2(ii) Warren Beacham and Ann Gillespie, Co-Chairs of the Dundas Valley Tree Keepers (DVTK) respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 71 Main Street and 10 Baldwin Street (Dundas) (PED15175)

6.2(iii) David Bruins, 7 Baldwin Street, Dundas, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 71 Main Street and 10 Baldwin Street (Dundas) (PED15175)

6.2(iv) Tanya Jenkins, on behalf of 75 Main Street, Dundas, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 71 Main Street and 10 Baldwin Street (Dundas) (PED15175)
AMENDED APPENDIX

Appendix “E” to Report PED15179 which is Item 6.3 on the agenda respecting Proposed Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 120 Vineberg Drive, Hamilton (PED15179) (Ward 7) has been amended and copies have been distributed.

The Agenda for the November 17, 2015 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) November 3, 2015 Meeting (Item 3.1)

The Minutes of the November 3, 2015 meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

The following delegation requests were approved:

(i) Dr. Tom Nugent, 9 Grandview Avenue, Stoney Creek, to address Committee when the staff report respecting the City’s submission to the Province regarding proposed changes to the Greenbelt is on the agenda (Item 4.1)

(ii) Ed Fothergill, Fothergill Planning & Development Inc., on behalf of Mr. and Mrs. Bartel, 623 Shaver Road, to address Committee when the staff report respecting the City’s submission to the Province regarding proposed changes to the Greenbelt is on the agenda

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

(i) Applications to Amend the Town of Ancaster Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 153 Wilson Street West (Ancaster) (PED15172) (Ward 12) (Item 6.1)

In accordance with the provisions of the Planning Act, Chair Partridge advised those in attendance 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 Official Plan and Zoning By-law amendments the person or public body is not entitled
to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.1(i) Tom and Jennifer McBarron, 134 Rembrandt Court, Ancaster
6.1(ii) Wm. D. Dobson, 11 – 173 Wilson Street West, Ancaster
6.1(iii) Anne Morrison, 307 – 125 Wilson Street West, Ancaster
6.1(iv) John & Lillian Babcock, 21 – 173 Wilson Street West, Ancaster

The written comments were received.

Alvin Chan, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City’s website.

The staff presentation was received.

Brenda Khes of GSP Group, agent for the applicant addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City’s website.

The agent’s presentation was received.

Speakers

1. **Bob Shelley, Member of the Board of the Condo Corp of 173 Wilson Street**

   Bob Shelley addressed Committee and indicated that he is a resident of Wilson Woods and a director of the Condominium Corporation.

   They have been negotiating with the owners of 153 Wilson for some time and are now proposing an agreement to allow the developers to install a portion of the landscaping on the 173 Wilson Street property to address the privacy issue.

2. **Silvio Piva, 150 Wilson Street West**

   Silvio Piva addressed Committee and stated that he agrees the proposed development looks fantastic but is concerned with traffic and getting in and out of his driveway which is across the street. The driveway of the proposed development is directly in front of their entrance and requested that it be moved further down to the next corner.

3. **Anne Morrison, 125 Wilson Street West**
Anne Morrison read from her letter a copy of which was added to the agenda as Item 6.1(iii). She opposes the proposal because it will spoil the view and peaceful enjoyment and add to the traffic problems.

4. **Gina Szpirglas, 77 Governors Road, #403**

Gina Szpirglas addressed Committee and indicated that she is speaking on behalf of her daughter who lives on Valridge Drive in Ancaster and who already has a difficult time travelling along Wilson Street because of the traffic volume. This development will add to the traffic problems.

The delegations were received.

The public meeting was closed.

Ward Councillor Ferguson spoke to the issue and proposed the following amendments.

That the following conditions be added as subsections (c) and (d):

(c) That the current owner, or any future owner of 153 Wilson Street West, Ancaster, and the Board of Directors of 173 Wilson Street West, Ancaster, agree to the following:

(i) The owner of 153 Wilson Street West, at their own expense, plant a minimum of 23 trees, 6 metres high, on the east and south perimeter property of 173 Wilson Street West to create a landscape buffer between the two adjacent properties,

(ii) Prior to the planting of the trees, the owners of 153 Wilson St. West and the Board of Directors of 173 Wilson St. West agree in writing to the species of trees and the location of the species to be planted in the perimeter landscape buffer,

(iii) That the trees have a minimum 2 year warranty,

(iv) That the trees be planted by June 30th, 2016.

(d) That the external surface parking lot be constructed with impressed concrete in a flagstone pattern with a dark grey pigment or approved equal.

For disposition of this matter refer to Item 1.
(ii) Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 71 Main Street and 10 Baldwin Street (Dundas) (PED15175) (Ward 13)

In accordance with the provisions of the Planning Act, Chair Partridge advised those in attendance 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 Official Plan and Zoning By-law amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Written Comments

6.2(i) Yvonne Garry, 15 Dundas Street, Dundas on behalf of the Dundas Preservation Group

6.2(ii) Warren Beacham and Ann Gillespie, Co-Chairs, Dundas Valley Tree Keepers

6.2(iii) David Bruins, 7 Baldwin Street, Dundas

6.2(iv) Tanya Jenkins, on behalf of 75 Main Street, Dundas

The written comments were received.

Gerry Tchisler, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City’s website.

The staff presentation was received.

Sergio Manchia of UrbanSolutions, agent for the applicant addressed Committee with the aid of a PowerPoint presentation and provided an overview of the proposal.

David Premi, the architect for the project also addressed Committee and explained the design was selected for compatibility.

David Horwood, of Effort Trust, spoke regarding the parking issue, the demand for this type of development in Dundas, and the justification for building.

The agent’s presentation was received.

Registered Speakers

1. Laura and Gregor Lawson, 1 Baldwin Street, Dundas
Laura Lawson addressed Committee with the aid of a PowerPoint presentation. A copy is available for viewing on the City’s website. She does not support the proposal for the following reasons:

- Not compatible with the buildings in the area;
- The proposed building will be almost double the height of the existing buildings;
- The population density in Dundas already exceeds the density in other downtown nodes and exceeds the intensification goals for downtown Hamilton.

Gregor Lawson addressed Committee and indicated that there is insufficient parking in the area. The parking study does not accurately reflect the parking patterns. This is a high traffic area and parking is already a problem. There are typos and errors all through the parking study. In his opinion the report contains inaccurate numbers, it is not comprehensive and it does not include a study of traffic patterns. This is not a transit friendly area. The staff recommendations are based on a parking study report that is inaccurate.

2. Justin Lewis, 12 Baldwin Street, Dundas

Justin Lewis addressed Committee and handed out a 29 page comprehensive report to the Committee which outlines the various reasons why he does not support this project. A copy of the report has been submitted for the public record. Some of the reasons he stated included but were not limited to the following:

- The Planning Report only looks at intensification;
- It ignores the *Places to Grow Act*;
- The proposal is to use a historic and protected garden as a parking lot;
- The proposed building will block sunlight and is on a flood plain;
- Air quality will be affected due to generators and underground parking;
- Is not compatible with the neighbourhood;
- Noise pollution;
- Wind will be an issue due to tunneling effect;
- Insufficient parking;
- Privacy issues;
- Light pollution;
- Snow accumulation.

Justin Lewis also indicated that there was not enough notice given by the City and notices were mailed to wrong addresses. All the area residents, not only those living within 120 metres of the property, should
be consulted. There was only a two week notice for the public meeting. The Planning process must be changed to increase public involvement. He hasn’t had enough time to read the entire report.

He submitted a petition with 711 signatures against this proposal which is available for viewing in the City Clerk’s Office.

3. Peggy Lewis, 12 Baldwin Street Dundas

Peggy Lewis addressed Committee and her comments included but were not limited to the following:

- Over intensification;
- Going to end up with little boxes (units);
- Has to be accessible for wheel chairs, how to accommodate;
- Too many changes required to the by-laws and minor variances – should have been denied at the start without wasting so much money;
- Stinks of greed;
- Does not protect the environment or the health of the residents;
- Will affect the sunlight;
- Noise issues;
- Parking will be near property line of neighbouring residents;
- The narrow access lane will be blocked;
- Extremely high traffic area;
- There is no visitor parking at the existing Centurian building;
- The reality is the local bus service is not good;
- Suspects that the owners intend to eventually demolish the house on 10 Baldwin Street.
4. **Bill Hilsome, 353 Park Street West, Dundas**

Bill Hilsome addressed Committee and his comments included but were not limited to the following:

- 75% of this project requires some form of amendment or variance;
- Why exceed the height of the existing buildings – because of economics and profit;
- In order to develop the UHOP standard there was much effort and cost – at infancy it is already being amended;
- To support this project is for the interest of the developer – developer vs. the integrity of UHOP.

5. **Greg Lawson, 16 Baldwin Street, Dundas**

Greg Lawson addressed Committee with the aid of a PowerPoint presentation. A copy has been uploaded onto the City’s website.

He is against the proposal and agrees with all the previous speakers. He added the following comments:

- He read the description of the Urban Design 5 (UD5) policy;
- The UD5 policy applies to 10 Baldwin Street;
- The applicant does not reference UD5;
- The planners do reference the UD5 policy in their report;
- The proposal does not meet the policy of UD5 as it would convert the backyard into parking lot;
- Concerns with height, parking, lack of green space, shadow and privacy issues.
- It proposed development is too big.

6. **Arthur Samson, 6-30 Osler Street, Dundas (former Ward Councillor)**

Arthur Samson addressed Committee. He lives one block away and never received a notice. Found out about this meeting in the Dundas Star. He expressed concerns with the following:

- Building is too high at 9 storeys;
- Lack of Parking.

7. **Phyllis Kraemer, President, Downtown Dundas BIA**

Phyllis Kraemer addressed Committee and her comments included but were not limited to the following:
As President of the BIA, she represents 110 business people in Downtown Dundas;
Parking is a big concern;
Blessed with many parking lots in the downtown, but they have a parking problem;
Used a Wintario grant to work with the Town of Dundas to develop parking lots in downtown;
The largest lot has 94 spots;
Only one lot has any space left for permanent parking;
Not enough transit;
90 spots required only 58 being provided;
Math doesn’t make sense;
Size of development doesn’t fit.

8. Lisa Anderson, Downtown Dundas BIA Co-ordinator

Lisa Anderson addressed Committee and advised that at their meeting this morning, the BIA expressed the following concerns:
• Concern for any other infilling that may happen in the area;
• Parking;
• Asked that Committee ensure the developer comply with the existing by-law of 1.25 parking spots per unit.

9. Bob Simpson of the Independent Order of Odd Fellows, 63 Main Street, Dundas

Bob Simpson addressed Committee. He referred to his letter which is printed in the agenda. He expressed the following concerns:
• It appears that the new building will abut the south wall of the Lodge’s building which -
  • may cause damage to the foundation during construction;
  • may impede access during a fire and affect the property fire insurance premiums;
• Traffic;
• Parking;
• Fencing;
• Appearance of their building will suffer;
• Won’t fit in with heritage buildings.

10. Gina Szpirglas, 77 Governor’s Road

• Personal and emotional attachment to Dundas – has been her home for 40 years;
• Fortunate to live in Dundas;
• Is this a condo or rental;
• Lack of parking;

COUNCIL – November 25, 2015
• Most residents drive;
• Public transit doesn’t cut it;
• Parking study undertaken for only four days in December;
• Dundas is historical;
• 1804 Richard Hatt building – is historical and needs rehabilitating.

11. Donna Nunan, 4 York Street, Dundas

Donna Noonan addressed Committee and advised that she is speaking on behalf of Harold Pope who lives at 30 Baldwin Street in a Co-Op and had to leave the meeting. The residents of the Co-op are concerned with parking. She stated that there are traffic jams in town and the area is already intensified.

The delegations were received.

The public meeting was closed.

Staff responded to questions.

Committee submitted a copy of an e-mail which they received from Ward Councillor VanderBeek to the Committee Clerk and the Chair asked that it be made part of the public record. A copy is available for viewing on the City’s website.

A motion that the application Be Denied as it does not conform to Urban Design 5 (UD5) with respect to height, density, parking and lack of commercial was DEFEATED.

For disposition of this matter refer to Item 2.

(iii) Proposed Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 120 Vineberg Drive, Hamilton (PED15179) (Ward 7) Item 6.3)

In accordance with the provisions of the Planning Act, Chair Partridge advised those in attendance 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 Official Plan and Zoning By-law amendment and Draft Plan of Subdivision, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.
No members of the public came forward.

Madeleine Giroux, Planner, explained the amendments to the conditions for the Draft Plan of Sub-Division approval as outlined in the amended Appendix “E”. Additional conditions were added at the request of TransCanada Pipeline.

The staff presentation was waived.

The public meeting was closed.

Ward Councillor Whitehead spoke in support of this item.

For disposition of this matter refer to Item 3.

(iv) Applications for a Zoning By-law Amendment and Draft Plan of Subdivision for Lands Located at 275 Springbrook Avenue, Ancaster (PED15181) (Ward 12) (Item 6.4)

In accordance with the provisions of the Planning Act, Chair Partridge advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law amendment and Draft Plan of Subdivision, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

The staff presentation was received.

The public meeting was closed.

For disposition of this matter refer to Item 4.

(f) PRESENTATIONS (Item 7)

(i) Pool Enclosure By-law (PED13126(b)) (City Wide) (Item 7.1)

Jorge Caetano provided an overview of the report with the aid of a PowerPoint presentation. A copy has been uploaded onto the City’s website.

He responded to questions from Committee.

The staff presentation was received.
Councillor Pearson submitted to the Committee Clerk, a copy of an e-mail which was forwarded to City Councillors by Lakewood Beach Community Council regarding this matter. A copy is available for viewing on the City’s website.

Report PED13126(b) respecting Pool Enclosure By-law was referred back to staff to investigate the use of aerial photography and an expanded public consultation and bring the findings back to the January 12, 2016 Planning Committee meeting.

(g) DISCUSSION (Item 8)

(i) Lay-By Parking Needs at Upper Paradise Road and Stone Church Road West (PED06340(b)) (Ward 8) (Outstanding Business List Item) (Item 8.1)

After some discussion, and at the request of Ward Councillor Whitehead, Committee received the report and referred it to the GM of Public Works to address the parking concerns.

For disposition of this matter refer to Item 5.

(ii) Update on Request for Information - Downtown Parking Structure (PED15183) (Ward 2) (Item 8.2)

Committee approved the staff report including subsection (b):

(b) That staff be directed to report back to the Planning Committee with the results of the negotiations referenced in recommendation (a) of Report PED15183.

For further disposition of this matter refer to Item 6.

(h) NOTICES OF MOTIONS (Item 10)

Councillor B. Johnson introduced the following Notice of Motion:

Re: Crossing Guards for St. Matthew School, Binbrook (Added Item)

WHEREAS, there are two (2) schools within the Binbrook Village situated near roundabouts;

WHERAS, Bellmoore School has two (2) crossing guards deployed at their roundabout;

WHERAS, St. Matthew School does not have crossing guards;

COUNCIL – November 25, 2015
WHEREAS, the Councillor’s office has had repeated requests from the St. Matthew School community, including staff, for a safe crossing for their children at the roundabout;

THEREFORE BE IT RESOLVED:

That two (2) crossing guards be deployed at the St. Matthew School roundabout to provide the same safe crossing as those at the Bellmoore School roundabout.

(i) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(ii) Outstanding Business List (Item 11.1)

(Pearson/Conley)

(a) That the following new due dates be approved:

- Item “C” - Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Limeridge Road
  Due Date: November 17, 2015
  Proposed New Due Date: February 2, 2016

- Item “F” - By-law to Regulate Parking on Boulevards and Front and Side Yard (PED13042)
  Due Date: November 17, 2015
  Proposed New Due Date: January 12, 2016

- Item “H” - Parked Facing the Wrong Way (PED13109) (City Wide)
  Due Date: November 17, 2015
  Proposed New Due Date: January 12, 2016

- Item “I” - (OMB) Decision re: 121 Augusta Street, staff to report back with a comprehensive review of RCF’s in the context of the Prov. Policy, as it relates to special needs, and the Human Rights Code.
  Due Date: November 17, 2015
  Proposed New Due Date: March 22, 2016

- Item “Q” – Staff to undertake consultation and report back regarding the requirement in Schedule 25 of the Licensing By-law that a taxicab owner hold a valid taxicab driver’s licence only if he or she drives a taxicab.
  Due Date: December 1, 2015
  Proposed New Due Date: March 22, 2016

- Item “Y” - Feasibility of Establishing a City Animal Adoption Service in Partnership with the SPCA.
  Due Date: January 12, 2016
  Proposed New Due Date: April 19, 2016
Item “Z” -Feasibility of Licensing Cats in the Urban Area.
Due date: January 12, 2016
Proposed New Due Date: April 19, 2016

(b) That the following Item be removed:
Item “L” - Pool Enclosure By-law (PED13126(a)) (City Wide) (Item 7.1 on this agenda) Report referred back.
Item “R” - Lay-by Parking Needs at Upper Paradise Road and Stone Church (Item 8.1 on this agenda)

CARRIED

(i) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee adjourned at 4:27 p.m.

CARRIED

Respectfully submitted,

Councillor J. Partridge
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk
Special Conditions for Draft Plan of Subdivision Approval  
For “Chappel Estates South,” 25T-201404

Development Engineering

1. That prior to registration of the final plan of subdivision, 4.5 m by 4.5 m daylight triangles be established on the final plan of subdivision at the corner of Lot 28, Lot 42, Block 43 and Block 56, to the satisfaction of the Senior Director, Growth Management.

2. That prior to servicing, the Owner agrees to include in the engineering design and cost estimate schedule provision to provide a 13.0 m radii at the curb line and constant width of boulevard along the inner side of the 90 degree bends on Crescent ‘A’ to the satisfaction of the Senior Director of Growth Management.

3. That prior to servicing, the Owner include in the engineering design and cost estimates provision for construction of a 1.5 m high black vinyl coated heavy duty chain-link fence along the rear yard of Lots 8 to 27 inclusive, Block 44 and the south limit of Block 64 to the satisfaction of the Senior Director, Growth Management.

4. That prior to servicing, the Owner include in the engineering design and cost estimates provision for the installation and removal of a temporary turnaround, minimum asphalt radius \( R = 13.0 \) m, minimum outside radius \( R = 18.0 \) m at the easterly limit of Vineberg Drive extension to the satisfaction of the Senior Director, Growth Management.

5. That prior to registration of the final plan, the Owner shall submit a parking plan to demonstrate that 40% on-street parking is provided within the draft plan lands. The parking plan shall show the curb cuts, driveway and hydrant locations, concrete transit pads and mail box locations all to the satisfaction of the Senior Director, Growth Management.

6. That prior to registration of the final plan, the Owner acknowledges and agrees that as a condition of development of Block 64 within the draft plan lands the City may require updated Water Servicing Study to demonstrate compliance with the watermain design subject to Form 1 approval process by the City, to the satisfaction of the Senior Director, Growth Management.

7. That prior to servicing, the Owner prepares a geotechnical report and implements the report’s recommendations, to the satisfaction of the Senior Director, Growth Management.

8. That prior to registration of the final plan of subdivision, the owner agrees to convey a 0.3 m reserve along the northerly limit of Vineberg Drive adjacent to Blocks 45 to 56, inclusive, and a 0.3 m reserve along the northerly limit of the
9. That prior to servicing, the Owner include in the engineering design and cost estimates provision for construction of municipal sidewalks as per current City of Hamilton policy enforced at the time of the engineering plan submission, to the satisfaction of the Senior Director, Growth Management.

10. That prior to servicing, the Owner shall include in the engineering design and cost estimate schedule provision to merge the existing southerly section of Jessica Street with Vineberg Drive and pay all external works costs to ensure that Jessica Street blends in with the proposed design of Vineberg Drive, to the satisfaction of Senior Director, Growth Management.

11. That prior to servicing, the Owner provides a plan or procedure for dealing with issues concerning dust control and street cleaning (external roads included) throughout construction within the subdivision, including homes. This document will also include, first point of contact, a schedule for regular cleaning of streets that is specific to the methods to be used, the source of water, and the contractor or agent to be used to undertake the works as well as the contractor / agent contact information so that the City can direct works to be completed as necessary, to the satisfaction of the Senior Director, Growth Management.

12. That prior to registration of the final plan of subdivision, the Owner agrees that adequate sanitary sewer outlets and storm sewer outlets (including storm water management facilities) have been constructed and are available for connection at the limits of each phase of the subdivision to the satisfaction of the Senior Director, Growth Management.

13. That prior to registration of the final plan of subdivision, the Owner agrees that Blocks 44 to 56 inclusive, shall be undevelopable until such time as these blocks are merged with adjacent lands to the north, to the satisfaction of the Senior Director, Growth Management.

14. That prior to servicing, the Owner agrees to prepare and submit a Stormwater Management Report, for Lots 1 to 42 and Blocks 43 to 49, which cannot proceed until there is an adequate outlet available to convey runoff from the development, including external lands (Hydro Corridor), to the receiving stormwater management facility, and when downstream stormwater management facility is operational per the Environmental Compliance Approval issued by the Ontario Ministry of the Environment and Climate Change (MOECC), to the satisfaction of the Senior Director, Growth Management.

15. That prior to servicing, the Owner agrees to include allowance within the engineering design to convey the 100-Year storm event from the external lands (hydro corridor) through the Draft Plan lands by way of a piped system to the
outlet, and include provision for an emergency spillway from the Hydro Corridor to Crescent ‘A’, to the satisfaction of the Senior Director, Growth Management.

16. That prior to registration of the final plan of subdivision, the Owner shall demonstrate that arrangements have been made with the current Owner of 25T-95002 (Miles Estates) and 25T-94005 (Shermal Estates) in consideration of the cost to construct, operate and maintain the receiving downstream stormwater management facility, including the removal of sediment from the stormwater management facility attributed to development, carrying out a bathymetric surface and verifying volumetric capacity of the stormwater management facility, throughout the servicing of all stages of draft plan, registration and development of all registered lots and blocks, prior to release of the Owner’s operation and maintenance responsibilities for the stormwater management facility, to the satisfaction of the Senior Director, Growth Management.

17. That prior to servicing, the Owner agrees to prepare and submit a Stormwater Management Report, for Blocks 50 to 64, to address runoff quality and quantity control. The Owner further agrees to submit a stormwater management design that does not negatively impact the receiving downstream conveyance system and limits changes to the hydraulic grade line elevation as documented in the stormwater management report titled “Chappel Estates South (Phase 1), Stormwater Management Report”, prepared by AECOM, and dated March 2015. That water quality and quantity control facilities are designed in accordance with the City current stormwater management criteria and guidelines, to the satisfaction of the Senior Director, Growth Management.

18. That prior to servicing, the Owner shall submit the necessary transfer deeds to the City’s Legal Department to establish an easement in favour of the City of Hamilton over Lot 11 and Lot 12, for the purpose of maintaining the conveyance of surface runoff from the hydro corridor to Crescent ‘A’, to the satisfaction of the Senior Director, Growth Management.

Forestry & Horticulture

19. That, prior to registration, the Owner / Developer shall prepare a Landscape Plan, prepared by a Certified Landscape Architect, showing the placement of compensation trees for any tree removals completed in accordance with the Tree Management / Tree Preservation Enhancement Plan of Section 5.10 of the Standard Form Subdivision Agreement, to the satisfaction of the Director of Planning and Chief Planner.

Hamilton Conservation Authority

20. That the applicant prepares and implements an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Conservation Authority. The approved plan should include the following notes:

COUNCIL – November 25, 2015
a. All erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been revegetated;

b. All erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority Staff;

c. Any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

d. All distributed areas shall be revegetated with permanent cover immediately following completion of construction.

21. That the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Conservation Authority. The approved plan shall ensure that post development flows will equal pre-development levels and that current Provincial drainage and stormwater quality guidelines are implemented.

22. That the applicant prepare and implement a lot grading plan to the satisfaction of the Hamilton Conservation Authority.

Canada Post

23. That the owner shall include the following warning clauses in the Subdivision Agreement and all Purchase and Sale and / or any Rental or Lease Agreements required for occupancy to the satisfaction of Canada Post:

i) Purchasers / tenants are advised that home / business mail delivery will be from a designated Centralized Mail Box; and,

ii) Purchasers / tenants are advised that the developers / owners shall be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

TransCanada Pipelines Ltd.

24. The following conditions and restrictions specified by TransCanada PipeLines Limited (TransCanada) shall be included in the subdivision agreement between the Municipality and the Owner.

25. The conditions, restrictions or covenants specified by TransCanada PipeLines Limited (TransCanada) shall be registered against title in relation to the “Lands” and the plan by way of application to register conditions, restrictions or covenants, as applicable, pursuant to the Land Titles Act, or any amendments thereto.

26. Any grading not otherwise permitted by Section 112 of the National Energy Board Act and regulations that may affect the right-of-way or drainage onto it,
regardless of whether or not the grading is conducted on the right-of-way, must receive TransCanada’s prior written approval. Grading activities on the right-of-way will only be permitted when a TransCanada representative is present to inspect and supervise them.

27. Section 112 of the National Energy Board Act requires that anyone excavating with power-operated equipment or explosives within 30 m of the pipeline right-of-way must obtain leave from the pipeline company before starting any work. To satisfy this National Energy Board Act requirement, you may send your request for leave through Ontario One Call at 1-800-400-2255 at least 72 hours before the start of any excavation using power-operated equipment and the use of explosives within 40 m of the pipeline right-of-way limits.

28. No fill or building material may be stored on the pipeline right-of-way before, during or after construction unless prior written approval is obtained from TransCanada.

29. TransCanada’s prior approval must be obtained for the Site Plans for the permanent structures to be erected on lots and / or Blocks which are encumbered by, or are adjacent to TransCanada’s right-of-way.

30. The Owner shall include notice of the following in all offers of purchase and sale:

a. Notice of the easement agreement registered against the property (or near the property) which may affect development activities on the property;

b. Notice of the 30m Safety Zone (Section 112 of the National Energy Board Act) as regulated by the National Energy Board Act;

c. The number of high pressure natural gas pipelines within the easement and the location of the easement in relation to the development;

d. The setback for all permanent structures and excavations from the limits of the right-of-way; and

e. The regional office contact number (1-800-827-5094).

31. All display plans in the lot / home sales office shall identify the TransCanada pipeline right-of-way corridor within the proposed linear park block(s).

32. Three copies of any registered plans for this subdivision and a registered copy of the subdivision agreement must be sent to TransCanada.

33. The developer or owner shall ensure through all contracts entered into, that all contractors and subcontractors are aware of and observe the foregoing terms and conditions.

34. In addition to the aforementioned conditions, the appropriate agreements from the Land Services Department must be in place prior to any work being undertaken on the right-of-way including crossings, landscaping or ground disturbance.
NOTE: Pursuant to Section 51(32) of the Planning Act, draft approval shall lapse if the plan is not given final approval within three (3) years. However, extensions will be considered if a written request is received before the draft approval lapses.