



PLANNING COMMITTEE

REPORT 11-019

Tuesday, November 8, 2011

9:30 am

Council Chambers

City Hall

71 Main Street West

Hamilton, Ontario

Present: Councillors R. Pasuta (Chair), B. Clark (1st Vice Chair), J. Farr (2nd Vice Chair), C. Collins, L. Ferguson, B. Johnson, J. Partridge, M. Pearson and T. Whitehead

Also Present: Councillor B. Morelli
T. McCabe, General Manager, Planning & Economic Development
M. Hazell, Senior Director, Parking & By-Law Services
T. Sergi, Senior Director, Growth Management
P. Mallard, Director, Planning
B. Janssen, Director, Strategic Services
G. Wide, Manager, Enforcement
S. Robichaud, Manager, Development Planning
M. Sergi, Manager, Community Planning and Design
S. Dickson, City Solicitor
V. Robicheau, Office of the City Clerk

THE PLANNING COMMITTEE PRESENTS REPORT 11-019 AND RESPECTFULLY RECOMMENDS:

1. Delegation Request from Christeen Urquhart, respecting alternate uses for the Rheem Building (Item 4.2)

That the delegation request submitted by Christeen Urquhart, respecting alternate uses for the Rheem Building, be referred to the Public Works

Committee and that the delegation be contacted and updated on the contract for demolition of the Rheem Building (128 Barton St. W).

2. Delegation Request from David Stephens, respecting the relocation of Brian Timmis Stadium (Item 4.3)

That the delegation request, submitted by David Stephens, respecting the relocation of Brian Timmis Stadium, be referred to the General Issues Committee.

3. Request to Include 1262 Highway 8 (Stoney Creek) in the Register of Property of Cultural Heritage Value Under Part IV of the Ontario Heritage Act (PED11184) (Ward 11) (Item 5.1)

(a) That 1262 Highway 8 (Stoney Creek) be included in the Register of Property of Cultural Heritage Value or Interest, following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (b) to Report PED11184, and that staff makes appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;

(b) That a copy of Report PED11184 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation, prior to the Council approved inclusion of 1262 Highway 8 (Stoney Creek) in the Register of Property of Cultural Heritage Value or Interest;

(c) That a copy of Report PED11184 be forwarded to the owner of 1262 Highway 8 (Stoney Creek) for information.

4. Contract for Animal Services in Glanbrook (PED11190) (City Wide) (Item 8.3)

That Report PED11190, respecting, Contract for Animal Services in Glanbrook, be received.

5. Demolition of 411 Wilson Street East, Hamilton (PED11191) (Ward 3) (Item 5.3)

That Information Report PED11191, respecting, Demolition of 411 Wilson Street East, Hamilton, be received.

6. **Application for Amendments to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 649 Upper James Street (Hamilton) (PED11185) (Ward 7) (Item 6.2)**

That approval be given to **Zoning Application ZAR-11-041, by 1794698 Ontario Inc., Owner**, for a further modification to the “H/S-1409a” (Community Shopping and Commercial, etc.) District, Modified, to additionally permit a restaurant use in the existing commercial building, on the lands located at 649 Upper James Street (Hamilton), as shown on Appendix “A” to Report PED11185, on the following basis:

- (a) That the draft By-law, attached as Appendix “C” to Report PED11185, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposal is consistent with the Provincial Policy Statement and conforms to the Places to Grow Plan;
- (c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Urban Hamilton Official Plan.

7. **Application for a Zoning By-law Amendment on Lands Located at 1285 Upper Ottawa Street (Hamilton) (PED11159) (Ward 6) (Item 6.3)**

That approval be given to **Zoning Amendment Application ZAC-11-032, by C & H Properties Inc., c/o Gerald Williams, Owner**, for a change in zoning from the “M-13” (Prestige Industrial District to the “G-1/S-1650” (Designed Shopping Centre) District, Modified, with a Special Exception, to permit the development of a drug store and commercial retail building, for a combined total of 2,295 square metres of gross floor area, for lands located at 1285 Upper Ottawa Street (Hamilton), as shown on Appendix “A” to Report PED11159, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED11159, 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 in conformity with the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the Trenholme Neighbourhood Plan.

- 8. Downtown and Community Renewal Community Improvement Plan and Project Area Review (PED11188) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 6.4)**
- (a) That the Downtown and Community Renewal Community Improvement Project Area be amended as set out in Report PED11188 and that the implementing by-law attached as Appendix “A” to Report PED11188, be enacted;
 - (b) That subject to the approval of recommendation (a), the Downtown and Community Renewal Community Improvement Plan be amended as set out in Report PED11188 and that the implementing by-law attached as Appendix “B” to Report PED11188 be enacted;
 - (c) That subject to the approval of Recommendation (b), Appendix “C” to Report PED11188 respecting the revised Program Description and Terms for the Hamilton Downtown Multi-Residential Property Investment Program, be approved and appended to the Downtown and Community Renewal Community Improvement Plan;
 - (d) That subject to the approval of recommendation (b), Appendix “D” to Report PED11188 respecting the revised Program Description and Terms for the Hamilton Downtown Property Improvement Grant Program, be approved and appended to the Downtown and Community Renewal Community Improvement Plan;
 - (e) That subject to the approval of recommendation (b), Appendix “E” to Report PED11188 respecting the revised Program Description and Terms for the Commercial Property Improvement Grant Program, be approved and appended to the Downtown and Community Renewal Community Improvement Plan;
 - (f) That subject to the approval of recommendation (b), Appendix “F” to Report PED11188 respecting the revised Program Description and Terms for the Commercial Corridor Housing Loan and Grant Program, be approved and appended to the Downtown and Community Renewal Community Improvement Plan;
 - (g) That subject to the approval of recommendation (b), Appendix “G” to Report PED11188 respecting the revised Program Description and Terms for the Hamilton Heritage Property Grant Program, be approved and appended to the Downtown and Community Renewal Community Improvement Plan;
 - (h) That subject to the approval of recommendation (b), Appendix “H” to Report PED11188 respecting the revised Program Description and Terms

for the Hamilton Downtown Office Tenancy Assistance Program, be approved and appended to the Downtown and Community Renewal Community Improvement Plan;

- (i) That subject to the approval of recommendation (b), Appendix “I” to Report PED111888 respecting the Program Description and Terms for the Gore Building Improvement Grant Program, approved by Council on October 12, 2011, be appended to the Downtown and Community Renewal Community Improvement Plan;
- (j) That subject to the approval of recommendation (b), Appendix “J” to Report PED111888 respecting the Program Description and Terms for the Hamilton Downtown Commercial Façade Property Improvement Grant Program, approved by Council on October 12, 2011, be appended to the Downtown and Community Renewal Community Improvement Plan;
- (k) That subject to the approval of recommendations (i) and (j), the amendment to By-law 10-052 as amended, which delegates authority of certain loans and grants to the General Manager, Planning and Economic Development attached as Appendix ‘K’ to Report PED11188 be approved.
- (l) That subject to the approval of recommendation (d), the Mayor and City Clerk be authorized and directed to execute Amended Agreements with respect to the Hamilton Downtown Property Improvement Grant Program, in a form satisfactory to the City Solicitor, as may be required to allow existing applicants to receive 75% of the annual grant where assessment appeals have been filed;
- (m) That subject to the approval of recommendation (a), staff of the Urban Renewal Section and Finance and Corporate Services report back to the General Issues Committee on the financial implications of extending the Downtown development charge exemption area to the expanded boundary of the Downtown Hamilton Community Improvement Project Area, and to projects involving the adaptive reuse of designated heritage properties. In the subsequent report per recommendation (m) staff will present to Council options regarding amendments to the existing Development Charge By-laws with regards to extending the Downtown Development Charge exemption area;
- (n) That staff be directed to collaborate with former municipalities’ BIA’s, and in the absence of the BIA, the Glenbrook Chamber of Commerce, to look at the possibility of future expansions of this project in the former municipalities’ downtowns;
- (o) That staff be directed to investigate adding Piers 5, 6, 7 and 8 as part of an expanded community improvement area.

9. Correspondence from the REALTORS® Association of Hamilton-Burlington

That the written submission from the REALTORS® Association of Hamilton-Burlington, respecting, Report PED11159, Application for a Zoning By-law Amendment on Lands Located at 1285 Upper Ottawa Street (Hamilton), attached hereto as Appendix "A", be received.

10. Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments to Clarify Employment Area Policies on Ancillary Uses, Modify General Commercial Official Plan Designation and Zoning on 5365 Twenty Road East to Also Permit Manufacturing; and, Modify the Prestige Business Park (M3) Zone on a Property Located at the South-West Corner of Twenty Road East and Glover Road, Related to Setbacks and Parking (PED11199) (City Wide) (Item 6.5)

- (a) That approval be given to **City Initiative CI-11-C** to provide housekeeping amendments to the City's Comprehensive Zoning By-law known as Zoning By-law 05-200.
 - (i) That the attached draft Zoning By-law, marked as Appendix "A" to Report PED11199, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That approval be given to Official Plan Amendment No. ___ of the former Town of Ancaster Official Plan; Official Plan Amendment No. ___ of the former Town of Dundas Official Plan; Official Plan Amendment No. ___ of the former Town of Flamborough Official Plan; Official Plan Amendment No. ___ of the former Township of Glanbrook Official Plan, and, Official Plan Amendment No. ___ of the former City of Stoney Creek Official Plan, (City Initiative 11-D), attached as Appendix "B" to Report PED11199, to amend the Industrial/Business Park ancillary use policies in each of these Official Plans;
- (c) That approval be given to Official Plan Amendment No. ___ to the former Township of Glanbrook, (City Initiative 11-E), attached as Appendix "C" to Report PED11199, to allow for a special policy allowing limited manufacturing uses on lands located at 5365 Twenty Road East;
- (d) That approval be given to Official Plan Amendment No. ___ to the Urban Hamilton Official Plan, (City Initiative 11-D), attached as Appendix "D" to Report PED11199, to amend the Employment Area ancillary use policies;
- (e) That approval be given to Official Plan Amendment No. ___ to the Urban Hamilton Official Plan, (City Initiative 11-E), attached as Appendix "E" to

Report PED11199, to allow for limited manufacturing uses on lands located at 5366 Twenty Road East;

- (f) That the by-laws of adoption for the Urban Hamilton Official Plan, as set out in recommendations (d) and (e) above, be held in abeyance until such time as the Urban Hamilton Official Plan is in effect;
- (g) That approval be given to **City Initiative CI-11-E** for a change in zoning from General Commercial “C3-116” and “C3-117” Zone to General Commercial “C3-271” Zone, in the Township of Glanbrook Zoning By-law No. 464, to permit manufacturing as an additional use, with prohibited manufacturing uses, on lands located at 5365 Twenty Road East (Glanbrook), as shown on Appendix “F” to Report PED11199, on the following basis:
 - (i) That the draft By-laws, attached as Appendix “F” to Report PED11199, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Township of Glanbrook, upon finalization of Official Plan Amendment No. _____.
- (h) That approval be given to **City Initiative CI-11-F** for a change in zoning from Prestige Business Park (M3) Zone to Prestige Business Park with a Special Exception (M3, 49) Zone, in the City of Hamilton Zoning By-law No. 05-200, to permit a reduction in the maximum building setback, on lands located at the south-west Corner of Twenty Road East and Glover Road (Glanbrook), as shown on Appendix “G” to Report PED11199, on the following basis:
 - (i) That the draft By-laws, attached as Appendix “G” to Report PED11199, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed changes in zoning are in conformity with the former Hamilton-Wentworth and the Township of Glanbrook Official Plans.

11. Correspondence from Patti Turnbull respecting, Report PED11199, Housekeeping Amendments

That the correspondence from Patti Turnbull respecting, Report PED11199, Housekeeping Amendments, attached hereto as Appendix "B", be received.

12. Correspondence from Dawn Ludwig respecting, Report PED11199, Housekeeping Amendments

That the correspondence from Dawn Ludwig respecting, Report PED11199, Housekeeping Amendments, attached hereto as Appendix "C", be received.

13. Petition request to the City of Hamilton and Maple Leaf Foods requesting a Cul-de-Sac north of 580 Glover Road, respecting Report PED11199, Housekeeping Amendments

That the Petition requesting the installation of a cul-de-sac north of 580 Glover Road, respecting, Report PED11199, Housekeeping Amendments, be received and referred to the GM of Public Works for a report to the Public Works Committee.

14. Correspondence from Matt Johnston of IBI Group representing the owners of 899 Nebo Road, respecting, Report PED11199, Housekeeping Amendments

That the correspondence from Matt Johnston respecting, Report PED11199, Housekeeping Amendments, attached hereto as Appendix "D", be received.

15. Application for Amendments to the Hamilton-Wentworth Official Plan and Town of Flamborough Zoning By-law No. 90-145-Z, for Lands Located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough) (PED11194) (Ward 15) (Item 6.6)

- (a) That approval be given to Regional Official Plan Amendment Application ROPA-11-001, by The Krpan Group, Applicant, for Official Plan Amendment No. __, to modify Site-Specific Policy Area 7 to permit a grocery store on lands located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough), as shown on Appendix "A" to Report PED11194, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED11194, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan.
- (b) That approval be given to **Amended Zoning Application ZAC-11-021, by The Krpan Group, Applicant**, for a further modification to the Prestige Industrial “M1-12” Zone, to permit a grocery store and remove the maximum gross floor area provision for any individual retail outlet and all retail uses, on lands located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough), as shown on Appendix “A” to Report PED11194, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED11194, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning will be in conformity with the Hamilton-Wentworth Official Plan upon finalization of Official Plan Amendment No. ■■■, and is in conformity with the Official Plan for the Town of Flamborough.

16. Strathcona Secondary Plan: Background Report (PED11182) (Ward 1) (Item 7.1)

That Report PED11182, respecting, Strathcona Secondary Plan: Background Report, be received.

17. Report 11-008 – Hamilton Municipal Heritage Committee Minutes (Item 8.1)

That the minutes of the 11-008 Hamilton Municipal Heritage Committee Minutes, be received.

18. Tow Truck Licensing (PED09019(c)) (City Wide) (Item 8.2)

- (a) That staff be directed to prepare a comprehensive by-law amendment to the City’s Licensing By-Law 07-170 to include provisions for the licensing of tow trucks and tow truck drivers;
- (b) That recommendation a) above be subject to the approval of an additional

0.60 FTE (on a full cost recovery basis) for enforcement and administrative support to the licensing of tow trucks and tow truck drivers;

- (c) That roadside assistance providers not be included as a licensing category.

19. Pre-Christmas Free Parking Strategy (Item 10.1)

That the Pre-Christmas Free Parking Strategy, approved by City Council on June 25, 2003, be amended as follows; That on-street parking be free at all times from November 24, 2011 to December 24, 2011 and limited to two (2) hours in duration for the Waterdown Business Improvement Area.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

DELEGATION REQUESTS

- 4.1 Delegation Request from Dean Collett, respecting Hess Village Paid Duty Program
- 4.2 Delegation Request from Christeen Urquhart, respecting alternate uses for the Rheem Building
- 4.3 Delegation Request from David Stephens, respecting the relocation of Brian Timmis Stadium

PUBLIC HEARINGS AND DELEGATIONS

- 6.5 Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments to Clarify Employment Area Policies on Ancillary Uses, Modify General Commercial Official Plan Designation and Zoning on 5365 Twenty Road East to Also Permit Manufacturing; and, Modify the Prestige Business Park (M3) Zone on a Property Located at the South-West Corner of Twenty Road East and Glover Road, Related to Setbacks and Parking (PED11199) (City Wide)

Registered public speakers:

- (ii) Dawn Ludwig
- (iii) Matt Johnston – IBI Group

The Agenda for the November 8, 2011 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

The Minutes of the October 18, 2011 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

- (i) Delegation Request from Dean Collett, respecting Hess Village Paid Duty Program (Item 4.1)**

The delegation request, submitted by Dean Collett, respecting Hess Village Paid Duty Program, was approved.

(e) CONSENT ITEMS (Item 5)

- (i) Demolition Report – 1354 Upper Sherman Avenue (PED11186) (Ward 7) (Item 5.2)**

Councillor Duvall spoke to the demolition and the concerns about the current zoning application.

The consideration of the demolition application was deferred until the zoning application is approved.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)**(i) Delegation by Lawrence Pearce, respecting by-law enforcement for Recreational Vehicle (RV) parking in residential neighbourhoods (Item 6.1)**

The delegation by Lawrence Pearce, respecting by-law enforcement for Recreational Vehicle (RV) parking in residential neighbourhoods, was deferred.

(ii) Application for Amendments to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 649 Upper James Street (Hamilton) (PED11185) (Ward 7) (Item 6.2)

In accordance with the provision of the Planning Act, Chair R. Pasuta 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 approves the 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.

The staff presentation respecting, Report PED11185, Application for Amendments to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 649 Upper James Street (Hamilton), was waived.

The public meeting respecting, Report PED11185, Application for Amendments to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 649 Upper James Street (Hamilton), was closed.

For disposition on this Item, refer to item 6.

(iii) Application for a Zoning By-law Amendment on Lands Located at 1285 Upper Ottawa Street (Hamilton) (PED11159) (Ward 6) (Item 6.3)

In accordance with the provision of the Planning Act, Chair R. Pasuta 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 approves the 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.

- (1) Joe Muto, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

The staff presentation respecting, Report PED11159, Application for a Zoning By-law Amendment on Lands Located at 1285 Upper Ottawa Street (Hamilton), was received.

- (2) Claudio Balbinot, Planning Consultant, addressed the Committee with the aid of a PowerPoint presentation. Mr. Muto provided a summary of the report with additional information on how the application applies to current plans of the City and that there is enhanced streetscape to support urban design.

The applicant's presentation respecting, Report PED11159, Application for a Zoning By-law Amendment on Lands Located at 1285 Upper Ottawa Street (Hamilton), was received.

Public Speaker

- (3) Dave Cooper – 1660 North Service Road E, Oakville, ON L6H 7G3

Mr. Cooper is representing a property located at 1070 Stonechurch Road E. His concerns are related to urban design policy for the City's Urban Official Plan. The building does not meet the policy of having buildings as close to the road as possible. He also expressed concern over the parking and drive ways.

The public presentation respecting, Report PED11159, Application for a Zoning By-law Amendment on Lands Located at 1285 Upper Ottawa Street (Hamilton), was received.

The public meeting respecting, Report PED11159, Application for a Zoning By-law Amendment on Lands Located at 1285 Upper Ottawa Street (Hamilton), was closed.

For disposition on this Item, refer to item 7.

(iv) **Downtown and Community Renewal Community Improvement Plan and Project Area Review (PED11188) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13 and 15) (Item 6.4)**

(1) **Correspondence from the REALTORS® Association of Hamilton-Burlington**

In accordance with the provision of the Planning Act, Chair R. Pasuta 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 approves the 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.

No public speakers came forward.

The public meeting respecting, Report PED11188, Downtown and Community Renewal Community Improvement Plan and Project Area Review, was closed.

- (1) Hazel Milsome, Co-ordinator, Urban Renewal Incentives, Alan Waterfield, Senior Planner, and Glen Norton, Manager, Urban Renewal, addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

The staff presentation respecting, Report PED11188, Downtown and Community Renewal Community Improvement Plan and Project Area Review, was received.

On a motion, the following was added as sub-section (n):

- (n) That staff be directed to collaborate with former municipalities' BIA's, and in the absence of the BIA, the Glenbrook Chamber of Commerce, to look at the possibility of future expansions of this project in the former municipalities' downtowns;

The Amendment CARRIED

On a motion, the following was added as sub-section (o):

- (o) That staff be directed to investigate adding Piers 5, 6, 7 and 8 as part of an expanded community improvement area.

The Amendment CARRIED

The Main Motion, as amended, CARRIED

The written submission from the REALTORS® Association of Hamilton-Burlington, respecting, Report PED11159, Application for a Zoning By-law Amendment on Lands Located at 1285 Upper Ottawa Street (Hamilton), was received.

For disposition on this Item, refer to item 8.

- (v) **Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments to Clarify Employment Area Policies on Ancillary Uses, Modify General Commercial Official Plan Designation and Zoning on 5365 Twenty Road East to Also Permit Manufacturing; and, Modify the Prestige Business Park (M3) Zone on a Property Located at the South-West Corner of Twenty Road East and Glover Road, Related to Setbacks and Parking (PED11199) (City Wide) (Item 6.5)**

In accordance with the provision of the Planning Act, Vice Chair B. Clark 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 approves the 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.

- (1) Al Fletcher, Manager, addressed the Committee and provided a summary of the report with additional information regarding zoning and aesthetics opportunities associated with the Maple Leaf plant. Also, this report addresses the definition of manufacturing and of medical clinics.

The staff presentation respecting, Report PED11199, Housekeeping Amendments to Comprehensive Zoning By-law 05-200, Official Plan Amendments, Twenty Road East and Glover Road, Related to Setbacks and Parking, was received.

Public Speakers

- (2) Patti Turnbull – 495 Trinity Church Road, L0R 1P0

Ms. Turnbull is representing a number of residents of Trinity Church Road who live across from the Red Hill Business Park. Ms. Turnbull addressed the Committee and provided the Committee with correspondence containing the highlights of her presentation. A copy of the correspondence has been included in the official record.

The delegation gave consent to the Ward Councillor to share the letter with the appropriate parties.

- (3) Dawn Ludwig - 580 Glover Road, L0R 1P0

Dawn Ludwig addressed the Committee and provided the Committee with correspondence containing the highlights of her presentation. A copy of the correspondence has been included in the official record.

Ms. Ludwig presented the Committee with a petition for the installation of a cul de sac north of 580 Glover Road signed by 52 Glover Road residents and a representative of Maple Leaf.

- (4) Matt Johnston – 360 James Street N., L8L 1H5

Mr. Johnston of IBI Group representing the owners of 899 Nebo Road, addressed the Committee and provided the Committee with correspondence containing the highlights of his presentation. A copy of the correspondence has been included in the official record.

- (5) Steven Fraser – 25 Main Street W., L8P 1H1

Steven Fraser, Planner, A.J. Clarke and Associates, addressed the Committee. Mr. Fraser indicated that he did not have enough time to review the implications of the report on his clients land holdings and was appearing in order to preserve his right to appeal.

The public presentations respecting, Report PED11199, Housekeeping Amendments, was received.

The public meeting respecting, Report PED11199, Housekeeping Amendments, was closed.

For disposition on this Item, refer to item 10.

- (vi) **Application for Amendments to the Hamilton-Wentworth Official Plan and Town of Flamborough Zoning By-law No. 90-145-Z, for Lands Located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough) (PED11194) (Ward 15) (Item 6.6)**

In accordance with the provision of the Planning Act, Vice-Chair B. Clark 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 approves the 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.

- (1) Kate Mihaljevic, Manager, addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

The staff presentation respecting, Report PED11194, Application for Amendments to the Hamilton-Wentworth Official Plan and Town of Flamborough for Lands Located at 522; and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough), was received.

- (2) Ed Fothergill, on behalf of the applicant, addressed the Committee and expressed his support for the application as it coincides with the City's plans and downtown area.

The applicant's verbal presentation respecting, Report PED11194, Application for Amendments to the Hamilton-Wentworth Official Plan and Town of Flamborough for Lands Located at 522; and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough), was received.

The public meeting respecting, Report PED11194, Application for Amendments to the Hamilton-Wentworth Official Plan and Town of Flamborough for Lands Located at 522; and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough), was closed.

For disposition on this Item, refer to item 15.

(g) PRESENTATIONS (Item 7)**(i) Strathcona Secondary Plan: Background Report (PED11182) (Ward 1) (Item 7.1)**

The staff presentation respecting, Report PED11182, Strathcona Secondary Plan: Background Report, was waived.

Councillor McHattie expressed his support for this item.

For disposition on this Item, refer to item 16.

(h) DISCUSSION ITEMS (Item 8)**(i) Tow Truck Licensing (PED09019(c)) (City Wide) (Item 8.2) (Outstanding Business List Item)**

Vice Chair Clark confirmed with staff that the recommendations of Report PED09019(c), are for staff to write a by-law and to bring it back, at a future date, for the consideration of the Planning Committee.

Glyn Wide commented that this by-law will come back to the Committee as a robust by-law that will address a number of concerns. Staff indicated that this report is expected to come back in the first quarter of 2012 where there will be a public meeting related to the proposed by-law.

The staff presentation respecting, Report PED09019(c), Tow Truck Licensing, was received.

For disposition on this Item, refer to item 18.

(ii) Contract for Animal Services in Glanbrook (PED11190) (City Wide) (Item 8.3)

Councillor Johnson expressed concerns over the report and if this was a sustainable budgetary decision. Councillor Johnson provided an overview of the concerns expressed by constituents. Councillor Johnson brought copies of a petition with 415 signatures, a partial petition with 18 signatures and 44 letters. Councillor Johnson expressed her interest in bringing forward a Notice of Motion related to this issue to the next meeting of the Planning Committee.

The petition with 415 signatures, a partial petition with 18 signatures and 44 letters concerning the recognition of the difference between urban and rural animal control needs, were received.

For disposition on this Item, refer to item 4.

(i) MOTIONS (Item 9)

(i) Cell Phone Towers (Item 9.1)

That staff report back on our ability to ban the use of lattice towers for cell phone towers.

The Motion respecting, Cell Phone Towers, was approved.

(j) NOTICES OF MOTION (Item 10.1)

Councillor Collins introduced the following Notice of Motion on behalf of Councillor Partridge

(i) Pre-Christmas Free Parking Strategy (Item 10.1)

Whereas the Waterdown Business Improvement Area has submitted a request to participate in the Christmas Free Parking Program and due to staff changes in the BIA the request was received two weeks late; and

Whereas the request is considered minor in nature, and staff support the request.

Therefore, be it resolved that the Pre-Christmas Free Parking Strategy, approved by City Council on June 25, 2003, be amended as follows; That on-street parking be free at all times from November 24, 2011 to December 24, 2011 and limited to two (2) hours in duration for the Waterdown Business Improvement Area.

The rules were waived in order to allow the Notice of Motion respecting, Pre-Christmas Free Parking Strategy, to be brought forward as a Motion at today's meeting.

For disposition on this Item, refer to item 19.

(k) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)**(i) Demolition Permit – 245 Catherine Street North, Hamilton (PED11136) (Ward 2) (Verbal Update) (Item 11.1)**

Glyn Wide updated committee that all of the hazardous materials have been managed on the site at 245 Catherine Street North, Hamilton.

The verbal update respecting, Demolition Permit – 245 Catherine Street North, was received and no further updates are required.

Item “V”, Demolition Permit – 245 Catherine Street North, was removed from the Outstanding Business List.

(ii) Outstanding Business List Amendments (Item 11.2)**Items requiring revised Due Dates**

The due dates of the following outstanding business list Items were amended as outlined below:

- (a) Item M: Proposed policy on release of names of owners whose dogs attack others
Current Due Date: November 8, 2011
New Due Date: November 22, 2011
- (b) Item O: Licensing of Motels
Current Due Date: November 8, 2011
New Due Date: March 2012
- (c) Item T: ACPD Proposed Reforms to Taxi Licensing By-law
Current Due Date: November 8, 2011
New Due Date: February 2012
- (d) Item U: 1620 Upper Wentworth and 401 Rymal Road East, application by Schlegel Villages
Current Due Date: November 8, 2011
New Due Date: February 2012

(iii) News from the General Manager (Item 11.3)

Mr. McCabe updated the Committee on the following:

- (a) The Growth Management Operational Review Sub-Committee scheduled for the new year;
- (b) The Business Plan update going to the General Issues Committee;
- (c) The next Planning Committee's closed session updates on rural and urban official plans with respect to appeals and OMB proceedings.

(I) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 3:10 p.m.

Respectfully submitted,

Councillor R. Pasuta
Chair, Planning Committee

Vanessa Robicheau
Legislative Assistant
Office of the City Clerk
November 8, 2011



Chairman and Members of the Planning Committee
Hamilton City Hall
71 Main St. West
Hamilton, ON L8P 4Y5

November 2, 2011

Dear Chairman and Members of the Planning Committee:

On behalf of the REALTORS® Association of Hamilton-Burlington (RAHB) and our 2,500 members we are writing to express our full support for update and expansion of Hamilton's financial incentives programs. We applaud the City of Hamilton's current suite of financial incentive programs. These loans and grants are an innovative tool to reduce the costs associated with development/redevelopment in the Downtowns, Business Improvement Areas (BIAs) and commercial corridors.

We support the implementation of the two new proposed programs. The new *Hamilton Downtown Commercial Façade Property Improvement Grant* will encourage reinvestment in the downtown area and preservation of the commercial buildings. With the right incentives the streetscapes can be transformed. Treble Hall is a great example how simply cleaning up a façade can change the feel of a street.

In addition to the Façade program, the proposed *Gore Building Improvement Grant Program* will provide incentives for a key area of our city, truly the heart of the Downtown. The proposed plan seems to address a suite of issues from sign bylaw issues to property standards and accessibility requirements. The redevelopment of the Gore would significantly change the face of Downtown Hamilton, and the image of the city overall.

We also support the proposed changes to the existing incentives programs. The anticipated revision of the Hamilton Downtown Multi-Residential Property Investment Program will give property developers the flexibility to extend their loan term to 15 years, which will likely allow for the completion of larger projects. Other changes will offer the program administrators more flexibility in administering grants and loans. This will allow a variety of businesses and organizations to take advantage of the programs.

As an association, RAHB has adopted a number of guiding principles to demonstrate the commitment of the real estate profession to improve quality of life by supporting policies that encourage economic vitality, provide housing opportunities, preserve the environment, protect property owners and build community. The proposed measures will contribute to a more vibrant downtown and will help achieve many of these principles.

Sincerely,
REALTORS® Association of Hamilton-Burlington

Ann Forbes Arndt
2011 President

Tim Mattioli
2011 Government Relations Chair

Ross Godsoe
CEO

Megan Platts
Manager, Government & External Relations

Items to be addressed at Nov. 8/11 City of Hamilton Council meeting

First of all I'd like to thank the Mayor and Councillors for accepting my request to address you today.

I represent a number of residents of Trinity Church Road who live across from the Red Hill Business Park (formerly the Glanbrook Industrial Park).

My family and I don't oppose the currently proposed location of the Maple Leaf plant, at the South West corner of Twenty and Glover Roads, as it has been explained to us that there will be no slaughterhouse, rendering or cleaning of carcasses associated with this plant and that the meat will arrive frozen and will simply require slicing or mincing for final processing. I also understand there will be virtually no odour from this plant. I hope what we have been told by our Councillor, Brenda Johnson, and Maple Leaf staff will actually turn out to be true.

However, there are some items we would like to address regarding some of the housekeeping details around the by-laws to be reviewed in today's meeting.

1. Definition of "Planting Strip"
 - a. We believe that a "wall" does not constitute a planting strip. Please see proposed changes in the definition of "planting strip" on page 3 of Appendix A of Report PED 11199 in reference to By-Law 05-200.
 - b. We ask that you do not include language related to a wall in the definition of a planting strip for any Trinity Church Road planting strip but instead specify evergreen trees of a minimum height of four feet high (when first planted) and spaced such that the branches of one touches the branches of the trees on either side to maximize the blocking effect.
 - c. This is still considered a rural area and a "wall" would not fit in and in fact draw more attention to the fact that a Business Park butts up next to a residential rural area.
 - d. Also the word "low" as it related to "low architectural wall" is not defined in the proposed changes.
2. A Berm plus planting strip promised to Trinity Church Road residents for area abutting Red Hill Business Park (formerly Glanbrook Industrial Park)
 - a. Some 50 years ago the following residents of Trinity Church gathered on the Woolcott's old property to discuss future use of the Court's farm (420 Trinity Church Road) – which is part of the Business Park:
 - i. Turnbulls
 - ii. Dwyers

- iii. Bishops
 - iv. Woolcotts
 - v. Burns
 - vi. Mr. Court Senior
- b. It was agreed that if the resident's agreed to the Industrial zoning of Mr. Court's agricultural land that a six foot high berm plus planting strip would be installed on the West side of Trinity Church Road so that the residents on the East side of Trinity Church across from the Court's farm would be shielded from the buildings and activities in the future industrial park.
- c. Currently no Hamilton by-laws contain such language.
- i. No Councillor or City staff have the right to exclude the berm and planting strip from by-law language. This was agreed on 50 years.
 - ii. We have been given reassurance from Councillor Johnson in an email that Mr. Al Fletcher, City Planner, will be revising the by-law language to include what was promised to the residents of Trinity Church Road 50 years ago.
 - iii. I would like the Councillors and Mayor's commitment today that the berm and planting strip language, as noted in my comments to you today, will be supported in a revision of all by-laws related to the Red Hill Business Park and Trinity Church Road.

3. Noise Study for Maple Leaf

- a. Last week, I observed two strange men hanging around my mailbox around the dinner time. They had two cars and seemed to be placing something in a tree.
- b. I approached them and asked them a number of questions regarding their activities. At first they lied and said they didn't know who commissioned the noise study but after they admitted it was Maple Leaf. Having no proof of approval from the City to place a sensor on City property and quite frankly being suspicious because they outright lied to me I asked them to remove the sensor until I could contact my local Councillor, Brenda Johnson.
- c. I take offense to the lies that these researchers told. We are not here to obstruct the construction of this plant at the South West corner of Twenty and Glover Roads; however, actions and secrecy will only serve to continue to irritate local residents and cause us to continue to mistrust local government.
- d. I hope for more from my Councillors and City staff and from this day forward I expect an open and honest rapport between local government and local residents.
- e. Some notes regarding the Noise Study:

- i. It is clear that Maple Leaf is concerned about the effect of truck noise on local residents on Trinity Church Road.
- ii. It is also clear to me that the technicians did not know what they were doing. They were attempting to hang a noise sensor with a metal chain around the truck of a tree.
- iii. Typically noise sensors are attached firmly to unobstructed obstacles.
 1. Chains and branch noise will cause incorrect readings on these sensors and cause baseline readings to be much higher than reality.
- iv. Also please note that for years we, as residents, have been complaining to local government, staff and police about the illegal truck traffic (and speeding) along Trinity Church Road – this will skew noise results and add what is unacceptable and illegal noise to the baseline readings of this study.
- v. Also note that it is harvest season and the farmer, next to where this noise sensor will be placed, will be harvesting his crop. This will also add, what is a temporary, short-term increase in noise in the area, to the baseline measures.
- vi. I submit that the above comments be taken very seriously and a proper study be conducted, not one that seems to ignore important variables.
- vii. I also request that trucks enter the proposed Maple Leaf plant from Twenty Road and transverse along the West side of the plant to access loading docks.
- viii. We request that Maple Leaf truck scheduling take into account the fact that residential areas are nearby and be sensitive to sleeping hours in the scheduling of the trucks.

On other matters:

We have for years requested speed limit reductions and more stop signs on Trinity Church Road. Fletchers Road has been provided with four-way stops at every intersection. We have also been asking for a digital radar speed read-out unit for months; however Upper Mount Albion Road and more recently this past week Fletchers Road got those read-out units – not us.

The residents of Trinity Church Road have been dumped on enough – we had to put up with High Pressure Sewage line spillage and odours for two years recently, illegal truck usage and speeders for many, many years ongoing and personally four vehicles running off the road, and sometimes across or landing upside down on my property.

I'm asking today for this Council to serious do something about it and reduce the speed limit c
Trinity Church to 50km/h from Binbrook Road to Rymal Road (minimally from Participation
House to Rymal Road) and also place 3 way stops signs at the intersections of Airport Road,
Guyatt Road, Dickenson Road, Golf Club Road and Pinehill Drive.

Thank you for your attention.

Patti Turnbull
495 Trinity Church Road
Hannon, ON
L0R 1P0

November 8, 2011 Planning meeting @ City of Hamilton

9:30 am Re: Maple Leaf foods – zoning change

My name is Dawn Ludwig, our family lives @ 580 Glover Road, our property is directly beside the property purchased by Maple Leaf Foods.

The thought of Maple Leaf Foods landing on our doorstep has been overwhelming.

I want to be sure that I understand this request for a zoning change.

If this zoning change is approved am I correct in saying that the Maple Leaf Plant will be set back further from Glover Road?

If so, I support this zoning change. I have spoken to all of our neighbours from 580 Glover, south to Dickenson Road and they are also all in favour of this zoning change.

If this is not approved the building will be very close to our home. My family is struggling with this possibility. We are very hopeful the zoning change will be granted by the City of Hamilton.

Maple Leaf Foods has assured us that a berm will be constructed along the property line between 580 Glover Road and the Maple Leaf property. This should help to hide the building from the residents on the south side of Glover. We have also be assured that the berm will act as a sound barrier.

At this time I would like to pass to the City of Hamilton a petition from the residents of Glover Road, requesting that the City of Hamilton erect a cul de sac north of 580 Glover Road, next to the Maple Leaf property.

The former Glanbrook Council created this Prestige Industrial Park with the promise that our enclave of houses would be protected with a cul de sac,

separating our residential area from the manufacturing facilities of the same street, one development of this Industrial Park was underway.

I have 52 signatures from the residents residing between 580 Glover Road & 703 Glover Road (up to Dickenson Rd). All are concerned about traffic and safety.

The residents of this block of houses were unanimous in the decision to bring this petition forth to the City of Hamilton. Our hope is that this cul de sac can be completed before construction begins.

This request has also been endorsed by Maple Leaf Foods, their signature is also on the petition.

We hope that with the zoning change, the birm and the cul de sac, our neighbourhood will find it somewhat easier to live close to this high development.

Thanks very much.



IBI Group
200 East Wing-360 James Street North
Hamilton ON L8L 1H5 Canada
tel 905 546 1010
fax 905 546 1011

November 8th, 2011

Ms. Rose Caterini
City Clerk
City of Hamilton
71 Main Street West, 1st Floor
Hamilton, Ontario L8P 4Y5

Dear Ms. Caterini:

**899 NEBO ROAD, HAMILTON
HOUSEKEEPING AMENDMENTS TO GLANBROOK OFFICIAL PLAN, URBAN HAMILTON
OFFICIAL PLAN AND ZONING BY-LAW NO. 05-200**

IBI Group acts on behalf of the owner of the subject property and we have received the Notice of Public Meeting dated October 21th, 2011 for this statutory Public Meeting. This letter is in response to the details of the housekeeping amendments outlined in City of Hamilton Staff Report No. PED11199 dated November 8th, 2011.

Recycle City operates a waste disposal and recycling facility at this location, operating with a Certificate of Approval from the Ministry of the Environment. The property is currently located in a site specific Prestige Business Park "M3-354" Zone in Zoning By-law No. 05-200. Site Specific Exception No. 354 allows a "Waste Processing Facility" and a "Waste Transfer Facility" as permitted uses on these lands.

The principle use of the lands is recycling wherein 99% of waste receive is sorted, processed, recycled and diverted from landfills. The sorting of waste results in some rock and concrete that needs to be crushed to fulfill the recycling process. Rock and Concrete Crushing is an intrinsic and ancillary use to the permitted principal use – that being a recycling centre.

As such, IBI Group holds the opinion that a further site specific exception is required and is appropriate to permit rock and concrete crushing on the subject lands. In addition, this further exception would ensure rock and concrete crushing conforms to the concurrent housekeeping amendments to Glanbrook Official Plan and Urban Hamilton Official Plan. This form of a site specific exception is in keeping with the existing land use permissions and represents good planning.

Feel free to contact the undersigned with any comments or questions and I look forward to receiving any further Notice regarding the aforementioned housekeeping amendments.

IBI Group

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Ms. Rose Caterini – November 8th, 2011

Regards,

IBI Group

A handwritten signature in black ink, appearing to read "M Johnston". The signature is stylized with a large initial "M" and a long horizontal stroke at the end.

Matt Johnston, MCIP, RPP

cc: Nebo Road Group (2006) Inc.
R. D. Cheeseman