



## **PLANNING COMMITTEE**

### **MINUTES 12-002**

**Tuesday, January 31, 2012**

**9:30 am**

**Council Chambers**

**City Hall**

**71 Main Street West**

**Hamilton, Ontario**

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

**Also Present:** M. Hazell, Acting General Manager, Planning & Economic Development  
T. Sergi, Senior Director, Growth Management  
P. Mallard, Director, Planning  
B. Janssen, Director, Strategic Services  
G. Wide, Manager, Enforcement  
S. Robichaud, Manager, Development Planning  
V. Robicheau, Office of the City Clerk

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#### **THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:**

- 1. Heritage Permit Application HP2011-058, Under Part V of the Ontario Heritage Act, for Demolition of a Detached Garage, Construction of a New Detached Three Bay Garage and Workshop, and Construction of Additions to the Existing House at 31 Cross Street (Dundas) (PED12021) (Ward 13) (Item 5.1)**

**(Partridge/Farr)**

That Heritage Permit Application HP2011-058 be approved for demolition of a detached garage, construction of a new detached, three bay garage and workshop, and construction of additions to the existing house at 31 Cross Street (Cross-Melville Heritage Conservation District) (Dundas), subject to the following conditions:

- (a) That a tree inventory and protection plan shall be submitted for all the trees within the area of construction impact, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (b) That the existing mature tree in the south side yard shall be protected from temporary or permanent construction impacts, as per the submitted tree protection plan, prior to any grading and for the duration of construction, to the satisfaction and approval of Planning staff;
- (c) That the final details regarding the attachment of the proposed new additions, side porch and porte cochère to the existing stone walls shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (d) That specifications, samples, and/or brochures for the proposed stone foundation, stucco cladding and glazing on the proposed additions shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (e) That the final dimensions, design, and materials for all new doors, windows, and garage doors shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (f) That the dimensions and materials for all new fascia, roof flashings, columns, railings, and other exterior structures shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (g) That the repair methods, materials specifications, and mortar composition shall be submitted, to the satisfaction and approval of Planning staff, prior to any masonry repairs or re-pointing of the existing stone building walls or the stone wall along the front of the property;
- (h) That the new asphalt surface and paving stones shall be within the limits of the existing gravel driveway, and that no existing shrubs or trees shall be removed or adversely impacted by the resurfacing;
- (i) That the paving materials for the proposed terrace and detailed elevations and/or plans for any outdoor fireplace, walls, railings, or other fixtures/structures shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
- (j) That the elevation drawings depicting the proposed garage roof(s) shall be revised, to the satisfaction and approval of Planning staff and the Heritage

Permit Review Sub-committee, prior to submission as part of any application for a Building Permit;

- (k) That any minor changes to the plans and elevations following Heritage Permit approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (l) That construction and site alterations, in accordance with this approval, shall be completed no later than January 31, 2014. If the alterations are not completed by January 31, 2014, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton;
- (m) That the corridor addition between the new porch and rear addition shall be glazed, and revised elevation drawings showing this change shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit.

**CARRIED**

**2. Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough) (PED12014) (Ward 15) (Item 6.2)**

**(Pearson/Farr)**

That approval be given to Zoning Application ZAR-11-063, by Silverwood Homes Inc., Owner, for a change in zoning from the Urban Residential "R4-4" Zone, Modified, with a Special Exception, to the Urban Residential "R1-40" Zone, Modified, with a Special Exception, to permit one single detached dwelling unit in lieu of a semi-detached dwelling unit, for lands located at 111 Parkside Drive (Flamborough), as shown on Appendix "A" to Report PED12014, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED12014, 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 Town of Flamborough Official Plan, and the North Waterdown Secondary Plan.

**CARRIED**

3. **Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 452 Springbrook Avenue (Ancaster) (PED12010) (Ward 12) (Item 6.3)**

**(Ferguson/Partridge)**

- (a) That approval be given to **Official Plan Amendment Application OPA-11-014, by Redeemer University College, Owners**, for Official Plan Amendment No. [REDACTED], for a change in designation from “Low Density Residential” to “Institutional”, and a change in the road pattern of the Ancaster Meadowlands Neighbourhood IV - Secondary Plan, Map 1 - Land Use and Map 2 - Special Policy Areas, for lands known municipally as 452 Springbrook Avenue (Ancaster), as shown on Schedule “A” of Appendix “E” to Report PED12010, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “E” to Report PED12010, be adopted by City Council.
- (b) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] for the re-designation of portions of the subject lands to “Institutional” from “Low Density Residential 2b”, and a change in the road pattern on Map B.2.6-1 - Meadowlands Neighbourhood IV - Land Use Plan, to be held in abeyance until the final decision has been made regarding the Urban Official Plan, for lands known municipally as 452 Springbrook Avenue (Ancaster), as shown on Appendix “F” to Report PED12010.
- (c) That approval be given to **Zoning Application ZAC-11-060, by Redeemer University College, Owners**, for changes in zoning from the Agricultural “A” Zone to the Residential “H-R4-548” Holding Zone, Modified, with a Special Exception and Holding Provision (Block 1) in Zoning By-law 87-57, and to the Major Institutional (I3) Zone (Block 2) in Zoning By-law 05-200, to permit land use regulations to facilitate a land exchange and the future residential development of the lands fronting onto Springbrook Avenue, on lands located at 452 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED12010, on the following basis:
- (i) That the draft By-laws, attached as Appendices “G” and “H” to Report PED12010, 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 Town of Ancaster upon finalization of Official Plan Amendment No. [REDACTED].

**CARRIED**

4. **Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 114 Wilson Street West (Ancaster) (PED12017) (Ward 12) (Item 6.4)**

**(Ferguson/Pearson)**

- (a) That approval be given to **Official Plan Amendment Application OPA-11-013, 2281453 Ontario Limited, Owner**, to add a Specific Policy Area to the "Residential" designation on Schedule "B", Land Use - Urban Area, of the Ancaster Official Plan, to permit a Professional Business Office in the existing building, on the lands located at 114 Wilson Street West (Ancaster), as shown on Appendix "A" to Report PED12017, on the following basis:
- (i) That the subject lands be identified as Specific Policy Area [REDACTED] on Schedule "F", Specific Policy Area;
  - (ii) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED12017, be adopted by Council;
  - (iii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.
- (b) That approval be given to **Zoning By-law Amendment Application ZAC-11-059, 2281453 Ontario Limited, Owner**, for changes in Zoning from the Residential "R3-289" Zone, Modified (Block 1), and the Existing Residential "ER" Zone (Block 2), to the Residential "R3-639" Zone, Modified, with a Special Exception, to permit a Professional Business Office in the existing building, on the lands located at 114 Wilson Street West (Ancaster), as shown on Appendix "A" to Report PED12017, on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED12017, 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 Zoning By-law No. 87-57;
  - (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Town of Ancaster Official Plan upon finalization of proposed Official Plan Amendment No. [REDACTED].

**CARRIED**

5. **Housekeeping Amendments to Comprehensive Zoning By-law 05-200, (PED12015) (City Wide) (Item 6.5)**

**(Pearson/Whitehead)**

- (a) That approval be given to City Initiative CI-11-B to provide housekeeping amendments to the City's Comprehensive Zoning By-law known as Zoning By-law 05-200;
- (b) That the Zoning By-law, attached as Appendix "A" to Report PED12015, as amended, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

**CARRIED**

6. **Housekeeping Amendments to Region of Hamilton-Wentworth Official Plan (PED12016) (Ward 15) (Item 6.6)**

**(Whitehead/Pearson)**

That approval be given to Official Plan Amendment No.\_\_\_\_ of the former Region of Hamilton-Wentworth Official Plan (City Initiative CI-12-A), attached as Appendix "A" to Report PED12016, to reinstate policies inadvertently deleted related to the Clappison Corners Business Park.

**CARRIED**

7. **Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Revisions to a Draft Plan of Subdivision, "Fairgrounds East", on Lands Located at 8 Country Fair Way (Glanbrook) (PED12001) (Ward 11) (Item 6.7)**

**(Johnson/Ferguson)**

- (a) That approval be given to Official Plan Amendment Application OPA-11-001, by Losani Homes Ltd., Owner, for Official Plan Amendment No. [REDACTED], for a change in designation on Schedule "B" of the Township of Glanbrook Official Plan from "Medium Density Residential" to "Low Density Residential" (Block 1) and from "Low Density Residential" to "Medium Density Residential" (Block 2), in order to permit the development of 51 lots for single detached dwellings and 5 blocks for street townhouse dwellings, for the lands located within "Fairgrounds East - Phase 3" (Glanbrook), as shown on Appendix "A" to Report PED12001, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED12001, be adopted by City Council.

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.
- (b) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] to amend Map B.5.1-1 - Binbrook Village Secondary Plan Land Use Plan from “Low Density Residential 2h” to “Low Density Residential 2e” (Block 1), and from “Low Density Residential 2e” to “Low Density Residential 2h” (Block 2), attached as Appendix “C” to Report PED12001, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands located within “Fairgrounds East - Phase 3” (Glanbrook).
- (c) That approval be given to **Zoning Application ZAC-11-004, by Losani Homes Ltd., Owner**, for changes in zoning to Glanbrook Zoning By-law No. 464 from the Residential Multiple “RM3-223” Zone to the Residential “R4-273” Zone (Block 1); from the Residential “R4-222” Zone to the Residential “R4-273” Zone (Block 2) and the Residential Multiple “RM2-274” Zone (Block 3); and from the Residential Multiple “RM2-224” Zone to the Residential “R4-273” Zone (Block 4) and the Residential Multiple “RM2-274” Zone (Block 5), in order to permit 51 lots for single detached dwellings and 5 blocks for street townhouses, as shown on Appendix “A” to Report PED12001, on the following basis:
- (i) That the draft By-law, attached as Appendix “D” to Report PED12001, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the changes in zoning conform to the Hamilton-Wentworth Official Plan and will conform to the Glanbrook Official Plan upon finalization of Official Plan Amendment No. [REDACTED]
- (d) That approval be given to **Draft Plan of Subdivision Application 25T-200615(R), by Losani Homes Ltd., Owner**, to revise a portion of the previously approved Draft Plan of Subdivision for “Fairgrounds East”, subject to the following condition:
- (i) That this approval apply to the Revised Draft Plan of Subdivision, “Fairgrounds East”, 25T-200615(R), prepared by Armstrong Hunter & Associates and Losani Homes Ltd., and certified by S. D. McLaren, O.L.S., dated May 19, 2011, showing 51 lots for single detached dwellings (Lots 1-51) and 5 blocks for street townhouses (Blocks 52-56), attached as Appendix “E” to Report PED12001, subject to the owner revising the Registered Subdivision Agreement to include the revised Draft Plan of Subdivision

(attached as Appendix "E") and with the revised Special Conditions, attached as Appendix "F",

all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

**CARRIED**

**8. Applications for Approval of a Draft Plan of Subdivision, and Amendments to the Hamilton Official Plan and Zoning By-law Nos. 6593 and 05-200, for Lands Located at 555 Sanatorium Road (Hamilton) (PED12009) (Ward 8) (Item 6.8)**

**(Whitehead/Johnson)**

- (a) That approval be given to **Amended Official Plan Amendment Application OPA-07-039, by Chedoke Health Corporation (Owner)**, to amend Schedule "A" Landuse Plan and Schedule "J-1" **Chedmac Planning Area Secondary Plan**, in order to redesignate portions of the "Major Institutional" Designation to "Residential" in Schedule "A" Landuse Plan, and to redesignate the "Institutional" Designation to the "Low Density Residential" Designation, the "Medium Density Residential I" Designation, and the "Medium Density Residential II" in Schedule "J-1" **Chedmac Planning Area Secondary Plan**; and to further permit Single Detached Dwellings at a density of up to 20 units per hectare within the "Low Density Residential" Designation, and to permit townhouse units at a density below 30 units per hectare within the "Medium Density Residential I" Designation, on lands located 555 Sanatorium Road (Hamilton), as shown on Appendix "A" to Report PED12009, on the following basis:
- (i) That the Draft Official Plan Amendment, attached as Appendix "B" to Report PED12009, be adopted by Council;
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Places to Grow Plan, and the Hamilton-Wentworth Official Plan.
- (b) That approval be given to **Amended Zoning Application ZAC-07-114, by Chedoke Health Corporation (Owner)**, for changes in zoning from the "AA/S-1363c" (Agricultural) District, Modified, and the "AA/S-1363" (Agricultural) District, Modified, to the "R-4" (Small Lot Single Family Dwelling) District, for Block 1; from the "AA/S-1363c" (Agricultural) District, Modified, and the "AA/S-1363" (Agricultural) District, Modified, to the "RT-20/S-1654" (Townhouse - Maisonette) District, Modified, with a Special Exception, for Block 2; from the "AA/S-1363" (Agricultural) District, Modified, to the "DE-2/S-1654" (Multiple Dwellings) District, Modified, with a Special Exception, for Block 3; from the "AA/S-1363" (Agricultural)



District, Modified, to the Major Institutional (I3) Zone for Block 4; and from the Major Institutional (I3) Zone to the "RT-20/S-1654" (Townhouse - Maisonette) District, Modified, with a Special Exception, for Block 5, as shown on Appendix "A" to Report PED12009, for lands located at 555 Sanatorium Road, on the following basis:

- (i) That the draft By-law, attached as Appendix "C" to Report PED12009, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (ii) That the draft By-law, attached as Appendix "D" to Report PED12009, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
  - (iii) That the amending By-law, attached as Appendix "D" to Report PED12009, be added to Schedule "A", Map No. 1080, of Zoning By-law No. 05-200;
  - (iv) That the proposed changes in zoning will be in conformity with the Hamilton Official Plan upon approval of Official Plan Amendment No. [REDACTED].
- (c) That approval be given to **Amended Subdivision Application 25T-200724, by Chedoke Health Corporation (Owner)**, to establish a draft plan of subdivision on the property located at 555 Sanatorium Road (Hamilton), as shown on Appendix "A" to Report PED12009, subject to the following conditions:
- (i) That this approval apply to the Draft Plan of Subdivision Revision, 25T-200724, prepared by A. J Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated June 9, 2009, showing 14 lots (Lots 1-14) for single detached dwellings, 1 block for townhouses (Block 15), 1 block (Block 16) for a multiple dwelling, 1 block for Institutional uses (Block 17), and creation of Street "A", attached as Appendix "E" to Report PED12009, subject to the owner entering into separate Standard Form Subdivision Agreements for each identified phase of the development, as approved by City Council, and with the special conditions attached as Appendix "G" to Report PED12009;
  - (ii) Acknowledgement that there is a City share for upsizing of the existing 200mm watermain on Sanatorium Road;
  - (iii) That payment of Cash-in-lieu of Parkland be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each 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 the exception of Townhouse Block 15 and Multiple Dwelling Block 16, to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Block;

With regard to Block 15 (Block Townhouses) and Block 16 (Multiple Dwelling), a parkland dedication, at a ratio of 1.0 ha per 300 dwelling units, will be required;

Additionally, Lots 1-14 (Single Detached residential) will require a parkland dedication of 5%;

Lastly, Block 17 (Institutional) shall be exempt from parkland dedication;

All in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (d) That upon finalization of the implementing By-laws, the Chedmac Planning Area Secondary Plan be revised to reflect the changes in road pattern and land use;
- (e) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] to redesignate portions of the existing Chedmac Secondary Plan, and to modify the existing residential designations of the Plan in order to permit 14 single lot units, a townhouse complex, and a multiple dwelling; and that the Amendment be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 555 Sanatorium Road (Hamilton), as shown on Appendix "H" to Report PED12009.

**CARRIED**

**9. Application for Amendments to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 15 Emerson Street (Hamilton) (PED12018) (Ward 1) (Item 6.10)**

**(Ferguson/Pearson)**

- (a) That approval be given to Official Plan Amendment Application OPA-11-021, by Canadian Commercial (McMaster) Inc., Owner, to amend Schedule "B" Special Policy Areas of the Hamilton Official Plan and Schedule "1" Land Use Plan of the Ainslie Wood Westdale Secondary Plan in order to add a Site-Specific Policy to the "Residential" designation, as shown on Schedule "A" of Appendix "B" to Report PED12018, and add a Site-Specific Policy to the "Low Density Residential" designation, as

shown on Schedule "B" of Appendix "B to Report PED12018", on lands located at 15 Emerson Street (Hamilton), on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED12018, be adopted by Council.
- (b) That approval be given to **Amended Zoning Application ZAC-11-043, by Canadian Commercial (McMaster) Inc., Owner**, for a change in zoning from the "C/S-1335a" (Urban Protected Residential, etc.) District, Modified, to the "G-3/S-1653" (Public Parking Lots) District, Modified, with a Special Exception, to permit a parking lot accessory to a commercial use, on lands located at 15 Emerson Street (Hamilton), as shown on Appendix "A" to Report PED12018, on the following basis:
  - (i) That the draft By-law, attached as Appendix "D" to Report PED12018, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
  - (ii) That the amending By-law be added to Schedule 19B of Zoning By-law No. 6593 as "G-3/S-1653";
  - (iii) That the proposed modification in zoning conforms to the Hamilton-Wentworth Official Plan and will be in conformity with the City of Hamilton Official Plan upon finalization of proposed Official Plan Amendment No. [REDACTED].
- (c) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] to add a Site-Specific Policy to portions of the subject lands on Map B.2.6-1 - Ainslie Wood Westdale - Land Use Plan, to be held in abeyance until the final decision has been made regarding the Urban Official Plan, for lands known municipally as 15 Emerson Street (Hamilton), as shown on Appendix "C" to Report PED12018.

**CARRIED**

**10. Proposed Zoning By-law Amendment Affecting Lands Located at 587 and 591 Garner Road East (Ancaster) (PED11202) (Ward 12) (Outstanding Business List Item) (Item 8.1)**

**(Ferguson/Pearson)**

That approval be given to **Amended Zoning Application ZAC-01-011, by Bud's Spas and Pools, Owner**, for changes in zoning from the Agricultural "A" Zone to the Neighbourhood Commercial "H-C1-636" Holding Zone, Modified, with a Special Exception and Holding Provision, to permit a driveway, associated landscaping, and a private sanitary system for a spa and swimming pool business (Block 1), and from the Rural Commercial "C5-269" Zone, Modified, to

the Neighbourhood Commercial "C1-631" Zone, Modified, with a Special Exception, to permit a spa and pool business (Block 2), on lands known as 587 and 591 Garner Road East, in the former Town of Ancaster, shown as Blocks 1 and 2 on Appendix "A" to Report PED11202, on the following basis:

- (a) That the Draft By-law, attached as Revised Appendix "B" to Report PED11202, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the amending By-law be added to Map 1 to Schedule "B" of Zoning By-law No. 87-57;
- (c) That the amending By-law apply the Holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990 to the subject lands by introducing the Holding symbol 'H' as a suffix to the proposed Zoning for Block 1. The Holding provision will prohibit the development of the subject lands until such time as the following conditions have been satisfied:
  - (i) The assembly of 581, 587, and 591 Garner Road East, incorporating all of the affected parcels, to the satisfaction of the Director of Planning; and,
  - (ii) Site Plan approval for 581, 587, and 591 Garner Road has occurred for comprehensive development on the assembled parcels, to the satisfaction of the Director of Planning.
- (d) That the proposed changes in zoning conform to the Places to Grow Growth Plan, and are consistent with the Provincial Policy Statement;
- (e) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan;
- (f) That the proposed changes in Zoning are in conformity with the Town of Ancaster Official Plan, the Meadowlands Neighbourhood III Secondary Plan, and the new Urban Hamilton Official Plan.

**CARRIED**

11. **Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook) (PED11209(a)) (Ward 11) (Outstanding Business List Item) (Item 8.2)**

**(Pearson/Johnson)**

That Information Report PED11209(a) respecting, Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook), be received.

**CARRIED**

12. **Report 12-001 – Hamilton Municipal Heritage Committee (Item 8.5)**

**(Farr/Partridge)**

That the Hamilton Municipal Heritage Committee write a letter of support to the Beach Canal Lighthouse Group in their efforts to take over the Beach Canal Lighthouse.

**CARRIED**

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**FOR THE INFORMATION OF COMMITTEE:**

**(a) CHANGES TO THE AGENDA**

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

DISCUSSION ITEMS

8.5 Report 12-001 Hamilton Municipal Heritage Committee

PRIVATE AND CONFIDENTIAL

12.1 Ontario Municipal Board Pre-hearing and Hearing for Appeals to Official Plan Amendment (H) 198 and Zoning By-law 05-073 (Setting Sail: Secondary Plan for the West Harbour) - PL050408

**(Pearson/Johnson)**

That the Agenda for the January 31, 2012 meeting of the Planning Committee be approved, as amended.

**CARRIED**

**(b) DECLARATIONS OF INTEREST**

Councillor Ferguson declared a conflict of interest in relation to Item 8.3, Report PD01104(e) respecting, Business Licensing Fee Review (City Wide), as the report relates to the taxi industry in which he has a business interest. Councillor Ferguson abstained from voting on this matter.

Councillor Johnson declared a conflict of interest in relation to item 8.1, Report PED11202 respecting, Proposed Zoning By-law Amendment Affecting Lands Located at 587 and 591 Garner Road East (Ancaster) (Ward 12), as the report relates to a family member's business. Councillor Johnson abstained from voting on this matter.

**(c) APPROVAL OF MINUTES**

**(Pearson/Farr)**

That the Minutes of the January 12, 2012 Planning Committee meeting be approved.

**CARRIED**

**(Pearson/Farr)**

That the Minutes of the January 17, 2012 Planning Committee meeting be approved.

**CARRIED**

**(d) DELEGATION REQUESTS**

**(i) Delegation Request from John Ariens, respecting an item on the Outstanding Business List (Item 4.1)**

**(Pasuta/Johnson)**

That the delegation request, submitted by John Ariens, respecting an item on the Outstanding Business List, be approved.

**CARRIED**

**(ii) Delegation Request from Graeme Smith, respecting the upcoming review of refreshment vehicle bylaws in Hamilton (Item 4.2)**

**(Johnson/Farr)**

That the delegation request, submitted by Graeme Smith, respecting the upcoming review of refreshment vehicle bylaws in Hamilton, be approved.

**CARRIED**

**(iii) Delegation Request from Don McPhail, respecting the Sign By-law (Item 4.3)**

**(Pearson/Partridge)**

That the delegation request, submitted by Don McPhail, respecting the Sign By-law, be approved.

Item 4.3, Delegation Request from Don McPhail, CARRIED on the following vote:

Yeas: Whitehead, Collins, Farr, Pearson, Johnson, Pasuta, Partridge,  
Clark  
Total 8  
Nays: Ferguson  
Total: 1  
Absent: None  
Total: 0

**(e) PUBLIC HEARINGS AND DELEGATIONS**

**(i) Delegation by John Ariens, respecting Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook) (PED12008) (Ward 11) (Item 6.1)**

John Ariens addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

**(Pearson/Farr)**

That the delegation by John Ariens, respecting Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook) (PED12008) (Ward 11), be received.

**CARRIED**

**(Collins/Farr)**

That item 8.4, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook) (PED12008) (Ward 11), be brought forward and dealt with at this time.

**CARRIED**

- (ii) **Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road (Former Township of Glanbrook) (PED12008) (Ward 11) (Item 8.4)**

**(Ferguson/Whitehead)**

That Report PED12008, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application GL/B-11:96, Dave L. Mitchell (Owner), 1308 Guyatt Road, be deferred until April and the farm consolidation has closed.

**CARRIED**

- (iii) **Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough) (PED12014) (Ward 15) (Item 6.2)**

In accordance with the provision of the Planning Act, 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.

No public speakers came forward.

**(Pearson/Farr)**

That the public meeting respecting, Report PED12014, Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough), be closed.

**CARRIED**

**(Pearson/Partridge)**

That the staff presentation respecting, Report PED12014, Application to Amend Flamborough Zoning By-law 90-145-Z for Property Located at 111 Parkside Drive (Flamborough), be waived.

**CARRIED**

For disposition on this Item, refer to item 2.



**(iv) Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 452 Springbrook Avenue (Ancaster) (PED12010) (Ward 12) (Item 6.3)**

In accordance with the provision of the Planning Act, 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 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.

No public speakers came forward.

**(Pearson/Ferguson)**

That the public meeting respecting, Report PED12010, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 452 Springbrook Avenue (Ancaster), be closed.

**CARRIED**

**(Pearson/Ferguson)**

That the staff presentation respecting, Report PED12010, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 452 Springbrook Avenue (Ancaster), be waived.

**CARRIED**

For disposition on this Item, refer to item 3.

**(v) Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 114 Wilson Street West (Ancaster) (PED12017) (Ward 12) (Item 6.4)**

In accordance with the provision of the Planning Act, 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 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.

No public speakers came forward.

**(Pearson/Ferguson)**

That the public meeting respecting, Report PED12017, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 114 Wilson Street West (Ancaster), be closed.

**CARRIED**

**(Ferguson/Farr)**

That the staff presentation respecting, Report PED12017, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 114 Wilson Street West (Ancaster), be waived.

**CARRIED**

For disposition on this Item, refer to item 4.

**(vi) Housekeeping Amendments to Comprehensive Zoning By-law 05-200, (PED12015) (City Wide) (Item 6.5)**

In accordance with the provision of the Planning Act, 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.

**Public Speakers:**

- (1) Victor Veri – 971 Highway 6 N, Flamborough, On L8N 2Z7

Mr. Veri addressed the issue of industrial lands and believes this is not a housekeeping amendment.

**(Pearson/Whitehead)**

That the presentation respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), be received.

**CARRIED**

- (2) Wayne Clayton – 332 McNeilly Rd., Stoney Creek, ON L8E 5H4

Mr. Clayton addressed the issue of item 9 and 10 will be separated while the remaining item deferred from this.

**(Johnson/Pearson)**

That the presentation respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), be received.

**CARRIED**

- (3) Judy Lee – 22 Como Place, Hamilton, ON L9B 2W5

Ms. Lee addressed the topic of the park land in this area and agrees to this designation.

**(Pearson/Partridge)**

That the presentation respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), be received.

**CARRIED**

**(Johnson/Pearson)**

That the public meeting respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), be closed.

**CARRIED**

Councillor Duvall spoke to the park and presented a petition with respect to the property at 0 Di Cenzo Dr., Hamilton, ON to be zoned as a P1 Parkland.

**(Johnson/Partridge)**

That the petition from 226 residents respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), be received.

**CARRIED**

**(Pearson/Whitehead)**

That sections 9 and 10 of the attached draft Zoning By-law, marked as Appendix "A" to Report PED12015, which has been prepared in a form satisfactory to the City Solicitor, be enacted, by City Council, while the

remaining sections of the by-law be referred back to staff for further consideration.

**CARRIED**

For disposition on this Item, refer to item 5.

**(vii) Housekeeping Amendments to Region of Hamilton-Wentworth Official Plan (PED12016) (Ward 15) (Item 6.6)**

In accordance with the provision of the Planning Act, 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 Official Plan 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.

**(Pearson/Farr)**

That the public meeting respecting, Report PED12016, Housekeeping Amendments to Region of Hamilton-Wentworth Official Plan (Ward 15), be closed.

**CARRIED**

**(Whitehead/Farr)**

That the staff presentation respecting, Report PED12016, Housekeeping Amendments to Region of Hamilton-Wentworth Official Plan (Ward 15), be waived.

**CARRIED**

For disposition on this Item, refer to item 6.

**(viii) Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Revisions to a Draft Plan of Subdivision, "Fairgrounds East", on Lands Located at 8 Country Fair Way (Glanbrook) (PED12001) (Ward 11) (Item 6.7)**

In accordance with the provision of the Planning Act, 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 Official Plan and Zoning By-law amendment and revisions to a 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 public speakers came forward.

**(Whitehead/Pearson)**

That the public meeting respecting, Report PED12001, Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Revisions to a Draft Plan of Subdivision, "Fairgrounds East", on Lands Located at 8 Country Fair Way (Glanbrook), be closed.

**CARRIED**

**(Whitehead/Farr)**

That the staff presentation respecting, Report PED12001, Applications for an Official Plan Amendment, Zoning By-law Amendment, and for Revisions to a Draft Plan of Subdivision, "Fairgrounds East", on Lands Located at 8 Country Fair Way (Glanbrook), be waived.

**CARRIED**

For disposition on this Item, refer to item 7.

- (ix) Applications for Approval of a Draft Plan of Subdivision, and Amendments to the Hamilton Official Plan and Zoning By-law Nos. 6593 and 05-200, for Lands Located at 555 Sanatorium Road (Hamilton) (PED12009) (Ward 8) (Item 6.8)**

In accordance with the provision of the Planning Act, 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 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 public speakers came forward.

**(Whitehead/Pearson)**

That the public meeting respecting, Report PED12009, Applications for Approval of a Draft Plan of Subdivision, and Amendments to the Hamilton Official Plan and Zoning By-law Nos. 6593 and 05-200, for Lands Located at 555 Sanatorium Road (Hamilton), be closed.

**CARRIED**

Edward John, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

**(Whitehead/Pearson)**

That the staff presentation respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), be received.

**CARRIED**

Don May, agent, addressed the committee with respect to the public notice and the intent that these will be directed to senior living.

**(Whitehead/Pearson)**

That the agent's presentation respecting, Report PED12015, Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide), be received.

**CARRIED**

**(Whitehead/Johnson)**

That Appendix C, Hamilton Zoning By-Law Amendment for lands located at 555 Sanatorium Road (Hamilton), be amended to add the following new provision under Section 2:

2. (a) That notwithstanding Section 10E.(2)(a) of Zoning By-law No. 6593, a Maisonette Dwelling or a Group of Maisonette Dwellings shall not be permitted.

**Amendment CARRIED**

**(Whitehead/Johnson)**

That Appendix G, Special Conditions of Draft Approval for 25T-200724, 555 Sanatorium Road (Hamilton), be amended to add a new Condition 16 as follows:

Traffic Planning and Community Services

16. That prior to registration of any phase, the owner shall confirm that the assumptions of the Addendum Traffic Study, dated September 2011, by IBI Group, are consistent with the findings of the OMB Decision respecting the Browlands, to the satisfaction of the Senior Project Manager, Traffic Planning and Community Services.

**Amendment CARRIED**

Councillor Whitehead indicated that he wishes to be included in any site plan process and that staff facilitate meetings with the Community respecting the site plan process.

For disposition on this Item, refer to item 8.

- (x) **Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek) (PED10194(a)) (Ward 11) (Item 6.9)**

**(Johnson/Ferguson)**

That this item be tabled to the February 28, 2012 Planning Committee Meeting.

**CARRIED**

Stephen Fraser, agent, indicated that the applicant has agreed to table Report PED10194(a), Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek), and the public meeting to the next meeting of Planning Committee on February 28, 2012.

- (xi) **Application for Amendments to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 15 Emerson Street (Hamilton) (PED12018) (Ward 1) (Item 6.10)**

In accordance with the provision of the Planning Act, 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 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.

No public speakers came forward.

**(Pearson/Ferguson)**

That the public meeting respecting, Report PED12018, Application for Amendments to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 15 Emerson Street (Hamilton), be closed.

**CARRIED**

**(Farr/Partridge)**

That the staff presentation respecting, Report PED12018, Application for Amendments to the City of Hamilton Official Plan and Hamilton Zoning By-law No. 6593 for Lands Located at 15 Emerson Street (Hamilton), be waived.

**CARRIED**

For disposition on this Item, refer to item 9.

**(f) DISCUSSION ITEMS**

- (i) Proposed Zoning By-law Amendment Affecting Lands Located at 587 and 591 Garner Road East (Ancaster) (PED11202) (Ward 12) (Outstanding Business List Item) (Item 8.1)**

**(Ferguson/Pearson)**

That the Revised Appendix "B" be attached as the new Appendix "B" to Report PED11202.

**CARRIED**

For disposition on this Item, refer to item 10.

- (ii) Business Licensing Fee Review (PD01104(e)) (City Wide) (Item 8.3)**

**(Whitehead/Farr)**

That Report PD01104(e), respecting Business Licensing Fee Review (City Wide), be tabled to the February 28, 2012 meeting of the Planning Committee.

**CARRIED**



**(g) NOTICES OF MOTION**

Councillor Johnson introduced the following Notice of Motion:

**(i) 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street**

Where the Ontario Municipal Board approved the development of the lands to the Ontario Municipal Board approved development of a residential subdivision to the north and west;

And whereas, the OMB decision separates the lands from the remainder of the Stoney Creek Business Park resulting in the lands being a remnant parcel of Employment Lands;

And whereas the lands are not conducive to industrial development and industrial development is not compatible to the abutting new residential development;

And whereas the lands are occupied by residential dwellings,

Therefore, be it resolved that,

- a) Staff be directed to bring forward Official Plan Amendments for the lands known as 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street to:
  - i) redesignate the lands from "Business Park" to "Urban" within the former Region of Hamilton-Wentworth Official Plan;
  - ii) redesignate the lands from "Industrial-Business Park" to "Residential" within the former City of Stoney Creek Official Plan; and
  - iii) redesignate the lands from "Business Park" to "Neighbourhoods" within the new Urban Hamilton Official Plan.
- b) Staff be directed to bring forward a rezoning which will remove the lands from the Comprehensive Zoning By-law 05-200, being zoned "Prestige Business Park (M3) Zone", and zone the lands the appropriate residential zone within the former City of Stoney Creek Zoning By-law 3692-92.

**(Whitehead/Ferguson)**

That staff come back with a report regarding this Notice of Motion.

(h) **GENERAL INFORMATION AND OTHER BUSINESS**

(i) **Outstanding Business List Amendments (Item 11.1)**

**Items requiring removal:**

- (a) **Item C(ii): Planning and Development Engineering Division Operational Review (now Growth Management Division)**

**(Pearson/Ferguson)**

That item C(ii) on the Outstanding Business List, Planning and Development Engineering Division Operational Review (now Growth Management Division), be removed.

**CARRIED**

- (b) **Item G: Harmonised property data base**

**(Pearson/Ferguson)**

That item G on the Outstanding Business List, Harmonised property data base, be removed.

**CARRIED**

- (c) **Item U: Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton)**

**(Pearson/Ferguson)**

That item U on the Outstanding Business List, Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton), be removed.

**CARRIED**

- (d) **Item BB: Urban Chickens**

**(Pearson/Ferguson)**

That item BB on the Outstanding Business List, Urban Chickens, be removed.

**CARRIED**

**(i) PRIVATE AND CONFIDENTIAL**

**(Ferguson/Pearson)**

That the Planning Committee move into Closed Session at 12:30 p.m.

**CARRIED**

At 12:05 p.m., Committee moved into Closed Session to consider a confidential matter pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

**(Pearson/Ferguson)**

That the Planning Committee reconvene in Open Session at 12:53 p.m.

**CARRIED**

**(i) Ontario Municipal Board Pre-hearing and Hearing for Appeals to Official Plan Amendment (H) 198 and Zoning By-law 05-073 (Setting Sail: Secondary Plan for the West Harbour) - PL050408 (Item 12.1)**

The matter was referred to City Council for disposition.

**(j) ADJOURNMENT**

**(Johnson/Pearson)**

That, there being no further business, the Planning Committee be adjourned at 1:40 p.m.

**CARRIED**

Respectfully submitted,

Councillor B. Clark  
Chair, Planning Committee

Vanessa Robicheau  
Legislative Assistant  
Office of the City Clerk  
January 31, 2012