



## **PLANNING COMMITTEE**

### **MINUTES 11-022**

**Tuesday, December 6, 2011**

**9:30 am**

**Council Chambers**

**City Hall**

**71 Main Street West**

**Hamilton, Ontario**

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

**Absent with Regrets:** Councillor J. Partridge, personal business

**Also Present:** T. McCabe, GM, 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

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

##### **1. Appointment of Chair and Vice Chairs**

**(Ferguson/Johnson)**

- (a) That Councillor Clark be appointed as Chair of the Planning Committee for 2012.
- (b) That Councillor Farr be appointed as 1st Vice Chair of the Planning Committee for 2012.

- (c) That Councillor Johnson be appointed as 2nd Vice Chair of the Planning Committee for 2012.

**CARRIED**

**2. Heritage Permit Application HP2011-057 Under Part V of the Ontario Heritage Act for Erection of Structures at 1014 Beach Boulevard (Hamilton) (PED09285(a)) (Ward 5) (Item 5.1)**

**(Collins/Ferguson)**

That Heritage Permit Application HP2011-057 be approved for the erection of a new two-storey, single detached dwelling, on the designated property at 1014 Beach Boulevard (Hamilton) (Hamilton Beach Heritage Conservation District), as shown on Appendix "A" to Report PED09285(a), subject to the following conditions:

- (a) That details are provided for material and colour of entry and garage doors, windows, vents, chimneys, trim, hardware, and lights, to the approval and satisfaction of City Planning staff;
- (b) That construction and site alterations, in accordance with this approval, shall be completed no later than December 31, 2013. If the construction and site alterations are not completed by December 31, 2013, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

**CARRIED**

**3. Correspondence from Jim Skarrat, respecting the Hess Village Paid Duty Program (Item 6.1)**

**(Clark/Collins)**

That the correspondence from Jim Skarrat, respecting the Hess Village Paid Duty Program, attached hereto as Appendix "A", be received.

**CARRIED**

**4. Hamilton Habitat for Humanity**

**(Collins/Pearson)**

WHEREAS the Municipal Act requires municipalities to enact a by-law pursuant to and in accordance with the requirements of the Act, to establish procedures for the sale of real property owned by the municipality;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall, by by-law or resolution, declare the lands to be surplus;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall give notice to the public of the intended sale of the real property.

AND WHEREAS City Council on March 6, 2002 in adopting Item 21 of Report 02-008 of the Committee of the Whole, declared Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT) surplus to the needs of the City of Hamilton;

AND WHEREAS Hamilton Habitat for Humanity, a non-profit organization, has requested the acquisition of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT), municipally known as 2 Comet Avenue for a nominal fee of \$2;

AND WHEREAS the deemed offer price of \$2 for the subject property is below the range of the fair market value as determined through an in-house appraisal of the subject's fair market value estimated at \$55,000;

AND WHEREAS the proceeds that were to be realized for the sale of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT) were to be credited to the City's Reserve-Hamilton Beach account and that the monetary loss from the sale be reflected within the City's Reserve-Hamilton Beach account.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

- a) That the Real Estate Section be directed to dispose of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748) together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT), municipally known as 2 Comet Avenue for a nominal fee of \$2;
- b) That the Real Estate Section be directed to prepare an Offer to Purchase for the sale of Part of Lot 62, on Registered Plan 487, in the City of Hamilton, subject to an Easement over Part 2, on Plan (RC-H-748)

together with an Easement over Part 3, on Plan (RC-H-748) on an as is, where is basis, being all of PIN 17569-0049(LT), municipally known as 2 Comet Avenue for a nominal fee of \$2;

- c) That the City Solicitor be directed to complete this real estate transaction on the terms and conditions set out herein.

**CARRIED**

**5. Application for Amendment to the Town of Dundas Zoning By-law 3581-86 for Lands Located at 133 and 139 Park Street West (Dundas) (PED11207) (Ward 13) (Item 6.3)**

**(Pearson/Farr)**

That approval be given to Zoning Application ZAC-11-054, by Dundas Historical Society Museum, Owner, for changes in zoning from the Public and Private Service Zone (PPS) (Block 1) and the Low Density Residential Zone (R4) (Block 2) to the Public and Private Service Zone (PPS/S-121), Modified, with a Special Exception, to permit museum and archive uses within all existing buildings, on lands located at 133 and 139 Park Street West (Dundas), as shown on Appendix "A" to Report PED11207, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11207, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Town of Dundas Official Plan.

**CARRIED**

**6. Application for a Draft Plan of Vacant Land Condominium for Lands Located at 327 Fruitland Road (Stoney Creek) (PED11210) (Ward 10) (Item 6.4)**

**(Pearson/Clark)**

That approval be given to Draft Plan of Vacant Land Condominium 25CDM-201107, Multi-Area Developments Inc., Owner, to create 5 units and a common element (Private) Roadway, on lands located at 327 Fruitland Road (Stoney Creek), as shown on Appendix "A" to Report PED11210, subject to the following conditions:

- (a) That this approval applies to the plan prepared by A.J. Clarke & Associates Ltd., signed by B.J. Clarke Ontario Land Surveyor, dated

September 9, 2011, showing the following condominium elements: 5 units for commercial uses and a common element road, attached as Appendix "B" to Report PED11210;

- (b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 3692-92, to the satisfaction of the Director of Planning;
- (c) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-10-161), to the satisfaction of the Director of Planning;
- (d) That the owner shall satisfy any conditions, financial or otherwise, of the City of Hamilton, to the satisfaction of the Director of Planning;
- (e) That the owner shall enter into, and register on title, the Condominium Agreement incorporating the approved plan of condominium and related conditions, to the satisfaction of the City Solicitor;
- (f) That the owner provides the Manager of Engineering Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller's name and location information;
- (g) That the Condominium Agreement includes clauses advising unit purchasers or lease holders that all parking spaces, except for a reasonable number of parking spaces needed to be reserved for specific uses or for employee or owner parking, will be utilized communally amongst all 5 Condominium Units, except for access restrictions for the interior of Unit 5 (the mini-storage use), to the satisfaction of the Director of Planning;
- (h) That the Condominium Agreement include clauses advising unit purchasers or lease holders that access to the outdoor portions of their respective condominium units is granted to the Condominium Corporation or the owners of the other Condominium Units within the Condominium Corporation, subject to appropriate notification, in order to complete any necessary emergency repairs or maintenance on any above or below ground services impacting either the Common Element Condominium driveway or other Condominium Units within the Condominium Corporation, to the satisfaction of the Director of Planning.

**CARRIED**

**7. Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster) (PED11211) (Ward 12) (Item 6.6)**

**(Ferguson/Collins)**

That the application to Amend Zoning Application ZAC-11-019, by 1340791 Ontario Limited (Gabe Gasbarrini), Owner, for changes in zoning from the Existing Residential "ER-538" Zone Modified (Block 1), the Existing Residential "ER-539" Zone, Modified (Block 2), and the Existing Residential "ER-540" Zone, Modified (Block 3), to the Residential Multiple "RM5-638" Zone, Modified, with a Special Exception, to permit two, 3-storey, multi-plex dwellings having 12 units each, on the property located at 121 Fiddlers Green Road (Ancaster), be denied as it will change the character of the area as a result of the twelve variances requested and will result in over-intensification.

**CARRIED**

**8. Correspondence from George Gresko**

**(Pearson/Farr)**

That the correspondence from George Gresko respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

**9. Correspondence from Frank Van Hullenaar**

**(Clark/Collins)**

That the correspondence from Frank Van Hullenaar respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

**10. Correspondence from Jan and Tom Wolfe**

**(Farr/Johnson)**

That the correspondence from Jan and Tom Wolfe respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

**11. Vacant Building Registry By-law Update (PED09031(d)) (City Wide) (Item 8.1)**

**(Pearson/Clark)**

- (a) That the Vacant Building Registry By-law be amended to require an owner to display "For Information or Inquiries Signage" which includes emergency contact information on every registered vacant building;
- (b) That the City's User Fees and Charges By-law be amended by adding a \$300.00 annual fee for each additional vacant building on a property to cover the costs for inspections and administration;
- (b) That the amending By-law, attached as Appendix "A" to Report PED09031(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

**CARRIED**

**12. Report 11-005 – Hamilton Municipal Heritage Committee (Item 8.3)**

**(Clark/Pearson)**

That Report 11-005 – Hamilton Municipal Heritage Committee, be received.

**CARRIED**

**13. Verbal Report - Hamilton Rural Official Plan Proposed Settlement for OMB Appeal of Natural Heritage Mapping - Site Specific (Item 12.2)**

**(Johnson/Collins)**

- (a) That the City of Hamilton consents to the settlement with 1694408 Ontario Inc./Demik Developments respecting their appeal of the Natural Heritage polices of the Rural Hamilton Official Plan, as set out in the draft revised Schedules/maps to the Rural Official Plan provided to the Planning Committee on December 6, 2011 by the City Solicitor;
- (b) That the revised Schedules/maps to the Rural Official Plan be in the form as provided to the Planning Committee on December 6, 2011 by the City Solicitor with such minor revisions thereto as the City Solicitor deems appropriate;
- (c) That the City Solicitor or his delegate is hereby authorized to present the aforesaid settlement to the Ontario Municipal Board, with support from City staff as deemed appropriate;
- (d) That the verbal update, as provided in closed session, and the discussion, respecting Verbal Report - Hamilton Rural Official Plan Proposed Settlement for OMB Appeal of Natural Heritage Mapping - Site Specific, remain confidential and restricted from public disclosure.

**FOR THE INFORMATION OF COMMITTEE:**

**(a) CEREMONIAL ACTIVITIES**

Councillor Ferguson welcomed the Grade 10 Civics from Ancaster High School, accompanied by their teacher, Peter Sheahan.

**(b) APPOINTMENT OF CHAIR AND VICE CHAIRS**

**(Clark/Ferguson)**

That Councillor Johnson be nominated as the 2<sup>nd</sup> Vice Chair of the Planning Committee for 2012.

**CARRIED**

For disposition on this Item, refer to Item 1.

**(c) CHANGES TO THE AGENDA**

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

**PUBLIC HEARING AND DELEGATIONS**

6.1 Delegation by Dean Collett, respecting the Hess Village Paid Duty Program

- (i) Correspondence from Jim Skarratt, respecting the Hess Village Paid Duty Program

6.6 Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster) (PED11211) (Ward 12)

- (i) Correspondence from George Gresko
- (ii) Correspondence from Frank Van Hullenaar
- (iii) Correspondence from Jan and Tom Wolfe

**DISCUSSION ITEMS**

8.3 Report 11-005 – Hamilton Municipal Heritage Committee



PRIVATE AND CONFIDENTIAL

12.3 Verbal Update - Setting Sail - Ontario Municipal Board Hearings

**(Collins/Partridge)**

That the Agenda for the December 6, 2011 meeting of the Planning Committee be approved, as amended.

**CARRIED**

**(d) DECLARATIONS OF INTEREST**

None.

**(e) APPROVAL OF MINUTES**

That Item 3 of the Planning Committee Minutes 11-021 be amended by deleting the preamble and sub-sections (a) through (c) in their entirety and replacing them with the following in lieu thereof:

That approval be given to **Zoning Application ZAR-11-035, by Dr. Luay Ali Al-Kazely, Owner**, for a change in zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 10, H2) Zone, with a Special Exception and Holding Provision, in Hamilton Zoning By-law No. 05-200, in order to permit a Medical Clinic on the ground floor of the existing office building, for the property located at 260 Nebo Road (Hamilton), as shown on Appendix "A" to Report PED11205, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

**(Ferguson/Pearson)**

That the Minutes of the November 22, 2011 Planning Committee meeting be approved, as amended.

**CARRIED**

**(f) DELEGATION REQUESTS**

- (i) Delegation request by Steven Knight, respecting Motorcycle Parking in Hamilton (Item 4.1)**

**(Pearson/Collins)**

That the delegation request, submitted by Steven Knight, Motorcycle Parking in Hamilton, be approved.

**CARRIED**

**(g) PUBLIC HEARINGS AND DELEGATIONS**

- (i) Delegation by Dean Collett, respecting the Hess Village Paid Duty Program (Item 6.1)**

Dean Collett addressed the Committee respecting the Hess Village Paid Duty Program. Mr. Collett is asking that the City help to relieve some of the costs associated with the Hess Village Paid Duty Program which was initially established to be a cooperative program between the City and the establishments in the Hess Village Entertainment District. He expressed that the growth of the Paid Duty Program has been doubled in twelve years from \$50,000 to over \$100,000 a year and that there is a large administration fee on these costs that cost approximately \$20,000 a year.

Councillor's asked questions of the delegate relating, but not limited to:

- The importance of the entertainment district;
- The current billing system for the Paid Duty program; and
- How the Paid Duty Program works and why ten Police Officers are needed.

Councillor Pearson asked staff to provide a chronological timeline of the changes to the paid duty program, starting with its initiation.

**(Pearson/Johnson)**

That the delegation by Dean Collett, respecting the Hess Village Paid Duty Program, be received.

**CARRIED**

Councillor's asked questions of the delegate relating, but not limited to:

- The definition of an entertainment district;
- The importance of this district to the downtown and attracting young professionals;
- If Hess Village is included in the downtown revitalization initiatives;
- If the turn over of businesses in Hess Village is healthy for the area;

- Who determines the number of officers needed in the area;

**(Clark/Collins)**

That the correspondence from Jim Skarrat, respecting the Hess Village Paid Duty Program, be received.

**CARRIED**

**(Farr/Clark)**

WHEREAS it is regular practice for staff to review some by-laws after a sufficient duration to better understand our by-laws impact and effectiveness;

WHEREAS Hess Village Entertainment District is deemed an important economic player that helps encourage young professionals to live and work in Hamilton's Downtown and that employees 500 full and part time workers and brings in a maximum 10 million;

WHEREAS the Hess Village merchants who sell alcohol are billed an average Paid Duty annual sum of 130 Thousand Dollars;

Whereas the existing 15% administration fee appears to be charged in every case, regardless of amount or complexity of work involved;

WHEREAS the Paid Duty program in Hess Village was initiated by the merchants themselves in 2000 and was originally divided between the merchants and HPS in a cooperative effort and on a 50/50 basis and by the end of that first season a total of 8 PD Officers were split. The program now sees ten PD Officers and is now fully funded by the merchants;

WHEREAS Paid Duty Officers on shift in Hess Village regularly issue fines, tickets and at times lay charges to patrons of Hess Village;

WHEREAS, Hamilton Police Services representatives recently suggested to Hess Village Merchants responsible for paying into the Paid Duty program that if they wanted to reduce the escalating amounts billed to them, they would have to approach the City of Hamilton;

WHEREAS it is clear that some businesses directly benefit and sometimes contribute to the crowds associated with the Entertainment District, particularly after hours and not limited to those within the defined boundaries, but also those directly across the street from those defined boundaries who choose too stay open late (although do not serve alcohol) as a direct result of the patrons exodus;

WHEREAS the current system of Paid Duty billing timing and delivery of bills to Hess Village Merchants may at some times appear to be haphazard and inconsistent and that on occasion, it is has been claimed that after one or two days upon receipt of a bill, the bill has gone to a collection agency;

WHEREAS the Ward Councillor has made a concerted effort to address the matter of Paid Duty Police Billing in Hess Village for nearly one year;

THEREFORE BE IT RESOLVED that staff from the Urban Renewal office:

- (a) Review the Hess Village Paid Duty By-law in an effort to measure it's impact and effectiveness;
- (b) Assist Hamilton Police Services Administration staff in developing a consistent billing delivery system with a reasonable payment period and seek out efficiencies in administration fee billing with consideration to the reoccurring nature of the bills submitted;
- (c) Report back on the reasons for the demise of the cost sharing model with respect to Paid Duty Enforcement and investigate ways in which to bring it back without compromising the amount of Paid Duty Officers HPS feels appropriate for Hess Village;
- (d) Report back on the total cost to Hess Village Merchant to Paid Duty Police in the 2011 season;
- (e) Determine and report back on the intake and or revenue generated from tickets, fines and charges issued to patrons of Hess Village during the Paid Duty Enforcement Periods and Municipal Law Enforcement in Hess Village;
- (f) In the event of fine or ticket revenue that exceeds costs, explore the feasibility of offsetting the Paid Duty Costs with portions of this excess. While maintaining the cost recovery model, where applicable;
- (g) Determine the businesses that do not serve alcohol, but are open late in an effort profit from the exodus of Hess Village patrons and measure what if any Paid Duty activity is required in the area of these establishments;
- (h) Determine the economic spin-off or benefits directly associated with the existence of an economically viable Hess Village and that staff report back within a reasonable time period that allows for Council

consideration and possible implementation of new model of Paid Duty Enforcement with consideration to the original shared cost model that in no way compromises Hamilton Police Services determined requirements and do so before the inception of the 2012 season;

- (i) That staff include in their report the information from the 2009 report on the PD issue, and share all information with the HPS Board moving forward.

**CARRIED**

**(ii) Delegation by John Ariens, respecting the Hamilton Habitat for Humanity (Item 6.2)**

John Ariens, Chair of Site Selection, Habitat for Humanity Hamilton, addressed the Committee respecting the Hamilton Habitat for Humanity with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

**(Clark/Johnson)**

That the delegation by John Ariens, respecting the Hamilton Habitat for Humanity, be received.

**CARRIED**

**(Farr/Pearson)**

That the rules be waived to allow item 9.1, Councillor Collin's motion respecting Hamilton Habitat for Humanity, to be heard at this time.

**CARRIED**

For disposition on this Item, refer to Item 4.

**(iii) Application for Amendment to the Town of Dundas Zoning By-law 3581-86 for Lands Located at 133 and 139 Park Street West (Dundas) (PED11207) (Ward 13) (Item 6.3)**

In accordance with the provision of the Planning Act, Chair 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.

**(Clark/Farr)**

That the public meeting respecting, Report PED11207, Application for Amendment to the Town of Dundas Zoning By-law 3581-86 for Lands Located at 133 and 139 Park Street West (Dundas), be closed.

**CARRIED**

**(Pearson/Farr)**

That the staff presentation respecting, Report PED11207, Application for Amendment to the Town of Dundas Zoning By-law 3581-86 for Lands Located at 133 and 139 Park Street West (Dundas), be waived.

**CARRIED**

For disposition on this Item, refer to item 5.

**(iv) Application for a Draft Plan of Vacant Land Condominium for Lands Located at 327 Fruitland Road (Stoney Creek) (PED11210) (Ward 10) (Item 6.4)**

In accordance with the provision of the Planning Act, Chair 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 draft plan 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.

**(Clark/Pearson)**

That the public meeting respecting, Report PED11210, Application for a Draft Plan of Vacant Land Condominium for Lands Located at 327 Fruitland Road (Stoney Creek), be closed.

**CARRIED**

**(Pearson/Farr)**

That the staff presentation respecting, Report PED11210, Application for a Draft Plan of Vacant Land Condominium for Lands Located at 327 Fruitland Road (Stoney Creek), be waived.

**CARRIED**

For disposition on this Item, refer to item 6.

(v) **Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook) (PED11209) (Ward 11) (Item 6.5)**

In accordance with the provision of the Planning Act, Chair 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.

**(Clark/Johnson)**

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

**CARRIED**

**(Pearson/Collins)**

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

**CARRIED**

Matt Johnston, the agent, addressed the Committee on behalf of the applicant and spoke to the application and asked that holding placed on the property for the archaeological assessment be reduced and applied only to the back half of the property.

**(Johnson/Whitehead)**

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

**CARRIED**

**(Whitehead/Pearson)**

That Report PED11209, Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook), be referred back to staff for consideration of the request from Prime Limousine Services Inc. to reduce the limit of the holding provision

related to the archaeological assessment and report back to the Planning Committee on January 17, 2012.

This Item CARRIED on the following recorded vote:

Yeas: Farr, Collins, Ferguson, Pearson, Whitehead  
Total 5  
Nays: Pasuta, Clark, Johnson  
Total: 3  
Absent: Partridge  
Total: 1

**(vi) Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster) (PED11211) (Ward 12) (Item 6.6)**

- (aa) Correspondence from George Gresko**
- (bb) Correspondence from Frank Van Hullenaar**
- (cc) Correspondence from Jan and Tom Wolfe**

In accordance with the provision of the Planning Act, Chair 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) Cameron Thomas, Planner, addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

**(Farr/Clark)**

That the staff presentation respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

- (2) Joe Lakatos, the agent, addressed the Committee on behalf of the applicant and outlined the aesthetics of the building and its intended use for seniors.



**(Pearson/Johnson)**

That the applicant presentation respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

Public Speakers

- (3) Brian Jones – 59 Douglas Rd., Ancaster ON, L9G 2E4

Mr. Jones addressed the Committee with the aid of speaking notes. A copy of these speaking notes has been included in the official record. Mr. Jones expressed concerns over the height of the building, the proximity of the building to the property line, the amount of parking and that the road is unsuitable for parking should there be an overflow from this building.

**(Collins/Pearson)**

That the public presentation from Brian Jones respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

- (4) Frank Van Hullenaar – 53 Douglas Rd., Ancaster ON, L9G 2E2

Mr. Van Hullenaar addressed the Committee and expressed concerns over the size of the building. Mr. Van Hullenaar also provided distributions of a notice and a report relating to 121 Fiddlers Green Road from the former Town of Ancaster. A copy of these distributions has been included in the official record.

**(Collins/Johnson)**

That the public presentation and distributions from Frank Van Hullenaar respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

- (5) Teresa St Michael – 25 Douglas Rd., Ancaster ON, L9G 2E2

Ms. St Michael addressed the Committee and expressed concerns over the property. Ms. St Michael provided a copy of a petition that has been included in the official record.

**(Ferguson/Collins)**

That the petition from Teresa St Michael respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

**(Ferguson/Farr)**

That the public presentation from Teresa St Michael respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

(6) Donna Rocchi – 110 Fiddlers Green Road, Ancaster ON, L9G 2C8

Ms. Rouhi addressed the Committee and expressed concerns over the proposed project. She discussed the many amendments being proposed and indicated that they are not in line with the surrounding residential neighbourhood.

**(Ferguson/Johnson)**

That the public presentation from Donna Rocchi respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

(7) Leslie Brandreth – 58 Douglas Road, Ancaster ON, L9G 2E3

Ms. Brandeth addressed the Committee and expressed concerns over the proposed project.

**(Johnson/Pearson)**

That the public presentation from Ms. Brandeth respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

(8) Pat Banyard – 19 Douglas Road, Ancaster ON, L9G 2E2

Ms. Banyard addressed the Committee and expressed concerns over the proposed project. She discussed the impact of the project on the privacy in her backyard and concerns of the amount of variances.

**(Ferguson/Clark)**

That the public presentation from Ms. Banyard respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

- (9) Tom St Michael – 25 Douglas Road, Ancaster ON, L9G 2E2

Mr. St Michael addressed the Committee with the aid of speaking notes. A copy of these speaking notes has been included in the official record. He expressed concerns over the proposed development. He indicated the development does not fit with the character of the surrounding neighbourhood.

**(Whitehead/Johnson)**

That the public presentation from Mr. Michael respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

**(Whitehead/Collins)**

That the public meeting respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be closed.

**CARRIED**

**(Pearson/Farr)**

That the correspondence from George Gresko respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

**(Clark/Collins)**

That the correspondence from Frank Van Hullenaar respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

**(Farr/Johnson)**

That the correspondence from Jan and Tom Wolfe respecting, Report PED11211, Proposed Zoning By-law Amendment Affecting Lands Located at 121 Fiddlers Green Road (Ancaster), be received.

**CARRIED**

For disposition on this Item, refer to item 7.

**(h) DISCUSSION ITEMS**

**(i) Vacant Building Registry By-law Update (PED09031(d)) (City Wide) (Item 8.1)**

Councillor Johnson expressed concern over displaying signs that indicated a building is vacant. She suggested that only contact information should appear on vacant buildings

**(Pearson/Clark)**

That the wording, "vacant build signage", be deleted and replaced with "for information or inquiries signage" which includes emergency contact information.

**Amendment CARRIED**

For disposition on this Item, refer to item 11.

**(ii) Protection Measures for Existing Stable Residential Areas (PED11196) (Item 8.2)**

Shannon McKie gave a brief overview of the report and confirmed that this issue will be dealt with in the Official Plan and will also include lengthy public consultation.

**(Ferguson/Farr)**

That Report PED11196, Protection Measures for Existing Stable Residential Areas, be referred to staff for a report back with possible interim solutions to manage monster homes across the City of Hamilton, including a possible interim control bylaw.

**CARRIED**

**(i) NOTICES OF MOTION**

Councillor Pearson requested that staff provide suggested amendments to the Property Standards By-law to address the discharging of any source of water (i.e. pools, ponds, rain water barrels) and have a report come back to the Planning Committee in the first quarter of 2012.

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

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

**(Johnson/Farr)**

That the following outstanding business list item be removed:

- (aa) Item I: Request from Environment Hamilton to add Cold Spring Creek Valley to Ontario Green Belt

**CARRIED**

- (1) Correspondence from Julia Kollek

**(ii) News from the General Manager (Item 11.2)**

Mr. McCabe thanked Councillor Pasuta for his work as Chair of the Planning Committee during 2011.

**(k) PRIVATE AND CONFIDENTIAL**

**(i) Closed Session Minutes, November 22, 2011 (Item 12.1)**

**(Collins/Ferguson)**

- (a) That the Closed Session Minutes of the November 22, 2011, meeting of the Planning Committee be approved, as presented.
- (b) That the Closed Session Minutes of the November 22, 2011 meeting of the Planning Committee, remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

**CARRIED**

**(Collins/Pearson)**

That the Planning Committee move into Closed Session at 1:44 p.m.

**CARRIED**

At 1:44 p.m., Committee moved into Closed Session to consider several confidential matters 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.

**(Clark/Johnson)**

That the Planning Committee reconvene in Open Session at 2:26 p.m.

**CARRIED**

**(ii) Verbal Update – Setting Sail – Ontario Municipal Board Hearings  
(Item 12.3)**

**(Pearson/Ferguson)**

That the direction and verbal update, as provided in closed session regarding the Verbal Update – Setting Sail – Ontario Municipal Board Hearings, remain confidential and restricted from public disclosure.

**CARRIED**

**(I) ADJOURNMENT**

**(Pearson/Johnson)**

That, there being no further business, the Planning Committee be adjourned at 3:34 p.m.

**CARRIED**

Respectfully submitted,

Councillor R. Pasuta  
Chair, Planning Committee

Vanessa Robicheau  
Legislative Assistant  
Office of the City Clerk  
December 6, 2011