



PLANNING COMMITTEE

Report 12-004

Tuesday, March 20, 2012

9:30 am

Council Chambers

City Hall

71 Main Street West

Hamilton, Ontario

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

Absent with Regrets: Councillor J. Partridge
Councillor L. Ferguson

Also Present: Councillor S. Merulla
Councillor S. Duvall
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
V. Robicheau, Office of the City Clerk

THE PLANNING COMMITTEE PRESENTS REPORT 12-004 AND RESPECTFULLY RECOMMENDS:

1. **Amendment to the Yard Maintenance By-law 10-118 (PED10112(a)) (City Wide) (Item 5.1)**
 - a) That the Yard Maintenance By-law No. 10-118 be amended to prohibit a property owner from draining a pool, pond, rain water barrel or similar container onto a neighbouring property;

- b) That the draft by-law attached as Appendix “A” to Report PED10112(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted.

2. Application for Approval of a Draft Plan of Condominium (Common Elements), by Losani Homes (1998) Limited, for Lands Known as 310 Fall Fair Way (Glanbrook) (PED12026) (Ward 11) (Item 6.2)

That approval be given to **Draft Plan of Condominium Application 25CDM-201001, by Losani Homes (1998) Limited, Owner**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, parking areas, amenity and landscaped areas, for 76 freehold block townhouse and maisonette dwellings, on lands located at 310 Fall Fair Way (Glanbrook), known legally as Part of Block 74, Registered Plan 62M-1078 (Woodview Estates), as shown on the attached location map marked as Appendix “A” to Report PED12026, subject to the following conditions:

- (a) That this approval shall apply to the plan, prepared by A. T. McLaren Limited and certified by S. D. McLaren, dated January 10, 2012, showing a common element road, visitor parking areas, amenity and landscaped areas, attached as Appendix “B” to Report PED12026;
- (b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 464;
- (c) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-10-024), to the satisfaction of the Director of Planning;
- (d) That the owner shall receive final approval of Part Lot Control Application No. PLC-11-030, including the enactment and registration on title of the Part Lot Control Exemption By-law(s), to the satisfaction of the Manager of Development Planning;
- (e) That prior to registration, the owner shall establish an easement for drainage purposes over Block 74 of Registered Plan of Subdivision, 62M-1078, in favour of the future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management;
- (f) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed 76 freehold units has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;

- (g) That the owner shall include the following warning clause in the Development Agreement and all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”

- (h) That the owner shall agree to include on all offers of purchase and sale, a statement that advises the purchaser:

(i) That the home/business mail delivery will be from a designated Centralized Mail Box.

(ii) That the developers/owners will be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

- (i) That the owner shall agree to:

(i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision;

(ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by, the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes;

(iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase;

(iv) Determine the location of all centralized mail receiving facilities in co-operation with the Senior Director of Growth Management and Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

- (j) That the owner shall provide the Manager of 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;

- (k) That the owner/developer shall provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited;
- (l) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

3. Application for Approval of a Draft Plan of Condominium (Common Elements), by Losani Homes (1998) Limited, for Lands Known as 12 Ambrose Avenue (Hamilton) (PED12030) (Ward 5) (Item 6.3)

That approval be given to **Draft Plan of Condominium Application 25CDM-201114, by Losani Homes (1998) Limited, Owner**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, visitor parking areas, landscaped areas, and open space, for 3 freehold single detached dwellings, 2 freehold semi-detached dwellings, and 7 freehold townhouse dwellings, on lands located at 12 Ambrose Avenue (Hamilton), as shown on the attached location map marked as Appendix "A" to Report PED12030, subject to the following conditions:

- (a) That this approval shall apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, dated November 15, 2012, showing a common element road, visitor parking areas, landscaped areas, and open space, attached as Appendix "B" to Report PED12030;
- (b) That the Final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No's. 6593 and 05-200, as amended by By-law No's 11-256 and 11-257;
- (c) That the final plan of condominium shall comply, in all respects, with the approved Site Plan (DA-11-159), to the satisfaction of the Director of Planning;
- (d) That Site Plan Application DA-11-159 shall be final approved, including clearance of all conditions of approval, to the satisfaction of the Director of Planning;
- (e) That the owner shall register Draft Plan of Subdivision 25T-201104, "Greenhill Glen", to the satisfaction of the Director of Planning;

- (f) That the owner shall receive final approval of a Part Lot Control Application, including the enactment and registration on title of the Part Lot Control Exemption By-law(s), to the satisfaction of the Director of Planning;
- (g) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold single detached dwellings, semi-detached dwellings, and townhouses dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;
- (h) That the owner shall include the following warning clause in the Development Agreement and all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”
- (i) That the owner shall agree to include on all offers of purchase and sale, a statement that advises the purchaser:
 - (i) That the home/business mail delivery will be from a designated Centralized Mail Box;
 - (ii) That the developers/owners will be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- (j) That the owner shall agree to:
 - (i) Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations, which may be utilized by Canada Post, until the curbs, boulevards, and sidewalks are in place in the remainder of the subdivision;
 - (ii) Install a concrete pad in accordance with the requirements of, and in locations to be approved by the Senior Director of Growth Management and Canada Post, to facilitate the placement of Community Mail Boxes;
 - (iii) Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase;
 - (iv) Determine the location of all centralized mail receiving facilities in co-operation with the Senior Director of Growth Management and

Canada Post, and to indicate the location of centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s), showing specific Centralized Mail Facility locations.

- (k) That the owner shall provide the Manager of 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;
- (l) That the owner/developer shall provide to Union Gas Limited the necessary easements and/or agreements required by Union Gas Limited for the provision of gas services for this project, in a form satisfactory to Union Gas Limited;
- (m) That the Condominium Agreement shall contain wording requiring that the Condominium Corporation is responsible for maintaining the Open Space portions of the common elements, and must maintain the existing grassed area at the rear of 15 and 20 Tracey Place in accordance with the City of Hamilton Property Standards By-law, to the satisfaction of the Director of Planning;
- (n) That prior to registration, the owner shall agree to establish a 3.0m wide easement for drainage and storm sewer purposes over the rear of the single detached dwellings that are tied parcels to the common element condominium, in favour of the future Condominium Corporation, to the satisfaction of the Senior Director of Growth Management;
- (o) That the Condominium Agreement shall contain wording requiring the Condominium Corporation to be responsible for maintaining all catch-basins installed within the parcels of lands tied to the common element condominium and the storm sewer within the required easement at the rear of the single detached dwellings that are tied parcels to the common element condominium, to the satisfaction of the Senior Director of Growth Management;
- (p) That the owner shall include the following warning clause in the Development Agreement and all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:

"The easterly 7.5m of Block 12 constitutes a 7.5m wide buffer adjacent to the valley bank, and this 7.5m buffer shall not be used

for any buildings, structures, or swimming pools, and no changes to grading shall be permitted.”

- (q) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

4. Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 17 Howard Boulevard (Flamborough) (PED12022) (Ward 15) (Item 6.4)

That approval be given to **Amended Zoning Application ZAR-11-058, by Marc and Lisa Cardinali Owners**, for a change in zoning from the Urban Residential (Single Detached) “R1-6” Zone to the Urban Residential (Single Detached) “R1-58” Zone, with a Special Exception, to facilitate the creation of one additional single detached residential dwelling lot, on lands located at 17 Howard Boulevard (Flamborough), as shown on Appendix “A” to Report PED12022, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED12022, as amended, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Section 6 of Zoning By-law No 90-145-Z as “R1-58”;
- (c) That the proposed change in zoning conforms to the Places to Grow Plan, is consistent with the Provincial Policy Statement, and is in conformity with the Hamilton-Wentworth Official Plan, the Town of Flamborough Official Plan, and New Urban Hamilton Official Plan.

5. Proposed Zoning By-law Amendment Affecting Lands Located at 848 Upper Wentworth Street (Hamilton) (PED12036) (Ward 7) (Item 6.5)

That **Zoning Application ZAC-11-052, Colin Scott, Owner**, for a change in zoning from the “AA” (Agricultural) District to the “C/S-1652-‘H’” (Urban Protected Residential - Holding) District, Modified, with a Special Exception and Holding Provision, to permit a hair dressing establishment and accessory dwelling unit within the existing building, on lands located at 848 Upper Wentworth Street (Hamilton), as shown on Appendix “A” to Report PED12036, be approved on the following basis:

- (a) That the Draft By-law, attached as Appendix “B” to Report PED12036, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

- (b) 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. The Holding provision will prohibit the development of the subject lands until such time as the following conditions have been satisfied:
 - (i) That the owner has demonstrated that they have received approval for a reciprocal right-of-way for the shared use of the driveway with 844 Upper Wentworth Street, which shall be registered on title, to the satisfaction of the Manager of Development Planning;
 - (ii) That the owner has applied for and received final approval for a Site Plan application, to the satisfaction of the Manager of Development Planning.
- (c) That the proposal is consistent with the Provincial Policy Statement, and is in conformity with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, the City of Hamilton Official Plan, and the new Urban Hamilton Official Plan;
- (d) That upon final approval of the implementing By-law, the Bruleville Neighbourhood Plan be amended to redesignate the subject lands from "Single and Double Residential" to "Commercial Residential Conversion".

6. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) (Item 6.6)

- (a) That approval be given to Official Plan Amendment Application OPA-11-010, by Franz Wu, Owner, for Amendment No. [REDACTED], for a change in designation on Schedule "A" of the Hamilton Official Plan from "Major Institutional" to "Commercial", and to establish Special Policy Area [REDACTED], in order to permit the conversion of the existing school building for commercial uses, on the lands located at 360 Beach Road (Hamilton), as shown on Appendix "A" to Report PED12029, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED12029, 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 2 of Volume 3 (Urban Site-Specific Key Map) to

establish a new Urban Site-Specific Area # UHN-█, and to add the text to permit the conversion of the existing school building for commercial uses, attached as Appendix "C" to Report PED12029, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands located at 360 Beach Road (Hamilton);

- (c) That approval be given to **Zoning Application ZAC-11-053, by Franz Wu, Owner**, for changes in zoning to Hamilton Zoning By-law No. 6593 from the "D" (Urban Protected Residential - One and Two Family Dwellings) District (Block 1) and the "H" (Community Shopping and Commercial, Etc.) District (Block 2) to the "H/S-1621" (Community Shopping and Commercial, Etc.) District, with a Special Exception, in order to permit the former school to be converted for commercial uses, as shown on Appendix "A" to Report PED12029, on the following basis:
- (i) That the draft By-law, attached as Appendix "D" to Report PED12029, 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 Hamilton Official Plan upon finalization of Official Plan Amendment No. █.
- (d) That upon finalization of the implementing By-law, the subject lands within the Industrial Sector E Neighbourhood Plan be redesignated from "Civic and Institutional" to "Commercial".

7. Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 235 Main Street West (Hamilton) (PED12037) (Ward 1) (Item 6.7)

That approval be given to **Zoning Application ZAC-11-068, by Manhattan West Corp., Owner**, for a change in zoning from the "G-3/S-36" (Public Parking Lots) District, Modified (Block 1), and "H/S-36" (Community Shopping and Commercial) District, Modified (Block 2), to the "H/S-36a" (Community Shopping and Commercial) District, Modified, with a Special Exception, to permit a 3-storey commercial building on lands located at 235 Main Street West (Hamilton), as shown on Appendix "A" to Report PED12037, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED12037, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the amending By-law be added to Schedule 19B of Zoning By-law No. 6593 as "H/S-36a";

- (c) That the proposed changes in zoning are consistent with the Provincial Policy Statement, and conform to the Places To Grow Growth Plan, the Hamilton-Wentworth Official Plan, and City of Hamilton Official Plan.

8. Licensing of Motels (PED10075(b)) (City Wide) (Item 8.1)

- (a) That the Schedule 3 (Bed & Breakfasts) of the Licensing By-law No. 07-170 be amended:
 - (i) to include Motels and Hotels, and be re-titled “Bed & Breakfasts, Motels, and Hotels”;
 - (ii) to remove requirements that are duplicated in the Zoning By-law, Sign By-law and/or the Liquor License Act, and to remove unnecessary items/wording related to:
 - (1) play equipment, pools and laundry facilities which would be covered under other by-laws such as Property Standards, Health, etc.;
 - (2) provisions which are covered under the Zoning By-laws, the City’s new Sign By-law or the Provincial Liquor License Act; and,
 - (3) the requirement that room rates be posted;
 - (iii) to update language and add the following requirements for establishments licensed or applying to be licensed as a “Bed & Breakfast, Motel or Hotel”:
 - (1) 24 hour on-site supervision where there are four or more guestrooms;
 - (2) working locks on all guestroom doors;
 - (3) cursory inspections annually for applicable fire safety standards, and property standards;
 - (4) every third year a Property Standards Certificate of Compliance;
 - (5) every third year an Ontario Electrical Safety Certificate;
 - (6) keeping records of complaints, and reporting immediately to the issuer of licenses any individual safety related complaints;

- b) That the draft by-law to amend the Licensing By-law 07-170, attached as Appendix "A" to Report PED10075(b), as amended, which has been prepared in a form satisfactory to the City Solicitor, be passed;
- c) That an annual license fee of \$160.16 be approved for Motels and Hotels and added to the City's User Fees and Charges By-law;
- d) That the item titled Licensing of Motels be identified as completed and removed from the Planning Committee's Outstanding Business List.

9. Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road East (Hamilton) (PED11138(a)) (Ward 7) (Item 8.2)

That Report PED11138(a), Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road East (Hamilton), be received.

10. Application for Amendments to the City of Hamilton Official Plan, Zoning By-law No. 6593, and Zoning By-law No. 05-200, for Lands Located at 1620 Upper Wentworth Street and 401 Rymal Road East (Hamilton) (PED11138) (Ward 7) (Tabled Item) (Item 8.3)

- (a) That approval be given to Official Plan Amendment Application OPA-11-003, by Oakwood Retirement Communities Inc., Owners, for Official Plan Amendment No. [REDACTED], for a change in designation from "Commercial" and "Residential" to "Major Institutional", on lands located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton), as shown on Schedule "A" of Appendix "C" to Report PED11138, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "C" to Report PED11138, 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] for the re-designation of portions of the subject lands to "Neighbourhoods" from "District Commercial", to be held in abeyance until the final decision has been made regarding the Urban Official Plan, for

lands known municipally as 1620 Upper Wentworth Street and 401 Rymal Road East (Hamilton), as shown on Appendix “D” to Report PED11138;

- (c) That approval be given to **Zoning Application ZAC-11-009, by Oakwood Retirement Communities Inc., Owners**, for changes in zoning from the Designed Shopping Centre “G-1” Zone, the Urban Protected Residential “D” Zone, and “Major Institutional” (I3) Zone to the “Major Institutional” (I3, 43) Zone, Modified, to permit land use regulations to allow for the expansion of the “Villages of Wentworth Heights” Retirement Community, on lands located at 1620 Upper Wentworth Street and 401 Rymal Road West (Hamilton), as shown on Schedule “A” of Appendix “E” to Report PED11138, on the following basis:
- (i) That the draft By-law, attached as Appendix “E” to Report PED11138, which has 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 City of Hamilton upon finalization of Official Plan Amendment No. [REDACTED].

11. Downtown Hamilton Secondary Plan Review: Background Report (PED12025) (Ward 2) (Item 8.4)

That Report PED12025, Downtown Hamilton Secondary Plan Review: Background Report, be received.

12. Policies Related to Employment Land Conversions (PED12039) (Item 8.5)

That Report PED12039, Policies Related to Employment Land Conversions, be received.

13. 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street (Item 9.1)

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;
 - (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.

14. Stoney Creek Girls Hockey Association Grant (Item 10.2)

- (a) That the Stoney Creek Girls Hockey Association’s grant request in the amount of up to \$20,000.00 be approved, subject to their successful bid for the 2014 Esso Cup;
- (b) That Convention and Sports Events Reserve fund be utilized as the funding source for this initiative.

15. Food Truck Exemption for James Street North ArtCrawl (Item 10.3)

Whereas City Council on March 7, 2012, in approving Planning Committee Report 12-003 (Feb. 28, 2012), directed staff to prepare a revised Food Truck By-law for consideration no later than June 2012 and to prepare parameters and criteria for a “Pilot Program” that would permit Food Trucks in Regional and/or Community Parks;

Whereas there is an opportunity for a Refreshment Vehicle Operator to partner with the Hamilton Public Library as a pilot during the James Street North ArtCrawl.

Therefore be it resolved:

- (a) That Gorilla Cheese be exempt from the Licensing By-law requirement;
- (b) That Refreshment Vehicle Operator obtain written approval or permission from any eating establishment within 100m of where the refreshment vehicle is to be located, while in the lay by on the south side of York Boulevard in front of the Hamilton Public Library during the James Street North ArtCrawls until such time as the Planning Committee receives a staff report respecting the Food Truck by-law.

16. Airport Employment Growth District (AEGD) Update (Item 12.2)

That the confidential verbal update respecting, Airport Employment Growth District (AEGD) Update, be received.

17. 1125-1143 Wilson Street West, Ancaster - OMB Hearing Status Update and Consideration of Settlement (Item 12.3)

- (a) That the recommendations respecting, 1125-1143 Wilson Street West, Ancaster - OMB Hearing Status Update and Consideration of Settlement, be approved, and remain confidential until Council's approval;
- (b) That the confidential memorandum and the minutes of settlement remain confidential and restricted from public disclosure.

FOR THE INFORMATION OF COUNCIL:

(a) CEREMONIAL ACTIVITIES

Leger Xavier, Vice President, Development and Leasing, made the cheque presentation of \$2,000 on behalf of PenEquity Reality Corporation to Councillor Johnson for the soon to be Winona Recreation Centre.

(b) CHANGES TO THE AGENDA

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

PRIVATE AND CONFIDENTIAL

12.3 1125-1143 Wilson Street West, Ancaster - OMB Hearing Status Update and Consideration of Settlement (Delivered Under Separate Cover)

The Agenda for the March 20, 2012 meeting of the Planning Committee was approved, as amended.

(c) DECLARATIONS OF INTEREST

None.

(d) APPROVAL OF MINUTES**(i) February 28, 2012**

The Minutes of the February 28, 2012 Planning Committee meeting, were approved.

(e) DELEGATION REQUESTS**(i) Delegation Request by Chris Krucker, respecting white paper on farmer's markets in Hamilton (Item 4.1)**

The delegation request submitted by Chris Krucker, respecting white paper on farmer's markets in Hamilton, was approved for a future meeting.

(ii) Delegation Request by Dorset Johnson, respecting resolving a work order issue and exorbitant change for superficial work (Item 4.2)

Mr. Hazel advised the Planning Committee that Mr. Johnson's appeal period has expired.

Councillor Pearson requested that staff prepare a report on how notices for work orders are managed and the appeal authority for work orders.

The delegation request submitted by Dorset Johnson, respecting resolving a work order issue and exorbitant change for superficial work, was denied.

(iii) Delegation Request by Victor Veri, respecting Licensing of Motels (PED10075(b)) (City Wide) (Item 4.3)

The delegation request submitted by Victor Veri, Licensing of Motels (PED10075(b)) (City Wide) (Item 4.3), was approved for today's meeting.

(f) PUBLIC HEARINGS AND DELEGATIONS

(i) Delegation from Jacob Leibovitch, respecting by-law enforcement regarding sub-leasing in the taxi industry (Item 6.1)

That Mr. Ejaz Butt be allowed to present on behalf of Mr. Jacob Leibovitch.

Mr. Butt expressed concerns over the City's by-law with respect to sub-leasing of cabs.

Mr. Hazel informed the committee that a report on the taxi by-law and accessibility issues will be coming back at the end of 2012 and will address these concerns and others.

The delegation from Ejaz Butt, respecting by-law enforcement regarding sub-leasing in the taxi industry, was received.

(ii) Application for Approval of a Draft Plan of Condominium (Common Elements), by Losani Homes (1998) Limited, for Lands Known as 310 Fall Fair Way (Glanbrook) (PED12026) (Ward 11) (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 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.

The public meeting respecting Report PED12026, Application for Approval of a Draft Plan of Condominium (Common Elements), by Losani Homes (1998) Limited, for Lands Known as 310 Fall Fair Way (Glanbrook), was closed.

The staff presentation respecting Report PED12026, Application for Approval of a Draft Plan of Condominium (Common Elements), by Losani Homes (1998) Limited, for Lands Known as 310 Fall Fair Way (Glanbrook), was waived.

For disposition on this Item, refer to item 2.

(iii) Application for Approval of a Draft Plan of Condominium (Common Elements), by Losani Homes (1998) Limited, for Lands Known as 12 Ambrose Avenue (Hamilton) (PED12030) (Ward 5) (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 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.

The public meeting respecting Report PED12030, Application for Approval of a Draft Plan of Condominium (Common Elements), by Losani Homes (1998) Limited, for Lands Known as 12 Ambrose Avenue (Hamilton), was closed.

The staff presentation respecting Report PED12030, Application for Approval of a Draft Plan of Condominium (Common Elements), by Losani Homes (1998) Limited, for Lands Known as 12 Ambrose Avenue (Hamilton), was waived.

For disposition on this Item, refer to item 3.

(iv) Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 17 Howard Boulevard (Flamborough) (PED12022) (Ward 15) (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 zoning by-law amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting Report PED12022, Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 17 Howard Boulevard (Flamborough), was closed.

The staff presentation respecting Report PED12022, Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 17 Howard Boulevard (Flamborough), was waived.

The agent, Nick De Filippis, spoke to issues regarding setback requirements and the side yard separation. He requested that the side yards be adjusted to 1.8m and 1.2m.

The presentation by Nick De Filippis, respecting Report PED12022, Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 17 Howard Boulevard (Flamborough), was received.

Appendix "B" to the report was amended accordingly to permit a 1.8m easterly side yard setback and a 1.2m westerly side yard setback as requested by the applicant.

For disposition on this Item, refer to item 4.

(v) Proposed Zoning By-law Amendment Affecting Lands Located at 848 Upper Wentworth Street (Hamilton) (PED12036) (Ward 7) (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 amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting Report PED12036, Proposed Zoning By-law Amendment Affecting Lands Located at 848 Upper Wentworth Street (Hamilton), was closed.

The staff presentation respecting Report PED12036, Proposed Zoning By-law Amendment Affecting Lands Located at 848 Upper Wentworth Street (Hamilton), was waived.

For disposition on this Item, refer to item 5.

(vi) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton) (PED12029) (Ward 4) (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 and zoning by-law amendments, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting Report PED12029, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton), was closed.

That the staff presentation respecting Report PED12029, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 360 Beach Road (Hamilton), be waived.

Councillor Merulla spoke to his support of this item and expressed his concern with commercial entertainment uses.

Mr. Macdonald gave examples of bowling alleys and arcades as what may constitute commercial entertainment.

The agent, John Ariens, came forward to express that the client will not have a nightclub or sports bar, rather that they may have a restaurant.

For disposition on this Item, refer to item 6.

(vii) Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 235 Main Street West (Hamilton) (PED12037) (Ward 1) (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 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 Speaker:

- (1) Colina Phillips – 15-75 Queen St. S. Hamilton, ON L8P 3H6

Ms. Phillips expressed concern over a missing tree and the lack of the landscaped areas in the plans. She is also concerned about the setback from the sidewalk.

The presentation respecting Report PED12037, Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 235 Main Street West (Hamilton), was received.

Timothy Lee indicated that the tree will be protected and also that the plan will include various landscaping to ensure the esthetics of the building are appropriate.

The public meeting respecting Report PED12037, Application to Amend Hamilton Zoning By-law No. 6593 for Lands Located at 235 Main Street West (Hamilton), was closed.

For disposition on this Item, refer to item 7.

(g) DISCUSSION ITEMS**(i) Licensing of Motels (PED10075(b)) (City Wide) (Item 8.1)**

- (a) That Section (c) of the recommendations be amended by replacing the number, "\$277.00" with the number, "\$160.16";
- (b) That Section (a) (iii) (3) of the recommendations be amended by deleting the words, "health standards";
- (c) That Schedule A to the by-law, Appendix A, be amended by deleting sub-section 4 (c) in its entirety.

For disposition on this Item, refer to item 8.

(h) NOTICES OF MOTION

Councillor Pearson introduced the following Notice of Motion:

(i) Charitable Donations Boxes (Item 10.1)

Whereas the enforcement staff conducted a proactive enforcement blitz of donation boxes across the City in 2011, to determine if existing by-laws combined with proactive enforcement could control the proliferation of donation boxes throughout the City and the problems associated with illegal dumping around them;

And whereas temporary compliance was achieved in most cases, but additional staff resources would be required to ensure continual compliance with City By-laws;

And whereas other Cities are exploring Licensing/Permit systems to control the proliferation of donation boxes and to ensure that they are associated with registered charitable organizations

Therefore be it resolved that:

Staff be directed to conduct a detailed and comprehensive investigation into the feasibility of creating a licensing/permit system for charitable donation boxes, and report back to the Planning Committee at the earliest convenience.

Councillor Pearson introduced the following Notice of Motion:

(ii) Stoney Creek Girls Hockey Association Grant (Item 10.2)

- (a) That the Stoney Creek Girls Hockey Association's grant request in the amount of up to \$20,000.00 be approved, subject to their successful bid for the 2014 Esso Cup;
- (b) That Convention and Sports Events Reserve fund be utilized as the funding source for this initiative.

The rules were waived in order to allow the Notice of Motion respecting, Stoney Creek Girls Hockey Association Grant, to be brought forward as a Motion at today's meeting.

For disposition on this Item, refer to item 14.

Councillor Collins introduced the following Notice of Motion:

(iii) Food Truck Exemption for James Street North ArtCrawl (Item 10.3)

Whereas City Council on March 7, 2012, in approving Planning Committee Report 12-003 (Feb. 28, 2012), directed staff to prepare a revised Food Truck By-law for consideration no later than June 2012 and to prepare parameters and criteria for a "Pilot Program" that would permit Food Trucks in Regional and/or Community Parks; and

Whereas there is an opportunity for a Refreshment Vehicle Operator to partner with the Hamilton Public Library as a pilot during the James Street North ArtCrawl.

Therefore be it resolved:

- (a) That Gorilla Cheese be exempt from the Licensing By-law requirement;
- (b) That Refreshment Vehicle Operator obtain written approval or permission from any eating establishment within 100m of where the refreshment vehicle is to be located, while in the lay by on the south side of York Boulevard in front of the Hamilton Public Library during the James Street North ArtCrawls until such time as the Planning Committee receives a staff report respecting the Food Truck by-law.

The rules were waived in order to allow the Notice of Motion respecting, Food Truck Exemption for James Street North ArtCrawl, to be brought forward as a Motion at today's meeting.

For disposition on this Item, refer to item 15.

Councillor Farr introduced the following Notice of Motion:

(iv) 38 Strachan Street West/ 344 Bay Street North (Item 10.4)

Whereas the Official Plan of the former City of Hamilton Official Plan designates the subject land "Residential";

Whereas Setting Sail: Secondary Plan for the West Harbour, approved by Council, designates the subject land as "Low Density Residential";

Whereas Setting Sail: Secondary Plan for the West Harbour was appealed to the Ontario Municipal none of the appeals focused on the subject land;

Whereas the Official Plan of the former City of Hamilton Official Plan and the Setting Sail: Secondary Plan for the West Harbour contemplate residential land use;

Whereas Zoning By-law O5-200 zones the subject land "Neighbourhood Park (P1) Zone" to recognize the existing Parkette;

Whereas prior to the disposition of city owned land municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton, the lands must be declared surplus to the needs of the City of Hamilton in accordance with the City's Procedural By-law for the Sale of Lands, being By-law No. 04-299;

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

- a) That the lands municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;
- b) That the Development Planning Section of the Planning Division of the Planning and Economic Development Department be authorized and directed to initiate a site specific zoning amendment for those lands municipally known as 38 Strachan Street West and 344 Bay Street North, in the City of Hamilton for residential purposes.

- c) That upon completion of a) and b) above, that in the event the City of Hamilton Planning and Economic Development Department include a design review committee (in part made up of area residents) in the design stage of the development process for these lands.

(i) GENERAL INFORMATION AND OTHER BUSINESS

(i) Outstanding Business List Amendments (Item 11.1)

The following items were amended to include the New Due Dates:

- (1) Item H: Sidewalk Policy
Current Due Date: March 20, 2012
New Due Date: June 19, 2012
- (2) Item L: Mineral Springs Road
Current Due Date: March 20, 2012
New Due Date: June 19, 2012
- (3) Item N: Losani Homes, Royal Winter Drive, Binbrook
Current Due Date: March 20, 2012
New Due Date: July 10, 2012
- (4) Item R: Presentation from Tesfaye Gebrezghi, P. Eng., from the Ministry of the Environment respecting the Certificate of Approvals Process
Current Due Date: March 20, 2012
New Due Date: October 16, 2012
- (5) Item S: Sanitary and Storm Sewer Issues in New Development in Stoney Creek and Glanbrook
Current Due Date: March 20, 2012
New Due Date: June 19, 2012

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

Mr. McCabe provided an update respecting an affordable housing project at Queen St. and King St. Mr. McCabe provided a copy of the Ontario Municipal Board decision. A copy of this decision has been included in the official record.

(j) PRIVATE AND CONFIDENTIAL**(i) Closed Session Minutes – February 28, 2012 (Item 12.1)**

The Closed Session Minutes of the February 28, 2012, meeting of the Planning Committee were approved, as presented, and are to remain confidential and restricted from public disclosure.

At 11:49 a.m., Committee moved into Closed Session to consider two 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.

The Planning Committee reconvened in Open Session at 12:32 p.m.

(ii) Airport Employment Growth District (AEGD) Update (Item 12.2)

For disposition on this Item, refer to item 16.

(iii) 1125-1143 Wilson Street West, Ancaster - OMB Hearing Status Update and Consideration of Settlement (Item 12.3)

For disposition on this Item, refer to item 17.

(k) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 12:30 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
March 20, 2012