



## **PLANNING COMMITTEE**

### **REPORT 12-009**

**Tuesday, June 5, 2012**

**9:30 am**

**Council Chambers**

**City Hall**

**71 Main Street West**

**Hamilton, Ontario**

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

**Absent with Regrets:** J. Farr (1<sup>st</sup> Vice Chair) – 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  
G. Wide, Manager, Enforcement  
S. Robichaud, Manager, Development Planning  
V. Robicheau, Office of the City Clerk

### **THE PLANNING COMMITTEE PRESENTS REPORT 12-009 AND RESPECTFULLY RECOMMENDS:**

**1. Annual Report on Building Permit Fees (PED12094) (City Wide) (Item 5.1)**

That Report PED12094, Annual Report on Building Permit Fees, be received.

**2. Dog Owner Rewards Program (PED12096) (City Wide) (Item 5.2)**

That Report PED12096, Dog Owner Rewards Program, be received.

**3. Profile of Animal Services Enforcement (PED12099) (City Wide) (Item 5.3)**

That Report PED12099, Profile of Animal Services Enforcement, be received.

**4. Sanitary and Storm Sewer Issues in New Development in Stoney Creek and Glanbrook (PED11155(a)) (Wards 5 and 9) (Item 5.4)**

That Report PED12055(a), Sanitary and Storm Sewer Issues in New Development in Stoney Creek and Glanbrook, be received, as amended.

**5. Demolition Report - 109 Organ Crescent, Hamilton (PED12091) (Ward 6) (Item 6.1)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 109 Organ Crescent, Hamilton in accordance with By-Law 09-208 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

- (a) That the applicant has applied for and received a building permit for a replacement building on this property;
- (b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;
- (c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000;
- (d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and
- (e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

**6. Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 440 Rennie Street (Hamilton) (PED12090) (Ward 4)**

That approval be given to Zoning Application ZAR-12-003, by BFI Canada Inc., Owner, for a change in zoning from the Light Industrial (M6) Zone to the Light Industrial (M6, 448) Zone, with a Special Exception, in Hamilton Zoning By-law No. 05-200, in order to permit the expansion of the existing Waste Management Facility at 464 Rennie Street onto 440 Rennie Street (Hamilton), as shown on Appendix "A" to Report PED12090, on the following basis:

- (i) That the draft By-law, attached as Appendix "B" to Report PED12090, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

**7. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application FL/A-12:64, 2062017 Ontario Inc. c/o The Krpan Group Inc. (Owner), 94 Dundas Street East (Town of Flamborough) (PED12102) (Ward 15) (Item 8.1)**

That Council agrees to the following actions, as detailed in Report PED12102, respecting the appeal of the City of Hamilton Committee of Adjustment Minor Variance Application FL/A-12:64 by 2062017 Ontario Inc. c/o The Krpan Group Inc., 94 Dundas Street East, former Town of Flamborough, as shown on Appendix "A" to Report PED12102, approved by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (a) That Council of the City of Hamilton proceed with the appeal to the Ontario Municipal Board (OMB) against the decision of the Committee of Adjustment to approve Application FL/A-12:64.
- (b) That Council directs appropriate Legal Services and Planning staff to attend the future OMB Hearing to support the appeal.

**8. Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application AN/B-12:18, Marion Goodbrand (Owner), 3134 Jerseyville Road West (Formerly Town of Ancaster) (PED12103) (Ward 14) (Item 8.2)**

That Council agrees to the following action, as detailed in Report PED12103, respecting the appeal of the City of Hamilton Committee of Adjustment

Consent/Land Severance Application AN/B-12:18, by Marion Goodbrand, 3134 Jerseyville Road West Formerly Town of Ancaster, as shown on Appendix "A" to Report PED12103, approved by the Committee of Adjustment but recommended for denial by the Planning and Economic Development Department:

- (a) That Council of the City of Hamilton direct staff to withdraw the appeal letter, which was filed by staff against the decision of the Committee of Adjustment to the OMB.

**9. Farm Severances**

- (a) That staff be directed to consult with the agricultural community, the Open for Business Committee, and Planning Committee members to identify appropriate amendments to the Provincial policy respecting farm severances;
- (b) That the proposed changes be considered and then adopted by the Planning Committee and Council;
- (c) That the position be then forwarded to the Association of Municipalities of Ontario, Federation of Canadian Municipalities and Provincial Government MPs and MPPs.

**10. Regulation of Feeding of Wildlife By-law (PED12097) (City Wide) (Item 8.3)**

- (a) That By-law No. 02-136 To Regulate Pigeon Pests be repealed and replaced with a By-law to Regulate the Feeding of Wildlife;
- (b) That the draft bylaw being By-law to Regulate the Feeding of Wildlife attached as Appendix "A" to Report PED12097, which has been prepared in a form satisfactory to the City Solicitor be enacted.

**11. Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (PED12015(a)) (City Wide) (Item 8.5)**

Whereas the new Industrial Zones have been implemented to create new zoning across the City of Hamilton within the Employment Areas;

Whereas the new Prestige Business Park (M3) Zone and the Business Park Support (M4) Zone where intended to have higher urban design standards for buildings abutting a street;

Whereas the proposed permissions of allowing structure(s) for security purposes within the front yard and flankage yard would detract from the intent of the urban design standards;

Whereas it is recognized that proposed accessory security structure(s) have been site plan approved for a development at Twenty Road East and Glover Road (Maple Leaf Foods) and should be permitted so that the approved structures would not in contravention of the Zoning By-law;

And whereas, any new development can propose an accessory structure for security purposes through a development application where the merits of the structure can be evaluated.

- (a) That approval be given to **City Initiative CI-12-E** to provide housekeeping amendments to the City's Comprehensive Zoning By-law known as Zoning By-law 05-200.
- (b) That the draft Zoning By-law, as amended as follows, marked as Revised Appendix "A" to Report PED12015(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (i) That Appendix "A" to Report PED12015(a) be amended as follows:
    - (aa) Section 3. i) ii) be amended by removing the words "except where the structure is for security purposes";
    - (bb) Section 4. k) ii) be amended by removing the words "except where the structure is for security purposes";
    - (cc) Section 5. q) iii) be deleted in its entirety;
    - (dd) Section 6. r) iii) be deleted in its entirety;
    - (ee) Section 7. j) ii) be amended by removing the words "except where the structure is for security purposes";
    - (ff) Section 8. q) ii) be amended by removing the words "except where the structure id for security purposes";
    - (gg) That Special Exception 49 of Schedule "C" – Special Exceptions to By-law 05-200 be amended by adding the words "and that Section 9.3.3 b) shall not apply only for a structure(s) for security purposes" after the words "shall not apply".

- (c) That the changes proposed are minor in nature and pursuant to Section (34)17 of the Planning Act, Council determines that no further notice is to be given in respect of the proposed by-law.

**12. Ancaster Wilson Street Secondary Plan and Official Plan Amendments (PED12078) (Ward 12) (Item 8.6)**

Whereas a Public Meeting was held on May 15, 2012, for approval of the proposed Official Plan Amendments to the Ancaster Official Plan and the Urban Hamilton Official Plan for the Ancaster Wilson Street Secondary Plan;

And whereas a delegation at the Public Meeting requested the City of Hamilton to provide for future trail connections to the open space lands from the properties fronting Wilson Street East in Ancaster in the Ancaster Wilson Street Secondary Plan;

And whereas at the conclusion of the Public Meeting, the Planning Committee tabled the Ancaster Wilson Street Secondary Plan and directed staff to report back to the Planning Committee with proposed revisions to the Secondary Plan to provide for future trail connections to the open space lands from the properties fronting on Wilson Street, including, but not limited to 437 Wilson Street (Mount Mary lands);

And whereas staff consultation with the interested parties has resulted in proposed amendments to the Official Plan Amendments relative to active transportation and connectivity to the Ancaster Village Core, it is appropriate to amend the proposed Official Plan Amendments to the Ancaster Official Plan and Urban Hamilton Official Plan.

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

That the Recommendations contained in Report PED12078, be deleted and replaced with the following Recommendations:

- (a) That approval be given to Official Plan Amendment No. ■■■, to the former Town of Ancaster Official Plan, to adopt the Ancaster Wilson Street Secondary Plan to add a new Secondary Plan and associated mapping, for lands along Wilson Street between Montgomery Drive and Hamilton Drive, as amended by the following policies:
  - (i) Policy 6.9.14.2 e) iv) Pedestrian connections are encouraged to directly connect the trailhead at Old Dundas Road to the Village Core area and to Sulphur Springs Road.

- (ii) Policy 6.9.14.2 e) v) For properties fronting onto Wilson Street East within the Village Core area, pedestrian connections between the trailhead at Old Dundas Road and the Village Core area and to Sulphur Springs Road shall be provided subject to the following:
  - (aa) Pedestrian connections shall be established through development or redevelopment of a property which requires a *Planning Act* approval including an Official Plan amendment, Zoning By-law amendment, Plan of Subdivision, consent to sever, or Site Plan approval, and which can appropriately accommodate the connection;
  - (bb) The City may facilitate the establishment of a pedestrian connection at the time of development or redevelopment of a property; and,
  - (cc) Pedestrian connections between the Village Core area, the trailhead at Old Dundas Road and Sulphur Springs Road may include but are not limited to a trail, sidewalk, easement, or a combination of public road walkways and trails.
- (iii) Policy 6.9.16.1 c) In accordance with policy 6.9.14.2 e) v) a condition of any proposed development or redevelopment of the lands known as 437 Wilson Street East requiring a *Planning Act* approval including an Official Plan Amendment, Zoning By-law amendment, consent to sever, Plan of Subdivision or Site Plan approval, shall ensure pedestrian connections are established between the trailhead at Old Dundas Road, the Village Core area and Sulphur Springs Road.
- (b) That approval be given to Official Plan Amendment No. █, to the Urban Hamilton Official Plan, to adopt the Ancaster Wilson Street Secondary Plan, to add a new Secondary Plan and associated mapping, for lands located along Wilson Street between Montgomery Drive and Hamilton Drive, to be held in abeyance until the final decision has been made regarding the Urban Official Plan, as amended by the following policies:
  - (i) Policy 2.8.14.2 e) iv) Pedestrian connections are encouraged to directly connect the trailhead at Old Dundas Road to the Village Core area and to Sulphur Springs Road;
  - (ii) Policy 2.8.14.2 e) v) For properties fronting onto Wilson Street East within the Village Core area, pedestrian connections between the trailhead at Old Dundas Road and the Village Core area and to Sulphur Springs Road shall be provided subject to the following:

- (aa) Pedestrian connections shall be established through development or redevelopment of a property which requires a *Planning Act* approval including an Official Plan amendment, Zoning By-law amendment, Plan of Subdivision, consent to sever, or Site Plan approval, and which can appropriately accommodate the connection;
  - (bb) The City may facilitate the establishment of a pedestrian connection at the time of development or redevelopment of a property; and,
  - (cc) Pedestrian connections between the Village Core area, the trailhead at Old Dundas Road and Sulphur Springs Road may include but are not limited to a trail, sidewalk, easement, or a combination of public road walkways and trails.
- (iii) Policy 2.8.16.1 c) In accordance with policy 2.8.14.2e) v) a condition of any proposed development or redevelopment of the lands known as 437 Wilson Street East requiring a *Planning Act* approval including an Official Plan Amendment, Zoning By-law amendment, consent to sever, Plan of Subdivision or Site Plan approval, shall ensure pedestrian connections are established between the trailhead at Old Dundas Road, the Village Core area and Sulphur Springs Road.
- (c) That the Ancaster Wilson Street Secondary Plan Urban Design Guidelines, be adopted.

### 13. School Board Properties (Item 10.1)

Whereas the Hamilton Wentworth District School Board and the Hamilton Wentworth Catholic School Board have listed 47 properties as surplus since 2004 and;

Whereas the City of Hamilton has purchased or is in the process of purchasing 14 of the 47 properties for an estimated total of \$14,000,000 and;

Whereas the recent accommodation reviews of both boards will result in the closure and sale of additional school properties;

Whereas many, if not all, of the proposed schools scheduled to close and sale are utilized by the surrounding community as area parks, and in some cases recreation centres operated by the City of Hamilton and;



Whereas this documented shortage of green space and associated recreation amenities in a number of areas throughout the City and;

Whereas there is a desire by many of the neighbouring residents and communities to retain some of the proposed surplus properties;

Therefore be it resolved that City Council form a Sub-Committee, with a balance of urban and rural Councillors, to review the list of school board properties scheduled to be declared surplus, and report back to a future GIC meeting with recommendations including a financial strategy for any proposed purchases.

## FOR THE INFORMATION OF COUNCIL:

### (a) CHANGES TO THE AGENDA

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

#### DELEGATION REQUESTS

- 4.1 Delegation Request from Glenn Gaukel respecting Demolition Report - 109 Organ Crescent, Hamilton (PED12091) (Ward 6)

#### PUBLIC HEARING AND DELEGATIONS

- 6.2 Applications for Approval of a Revised Draft Plan of Subdivision, "Jackson Heights – Phase 3B", and Amendment to the Glanbrook Zoning By-law No. 464 for Lands Known as 250 Tanglewood Drive in the Former Township of Glanbrook (Binbrook) (PED12095) (Ward 11) (Be Tabled to June 19, 2012)

#### DISCUSSION ITEMS

- 8.1 Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application FL/A-12:64, 2062017 Ontario Inc. c/o The Krpan Group Inc. (Owner), 94 Dundas Street East (Town of Flamborough) (PED12102) (Ward 15)

**(i) Correspondence from Fothergill Planning and Development Inc.**

- 8.6 Ancaster Wilson Street Secondary Plan and Official Plan Amendments (PED12078) (Ward 12)

The Agenda for the June 5, 2012 meeting of the Planning Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST**

None.

**(c) APPROVAL OF MINUTES****(i) May 15, 2012**

The Minutes of the May 15, 2012 Planning Committee meeting were approved.

**(d) DELEGATION REQUESTS****(i) Delegation Request From Glenn Gaukel respecting Demolition Report – 109 Organ Crescent, Hamilton (PED12091) (Ward 6)**

The delegation request from Glenn Gaukel respecting Demolition Report – 109 Organ Crescent, Hamilton (PED12091) (Ward 6), was approved.

**(e) CONSENT ITEMS**

Demolition Report – 109 Organ Crescent, Hamilton (PED12091) (Ward 6), was moved to item 6.1 on the agenda and the reports were subsequently renumbered.

**(i) Sanitary and Storm Sewer Issues in New Development in Stoney Creek and Glanbrook (PED11155(a)) (Wards 5 and 9) (Item 5.4)**

Councillor Clark expressed concerns with certain areas of his Ward and the storm sewer issues.

Appendix A to Report PED11155(a), Sanitary and Storm Sewer Issues in New Development in Stoney Creek and Glanbrook, was replaced with a Revised Appendix A.

For disposition on this Item, refer to item 4.

**(f) PUBLIC HEARINGS AND DELEGATIONS****(i) Demolition Report - 109 Organ Crescent, Hamilton (PED12091) (Ward 6) (Item 6.1)**

Glenn Gaukel addressed Committee with the aid of speaking notes. A copy of the speaking notes has been included in the public record.

The presentation respecting Report PED12091, Demolition Report - 109 Organ Crescent, Hamilton, was received.

For disposition on this Item, refer to item 5.

**(ii) Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 440 Rennie Street (Hamilton) (PED12090) (Ward 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 amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED12090, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 440 Rennie Street (Hamilton), was closed.

The staff presentation respecting, Report PED12090, Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 440 Rennie Street (Hamilton), was waived.

For disposition on this Item, refer to item 6.

**(g) DISCUSSION ITEMS**

- (i) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application FL/A-12:64, 2062017 Ontario Inc. c/o The Krpan Group Inc. (Owner), 94 Dundas Street East (Town of Flamborough) (PED12102) (Ward 15) (Item 8.1)**

- (aa) Correspondence from Fothergill Planning and Development Inc.**

The correspondence from Fothergill Planning and Development Inc. respecting Report PED12102, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Minor Variance Application FL/A-12:64, 2062017 Ontario Inc. c/o The Krpan Group Inc. (Owner), 94 Dundas Street East (Town of Flamborough), was received.

For disposition on this Item, refer to item 7.

- (ii) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application AN/B-12:18, Marion Goodbrand (Owner), 3134 Jerseyville Road West (Formerly Town of Ancaster) (PED12103) (Ward 14) (Item 8.2)**

Neil Millar was allowed to come forward and present with respect to Report PED12103, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application AN/B-12:18, Marion Goodbrand (Owner), 3134 Jerseyville Road West.

The public presentation respecting Report PED12103, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application AN/B-12:18, Marion Goodbrand (Owner), 3134 Jerseyville Road West, was received.

The motion CARRIED on a STANDING RECORDED vote, as follows:

Yeas: M. Pearson, B. Johnson, L. Ferguson, R. Pasuta, C. Collins,  
T. Whitehead and J. Partridge

Total: 7

Nays: B. Clark

Total: 1

Absent: J. Farr

Total: 1

For disposition on this Item, refer to item 8.

**(iii) Sale of Dog Licences at Pet Stores (PED12098) (City Wide) (Item 8.4)**

Staff was requested to report back to the Planning Committee with a plan that seeks to address Hamilton's low compliance rate related to the purchase of dog licenses.

**(h) MOTIONS**

The following motion was tabled to the June 19, 2012 meeting of the Planning Committee:

**(i) Hess Village Paid Duty Program**

WHEREAS on December 6<sup>th</sup>, 2011, Staff were requested to investigate a means of returning to a 50/50 paid duty policing cost sharing model for Hess Village bar and restaurant operators;

WHEREAS this request was among many made at the December meeting (subsequently approved by Council) which included a report back before the start of the patio season;

WHEREAS the patio season is upon us;

THEREFORE BE IT RESOLVED THAT any solution be implemented retroactively to the start of the 2011 patio season.

**(i) NOTICES OF MOTION**

Councillor Collins introduced the following Notice of Motion:

**(i) School Board Properties**

Whereas the Hamilton Wentworth District School Board and the Hamilton Wentworth Catholic School Board have listed 47 properties as surplus since 2004 and;

Whereas the City of Hamilton has purchased or is in the process of purchasing 14 of the 47 properties for an estimated total of \$14,000,000 and;

Whereas the recent accommodation reviews of both boards will result in the closure and sale of additional school properties;

Whereas many, if not all, of the proposed schools scheduled to close and sale are utilized by the surrounding community as area parks, and in some cases recreation centres operated by the City of Hamilton and;

Whereas this documented shortage of green space and associated recreation amenities in a number of areas throughout the City and;

Whereas there is a desire by many of the neighbouring residents and communities to retain some of the proposed surplus properties;

Therefore be it resolved that City Council form a Sub-Committee, with a balance of urban and rural Councillors, to review the list of school board properties scheduled to be declared surplus, and report back to a future GIC meeting with recommendations including a financial strategy for any proposed purchases.

The Rules of Order were waived to allow for the introduction of a motion respecting School Board Properties.

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

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

The following items be removed from the Outstanding Business List:

- (a) Item M: Sanitary and Storm Sewer Issues in New Development in Stoney Creek and Glanbrook
- (b) Item N: Prohibition of the Feeding of Wildlife
- (c) Item X: Housekeeping Amendments to Comprehensive Zoning By-law 05-200 (City Wide)

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

The General Manager provided updates of current events and initiatives within the department.

**(k) ADJOURNMENT**

There being no further business, the Planning Committee adjourned at 1:10 p.m.

Respectfully submitted,

Councillor B. Clark  
Chair, Planning Committee

Vanessa Robicheau  
Legislative Coordinator  
Office of the City Clerk  
June 5, 2012