



PLANNING COMMITTEE

MINUTES 12-010

Tuesday, June 19, 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, L. Ferguson, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

Also Present: Councillor S. Duvall
P. Mallard, Acting GM, Planning & Economic Development
M. Hazell, Senior Director, Parking & By-Law Services
T. Sergi, Senior Director, Growth Management
B. Janssen, Director, Strategic Services
J. Hickey-Evans, Manager, Policy Planning
S. Robichaud, Manager, Development Planning
V. Robicheau, Office of the City Clerk

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

- 1. Heritage Permit Application HP2012-011 Under Part V of the Ontario Heritage Act for Erection of Structures at 880 Beach Boulevard (Hamilton) (PED12109) (Ward 5) (Item 5.1)**

(Collins/Ferguson)

That Heritage Permit Application HP2012-011, be approved for the erection of a new single detached dwelling, and detached garage, on the designated property at 880 Beach Boulevard (Hamilton Beach Heritage Conservation District), (Hamilton), as shown on Appendix "A" To Report PED12109, subject to the following conditions:

- (a) That the front and side façades of the new house shall be engineered wood cladding;
- (b) That final elevation drawings showing the material, composition, brand, style, model, colour, and/or any other descriptive attributes for the proposed construction materials, including the building cladding, trim, roofing, windows, doors, porch columns and railings, soffits and eaves, lighting and hardware, shall be submitted to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (c) That as many existing trees as possible shall be retained and that new trees of a minimum caliper of 55mm and of a species consistent with the City of Hamilton's Tree Species and Recommended Use Index shall be planted within one year of occupancy of the new dwelling;
- (d) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (e) That the dimensions, design, and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;
- (f) That any minor changes to the site plan or building plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (g) That construction and site alterations, in accordance with this approval, shall be completed no later than June 30, 2014. If the construction and site alterations are not completed by June 30, 2014, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

2. Heritage Permit Application HP2012-021 Under Part V of the Ontario Heritage Act for Demolition, Removal and Erection of Structures at 231 Saint Clair Boulevard (Hamilton) (PED12110) (Ward 3) (Item 5.2)

(Collins/Ferguson)

That Heritage Permit Application HP2012-021 be approved for the demolition and removal of an existing garage, and erection of a replacement garden shed in a portion of the former garage footprint, in the rear yard of the designated property at 231 Saint Clair Boulevard (Saint Clair Boulevard Heritage

Conservation District) (Hamilton), as shown on Appendix "A" to Report PED12110, subject to the following conditions:

- (a) That final elevation drawings showing the material, composition, brand, style, model, colour, and/or any other descriptive attributes for the proposed construction materials, including the building cladding, trim, roofing, windows, door, soffits and eaves, lighting and finishes, shall be submitted to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
- (b) That construction and site alterations, in accordance with this approval, shall be completed no later than June 30, 2014. If the construction and site alterations are not completed by June 30, 2014, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

CARRIED

3. Cost of Handling Cats at Animal Services (PED12126) (City Wide) (Item 5.3)

(Collins/Ferguson)

That report PED12126, Cost of Handling Cats at Animal Services, be received.

CARRIED

4. Agriculture & Rural Affairs Advisory Committee – Minutes 12-001 (Item 5.4)

(Collins/Ferguson)

That the Agriculture & Rural Affairs Advisory Committee Minutes 12-001, be received.

CARRIED

5. Hamilton Municipal Heritage Committee – Minutes 12-004 (Item 5.5)

(Collins/Ferguson)

That Hamilton Municipal Heritage Committee Minutes 12-004, be received.

CARRIED

6. **Application for Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 76 Creanona Boulevard (Stoney Creek) (PED12108) (Ward 11) (Item 6.1)**

(Pearson/Whitehead)

- (a) That approval be given to **Official Plan Amendment Application OPA-12-002, by Bluescape Limited, Owner**, for Official Plan Amendment No. [REDACTED], to amend Schedule "A" General Land Use Plan and Schedule "A4" Urban Area Lakeshore Secondary Plan for a text amendment to permit reduced lot frontages, for lands located at the rear of 76 Creanona Boulevard (Stoney Creek), as shown on Appendix "A" (Block 2) to Report PED12108, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED12108, 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 **Zoning Application ZAC-12-006, by Bluescape Limited, Owner**, for changes in zoning to Stoney Creek Zoning By-law No. 3692-92 from the Single Residential "R2" Zone to the Single Residential "R2-60" Zone, with a Special Exception (Block 1), and from the Neighbourhood Development "ND" Zone to the Single Residential "R3-35" Zone, with a Special Exception (Block 2), in order to recognize the location of the existing single detached dwelling fronting onto Creanona Boulevard, and to facilitate the creation of 3 single detached dwelling lots fronting onto Montreal Circle, as shown on Appendix "A" to Report PED12108, on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED12108, 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 City of Stoney Creek Official Plan upon finalization of Official Plan Amendment No. [REDACTED].

CARRIED

7. **Application for an Amendment to Flamborough Zoning By-law No. 90-145-Z for Lands Known as 592 Westover Road (Flamborough) (PED12112) (Ward 14) (Item 6.2)**

(Ferguson/Whitehead)

That approval be given to Amended Zoning Application ZAR-11-044 by 1814380 Ontario Inc., Owner, for a change in zoning from the Recreational Open Space "O3-6" Zone to the Recreational Open Space "O3-12", Modified, Zone, with a Special Exception, and Conservation Management "CM" Zone, to permit an accessory dwelling for maintenance and/or security purposes, in conjunction with the existing golf course (Century Pines), on lands located at 592 Westover Road (Flamborough), as shown on Appendix "A" to Report PED12112, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED12112, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (b) That the proposal is consistent with the Provincial Policy Statement and conforms to the Greenbelt Plan, the Town of Flamborough Official Plan, and the Rural Hamilton Official Plan;
- (c) That the proposal respects and seeks to enhance the ecological function of the key hydrologic features on site;
- (d) That the proposal is accessory to an existing golf course (Century Pines).

CARRIED

8. **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) (Tabled from June 5, 2012) (Item 6.4)**

(Pearson/Johnson)

- (a) That approval be given to Amended Zoning By-law Application ZAC-11-067, by Rob-Geof Properties Limited, c/o Bruce Robinson, (Applicant/Owner), for changes in zoning from the Residential "R3-163" Zone and Residential "R4-164" Zone to the Residential "R2" Zone, to permit the development of 33 single family residential lots in accordance with the proposed revision to the Draft Plan of Subdivision, 25T-200006(R), known as Jackson Heights – Phase 3B (Glanbrook), as shown on Appendix "A" to Report PED12095, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED12095, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule “H” of Zoning By-law No. 464;
 - (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.
- (b) That approval be given to Revised Draft Plan of Subdivision Application 25T-200006(R), by Rob-Geof Properties Limited C/O: Bruce Robinson, (Applicant/Owner), to revise the draft approved plan of subdivision for “Jackson Heights – Phase 3B” to reduce the number of single detached dwelling lots from 57 to 33, with a block for a future park, a block for future development with adjacent lands, and a block for a one-foot reserve, as shown on Appendix “C” to Report PED12095, subject to the following conditions:
- (i) That this approval apply to “Jackson Heights – Phase 3B Revision”, 25T-200006(R), as red-line revised, prepared by A.J. Clarke and Associates Limited, and certified by Barry J. Clarke, OLS, dated October 25, 2011, showing 33 single detached lots (Lots 1-33), one block for a future Park (Block 34), one block for future development with adjacent lands (Block 35), and one block for a 0.3m reserve (Block 36), attached as Appendix “C” to Report PED12095, subject to the revised Schedule 1 attached as Appendix “D” to Report PED12095;
 - (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit, to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Lot.

With regard to Lots 1-33 (Single Family Detached Residential) a parkland dedication ratio of 5% shall be required.

The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit. Parkland Credits may be applied on a land value basis to the proposed Draft Plan of Subdivision in the event of any over-

dedication of parkland from the registration of the “*Jackson Heights*” Draft Plan of Subdivision (25T-200006);

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

- (c) That the 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, be subject to a site plan application with consultation with the Ward Councillors.

CARRIED

9. Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 411 and 421 Kitty Murray Lane (Ancaster) (PED12081) (Ward 12) (Item 8.1)

(Whitehead/Pearson)

- (a) That approval be given to **Official Plan Amendment Application OPA-11-011, by Redeemer University College, Owners**, for Official Plan Amendment No. [REDACTED], for a change in designation from “Low Density Residential - Existing (Infill)” and “Low Density Residential 1” to “Medium Density Residential”, and from “Low Density Residential 1” to “Institutional”, on lands located at 411 and 421 Kitty Murray Lane East (Ancaster), as shown on Schedule “A” of Appendix “D” to Report PED12081, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “D” to Report PED12081, be adopted by City Council.
- (b) That approval be given to **Zoning Application ZAC-11-056, by Redeemer University College, Owners**, for a change in zoning from the Institutional “I” Zone to the Multiple Residential “RM2-651” Zone, Modified, with a Special Exception, to allow a townhouse development on lands located at 411 and 421 Kitty Murray Lane (Ancaster), as shown on Appendix “A” to Report PED12081, on the following basis:
 - (i) That the draft By-law, attached as Appendix “F” to Report PED12081, 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 Town of Ancaster upon finalization of Official Plan Amendment No. [REDACTED].

- (c) That approval be given to Official Plan Amendment No. _____ to the Urban Hamilton Official Plan to redesignate portions of the subject lands to “Low Density Residential 3b” and “Institutional” (see Appendix “E” to Report PED12081), to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands located at 411 and 421 Kitty Murray Lane (Ancaster);
- (d) That staff be directed to include the Ward Councillor in the review process for the future requisite site plan application;
- (e) That as a condition of site plan approval, the City of Hamilton shall ensure that the building design and site layout include architectural and landscape features to ensure that the portion of the proposed townhouse blocks facing the Kitty Murray Lane streetscape are designed to appear and function as front yards;
- (f) That a “Future Student Housing” sign be erected on the retained Redeemer site

CARRIED

10. Food Service Vehicles (PED12085(a)) (City Wide) (Item 8.2)

(Collins/Farr)

- (a) That the Licensing By-law 07-170 be amended by deleting Schedule 19 (Refreshment Vehicles) and replacing it with Schedule 6 (Food Service Vehicles), and that the draft by-law attached as Appendix “A” to Report PED12085(a), prepared in a form satisfactory to the City Solicitor, be enacted;
- (b) That a review be brought forward regarding an investigation of a food service vehicle permit parking across the City, including consultation with the Business Improvement Areas and the industry, no later than November 2012;
- (c) That the new Food Services Vehicles By-law be monitored and a review be brought forward to the Planning Committee prior to the Summer of 2013;
- (d) That the review, recommended in the item (b) above, include a license fee review and comparison with the fees of other Ontario municipalities;
- (e) That the separation distance between a food service vehicle and a restaurant property, be amended from 20 metres to 30 metres;

- (f) That the separation distance between a food service vehicle and a hospital property, be amended to 100 metres;
- (g) That staff report back to the Planning Committee with a review of separation distance between food service vehicles and hospitals.

CARRIED

11. ROPA 43, Ancaster OPA 137, ZBA (By-law 11-191), Draft Plan of Subdivision 25T-201005 – OMB Appeals (1125-1143 Wilson Street West, Ancaster) (LS12017) (Item 12.1)

(Ferguson/Johnson)

- (a) That Report LS12017, ROPA 43, Ancaster OPA 137, ZBA (By-law 11-191), Draft Plan of Subdivision 25T-201005 – OMB Appeals, be received;
- (b) That Report LS12017, ROPA 43, Ancaster OPA 137, ZBA (By-law 11-191), Draft Plan of Subdivision 25T-201005 – OMB Appeals, remain confidential;
- (c) That staff be directed to settle the OMB appeals of ROPA 43, Ancaster OPA 137, Zoning By-law Amendment (By-law 11-191) and Draft Plan of Subdivision 25T-201005 on the following basis:

That the signals at Wilson St. serving the Wal-Mart and the retail commercial lands on Wilson St. will not be removed until such time as the roundabout at Wilson/McClue is fully constructed and operational.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA

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

DELEGATION REQUESTS

- 4.3 Delegation Request from Matthew Kershaw respecting Food Service Vehicles (PED12085(a)) (City Wide) (*For Today's Meeting*)

DISCUSSION ITEMS

- 8.2 Food Service Vehicles (PED12085(a)) (City Wide)

NOTICES OF MOTION

- 10.1 City initiated Official Plan Amendment and Rezoning for 1925 Rymal Road East

PRIVATE AND CONFIDENTIAL

- 12.1 ROPA 43, Ancaster OPA 137, ZBA (By-law 11-191), Draft Plan of Subdivision 25T-201005 – OMB Appeals (1125-1143 Wilson Street West, Ancaster) LS12017 (*Distributed Under Separate Cover*)

(Johnson/Whitehead)

That the Agenda for the June 19, 2012 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST

None.

(c) APPROVAL OF MINUTES

(i) June 5, 2012

(Farr/Pasuta)

That the Minutes of the June 5, 2012 Planning Committee meeting be approved.

CARRIED

(d) DELEGATION REQUESTS

(i) Delegation Request from Graeme Smith respecting Food Service Vehicles (PED12085(a)) (City Wide) (Item 4.1)

(Johnson/Collins)

That the delegation request from Graeme Smith, respecting Report PED12085(a), Delegation Request from Graeme Smith respecting Food Service Vehicles, be approved for today's meeting.

CARRIED

- (ii) **Delegation Request from Ross and Ross Barristers and Solicitors respecting 179 Sunnyridge Rd., Jerseyville Rural Settlement Area (Item 4.2)**

(Pasuta/Ferguson)

That the delegation request from Ross and Roos Barristers and Solicitors, respecting 179 Sunnyridge Rd., Jerseyville Rural Settlement Area, be approved for a future meeting.

CARRIED

- (iii) **Delegation Request from Matthew Kershaw respecting Food Service Vehicles (PED12085(a)) (City Wide) (Item 4.3)**

(Johnson/Pasuta)

That the delegation request from Matthew Kershaw, respecting Report PED12085(a), Delegation Request from Graeme Smith respecting Food Service Vehicles, be approved for today's meeting.

CARRIED

(e) PUBLIC HEARINGS AND DELEGATIONS

- (i) **Application for Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 76 Creanona Boulevard (Stoney Creek) (PED12108) (Ward 11) (Item 6.1)**

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.

(Partridge/Pasuta)

That the public meeting respecting, Report PED12108, Application for Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 76 Creanona Boulevard, be closed.

CARRIED

(Pearson/Johnson)

That the staff presentation respecting, Report PED12108, Application for Amendments to the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 76 Creanona Boulevard, be waived.

CARRIED

For disposition on this Item, refer to item 6.

(ii) Application for an Amendment to Flamborough Zoning By-law No. 90-145-Z for Lands Known as 592 Westover Road (Flamborough) (PED12112) (Ward 14) (Item 6.2)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Zoning By-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

(Whitehead/Collins)

That the public meeting respecting, Report PED12112, Application for an Amendment to Flamborough Zoning By-law No. 90-145-Z for Lands Known as 592 Westover Road, be closed.

CARRIED

(Whitehead/Collins)

That the staff presentation respecting, Report PED12112, Application for an Amendment to Flamborough Zoning By-law No. 90-145-Z for Lands Known as 592 Westover Road, be waived.

CARRIED

(Ferguson/Collins)

- (a) That the front yard be amended from 200 metres to 195 metres;
- (b) That the side yard be amended from 375 metres to 370 metres;

- (c) That the size of the building be amended to 140 metres squared.

The amendment LOST on the following vote:

Yea: Farr, Collins, Ferguson
Total: 3
Nay: Clark, Whitehead, Pearson, Johnson, Pasuta, Partridge
Total: 6

The main motion CARRIED on the following vote:

Yea: Farr, Collins, Ferguson, Clark, Whitehead, Pearson, Pasuta,
Partridge
Total: 8
Nay: Johnson
Total: 1

For disposition on this Item, refer to item 7.

(iii) Applications for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood (Stoney Creek) (PED12079) (Ward 9) (Item 6.3)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan and Zoning By-law amendments and the Draft Plan of Subdivision the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Public Speakers:

1. Leslie Kurpe – 32 Audubon St. S, Hamilton, ON L8J 1J7

Ms. Kirpee expressed concerns over the expectation that the land would remain zoned for a single-family dwelling, property values and the nature of the community.

2. Joe Kirpee – 32 Audubon St. S, Hamilton, ON L8J 1J7

Mr. Kirpee expressed concerns over the expectation that the land would remain zoned for a single-family dwelling, property values and the nature of the community.

(Pearson/Whitehead)

That the public presentations respecting Report PED12079, Applications for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Draft Plan of Subdivision Known as “Paramount”, for Lands Located at 220 Mud Street West - Nash Neighbourhood, be received.

CARRIED

(Collins/Pearson)

That the correspondence from Ron Raftis, and Alan and Anita Marshall respecting Report PED12079, Applications for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Draft Plan of Subdivision Known as “Paramount”, for Lands Located at 220 Mud Street West - Nash Neighbourhood, be received.

CARRIED

(Johnson/Pearson)

That the public meeting respecting, Report PED12079, Applications for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Draft Plan of Subdivision Known as “Paramount”, for Lands Located at 220 Mud Street West - Nash Neighbourhood, be closed.

CARRIED

Joe Muto, Senior Planner, presented an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Farr/Pearson)

That the staff presentation respecting Report PED12079, Applications for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Draft Plan of Subdivision Known as “Paramount”, for Lands Located at 220 Mud Street West - Nash Neighbourhood, be received.

CARRIED

Steven Fraser and Ryan Oosteroff, on behalf of the applicants, provided an overview with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Whitehead/Pearson)

That the applicant's presentation respecting Report PED12079, Applications for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood, be received.

CARRIED

(Whitehead/Johnson)

That Report PED12079, Applications for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Draft Plan of Subdivision Known as "Paramount", for Lands Located at 220 Mud Street West - Nash Neighbourhood, be referred back to staff for further consultation with the applicant and Councillors to come back to the July 10, 2012 meeting of the Planning Committee.

CARRIED

- (iv) 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) (Tabled from June 5, 2012) (Item 6.4)**

(Pearson/Johnson)

That Report PED12095, 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), be lifted from the table.

CARRIED

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.

(Whitehead/Pearson)

That the public meeting respecting, Report PED12095, 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, be closed.

CARRIED

(Johnson/Pearson)

That the staff presentation respecting, Report PED12095, 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, be waived.

CARRIED

(Johnson/Whitehead)

That 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, be subject to a site plan application with consultation with the Ward Councillors.

Amendment CARRIED

Steven Fraser, on behalf of the applicant, provided an alternative option to the site plan requirement that would amend Appendix D to Report PED12095 by adding a new condition.

Committee discussed placing a new condition in Appendix D and agreed to have the amendment passed at Council to replace the original amendment to require a site plan with this application.

For disposition on this Item, refer to item 8.

(f) **DISCUSSION ITEMS**

- (i) **Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 411 and 421 Kitty Murray Lane (Ancaster) (PED12081) (Ward 12) (Item 8.1)**

(Ferguson/Collins)

Whereas a Public Meeting was held on May 15, 2012, for approval of the proposed Official Plan Amendment and the Amendment to Zoning By-law 87-57;

And whereas at the conclusion of the Public Meeting, the Planning Committee tabled the Application to the June 19, 2012 meeting of the Planning Committee in order that the Ward Councillor had an opportunity to consult with the Ancaster Community Council on the proposed development;

And whereas the proposal was considered by the Ancaster Community Council at its meeting of June 4, 2012;

And whereas all multiple family development in the City of Hamilton is subject to site plan control'

Now therefore be it resolved that the Council of the City of Hamilton enacts the following:

- (1) That the recommendations contained in Report PED12081, remain unchanged; and,
- (2) That the following additional recommendations be added:
 - (d) That staff be directed to include the Ward Councillor in the review process for the future requisite site plan application;
 - (e) That as a condition of site plan approval, the City of Hamilton shall ensure that the building design and site layout include architectural and landscape features to ensure that the portion of the proposed townhouse blocks facing the Kitty Murray Lane streetscape are designed to appear and function as front yards;
 - (f) That a "Future Student Housing" sign be erected on the retained Redeemer site.

Amendment CARRIED

For disposition on this Item, refer to item 9.

(ii) Food Service Vehicles (PED12085(a)) (City Wide) (Item 8.2)

Al Fletcher, Manager, Licensing and Permits, provided an overview of the report.

(Collins/Partridge)

That the staff presentation respecting Report PED12085(a), Food Service Vehicles, be received.

CARRIED

Public Delegations:

1. Graeme Smith – 450 Sherman Ave. N, Hamilton, ON L8L8J6

Mr. Smith, of Gorilla Cheese, provided an overview of the experience of the Food Service Vehicles By-law and the positive aspects of the By-law.

2. Matthew Kershaw – 61 Young St., Hamilton, ON L8N 1V1

Mr. Kewshaw, of Rapsallion Restaurant, provided an overview of the food scene happening in Hamilton.

(Whitehead/Pearson)

That the public delegations respecting Report PED12085(a), Food Service Vehicles, be received.

CARRIED

(Whitehead/Partridge)

That the separation distance between a food service vehicle and a restaurant property, be amended from 20 metres to 30 metres.

The amendment CARRIED on the following vote:

Yea:	Collins, Ferguson, Clark, Whitehead, Pearson, Pasuta, Partridge, Johnson
Total:	8
Nay:	Farr
Total:	1

(Whitehead/Pearson)

- (a) That the separation distance between a food service vehicle and a hospital property, be amended to 100 metres;
- (b) That staff report back to the Planning Committee with a review of separation distance between food service vehicles and hospitals.

The amendment CARRIED on the following vote:

Yea: Clark, Whitehead, Pearson, Pasuta, Partridge, Johnson
Total: 6
Nay: Farr, Collins, Ferguson
Total: 3

For disposition on this Item, refer to item 10.

(g) MOTIONS

Councillor Farr introduced the following motion:

(i) Hess Village Paid Duty Program (Item 9.1)

(Farr/Collins)

WHEREAS on December 6th, 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 2012 patio season.

Councillor Farr provided the Clerk with a new item of correspondence respecting the Hess Village Paid Duty Program motion.

(aa) Correspondence from the Durand Neighbourhood Association

(Farr/Ferguson)

That the correspondence from the Durand Neighbourhood Association respecting the Hess Village Paid Duty Program motion, be received.

CARRIED

Staff indicated that the report respecting Hess Village Paid Duty Program would come to the August 12, 2012 meeting of the Planning Committee.

(Collins/Ferguson)

That the motion respecting, Hess Village Paid Duty Program, be referred to the August 12, 2012 meeting of the where the "paid duty policing cost sharing report" will be presented to Committee.

CARRIED

(h) NOTICES OF MOTION

Councillor Johnson introduced the following Notice of Motion:

(i) City initiated Official Plan Amendment and Rezoning for 1925 Rymal Road East (Item 10.1)

Where the City of Hamilton adopted OPA (SC) 159 to include a new Trinity West Secondary Plan into the former City of Stoney Creek Official Plan, for area situated south of Highland Road, north of Rymal Road, east of the proposed Trinity Church Arterial Corridor and west of the midpoint of the Trinity Neighbourhood;

And whereas the OPA(SC) 159 is final and binding since no appeals were received;

And whereas the City of Hamilton adopted OPA (SC) 163 to designate a portion of the lands within the Trinity Neighbourhood 'Open Space', more specifically, the lands located south of Highland Road West, north of Rymal Road East and west of Second Road West to protect the Karst Feeder Lands as Natural Open Space;

And whereas the OPA(SC) 163 is final and binding since no appeals were received;

And whereas the Urban Hamilton Official Plan was modified by the Province's Notice of Decision on March 11, 2011 to reflect Amendment Nos. 159 and 163 made to the former City of Stoney Creek Official Plan.

And whereas the Urban Hamilton Official Plan is not in effect as a result of appeals to the Ontario Municipal Board;

And whereas the lands municipally known as No. 1925 Rymal Road East, as shown as part 3 on the attached map were designated Mixed Use - Medium Density in the former City of Stoney Creek and the Urban Hamilton Official Plan since these lands were outside the karst feeder lands;

And whereas the Hamilton Conservation Authority is entering into a long term lease with the Province to retain the Karst Feeder Lands as well as the lands known as No. 1925 Rymal Road east for open space purposes. And whereas it is appropriate to designate all the lands within scope of the long term lease as open space;

Therefore, be it resolved that:

- (aa) Staff be directed to initiate an Official Plan Amendment for the former City of Stoney Creek to consider the redesignation of the lands known as No. 1925 Rymal Road East from “Mixed Use – Medium Density” to “General Open Space” in the Trinity West Secondary Plan within the former City of Stoney Creek Official Plan;
- (bb) Staff be directed to consider the removal of the lands known as 1925 Rymal Road East from the “Neighbourhood Development” (ND) zone in the former City of Stoney Creek Zoning By-law 3692-92 and to include these lands as “General Open Space” (P4) zone in the Comprehensive Zoning By-Law 05-200;
- (cc) Staff arrange for a public meeting under the Planning Act for a Planning Committee meeting by Q4 2012 in order for committee to consider the amendments referenced in (a) and (b) above;
- (dd) When the Urban Hamilton Official Plan is in effect, staff be directed to initiate an Official Plan Amendment to the Urban Hamilton Official Plan, to consider the redesignation of the lands known as No. 1925 Rymal Road East from “Mixed Use- Medium Density” to “Open Space” on Schedule E-1-Urban Land Use Designations and Mixed Use – Medium Density” to “General Open Space” on Map B.7.7-1 of the Trinity West Secondary Plan.

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

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

(Pearson/Ferguson)

That the following new due dates, be updated in the Outstanding Business List:

- (aa) Item D: Dutch Mill Country Market, Millgrove Side Road
New Due Date: October 2, 2012
- (bb) Item E: Sidewalk Policy
New Due Date: October 16, 2012
- (cc) Item H: Mineral Springs Road
New Due Date: September 18, 2012
- (dd) Item N: Request the Province to Establish a process to govern the quality of Fill Imported to a Receiving Site
New Due Date: October 16, 2012
- (ee) Item Q: East Gwillimbury Resolution on Brownfield Redevelopment
New Due Date: October 16, 2012

CARRIED

(Ferguson/Pearson)

That the following items, be deleted from the Outstanding Business List:

- (aa) Item Y: Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 411 and 421 Kitty Murray Lane
- (bb) Item S: Food Truck By-law (PED12085)

CARRIED

Councillor Collins introduced the following motion:

(ii) **Operation of Hyrdo One (Item 11.2)**

(Collins/Pasuta)

That staff review the Provincial legislation that governs the operation of Hydro One to determine whether the City's Property Standards By-law applies to Hydro One lands within Hamilton's urban and rural boundary

CARRIED

(j) PRIVATE AND CONFIDENTIAL

At 1:30 p.m., Committee moved into Closed Session to consider a confidential matter pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

(Partridge/Ferguson)

That the Planning Committee reconvene in Open Session at 1:45 p.m.

CARRIED

- (i) ROPA 43, Ancaster OPA 137, ZBA (By-law 11-191), Draft Plan of Subdivision 25T-201005 – OMB Appeals (1125-1143 Wilson Street West, Ancaster) (LS12017) (Item 12.1)**

For disposition on this Item, refer to item 11.

(k) ADJOURNMENT

(Pearson/Pasuta)

That, there being no further business, the Planning Committee be adjourned at 2:00 p.m.

CARRIED

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
June 19, 2012