



PLANNING COMMITTEE REPORT 13-018

9:30 am

**Tuesday, November 19, 2013
Stoney Creek Municipal Centre
777 Highway #8**

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

THE PLANNING COMMITTEE PRESENTS REPORT 13-018 AND RESPECTFULLY RECOMMENDS:

1. Extension of the Vital Services Program (PED10049(n)) (City Wide) (Item 5.1)

That the temporary funding for the Vital Services Program from the Tax Stabilization Reserve (Account #110046) be extended until the 2015 budget deliberations, to a maximum of \$120,000, or sooner if staff deems the program to be sustainable within the current operating budget.

2. Heritage Permit Application HP2013-037, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 970 Beach Boulevard (Hamilton) (PED13180) (Ward 5) (Item 5.2)

That Heritage Permit Application HP2013-037 be approved for the erection of a new single detached dwelling, with an attached garage, on the designated property at 970 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown in Appendix "A" to Report PED13180, subject to the submission of a completed Site Plan and the following conditions:

- (a) That the final design of the attached garage be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

- (b) That the dimensions and surfacing materials for the new driveway, and any walkways, patios, or other hard-surface areas, shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;
- (c) 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;
- (d) That as many existing trees as possible shall be retained, and a minimum of one new tree, of a minimum caliper of 55mm 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;
- (e) That a plan depicting the removed, retained, and new trees, including the calliper size, locations, and species shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;
- (f) That any minor changes to the 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 November 30, 2015. If the construction and site alterations are not completed by November 30, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

3. Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 22 Green Mountain Road West (Stoney Creek) (PED13181) (Item 6.1)

That approval be given to Zoning Application ZAR-13-025, by Empire Communities, for a change in zoning to permit the development of two temporary model homes within the Multiple Residential (Holding) "RM3-38(H)" Zone (Temporary Use By-law), for the lands described as Part of Lot 25, Concession 5 (formerly in the City of Stoney Creek), now in the City of Hamilton, and municipally known as 22 Green Mountain Road West (Stoney Creek), as shown on Appendix "A" to Report PED13181, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED13181, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council.
- (b) That the amending By-law be added to Schedule "A", Map No. 11, of Zoning By-law No. 3692-92.
- (c) That the proposed change in zoning conforms to the Urban Hamilton Official Plan;
- (d) That staff meet with the developer and Hamilton Teleport to resolve outstanding issues, including the fence.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

PUBLIC HEARINGS AND DELEGATIONS

6.2 Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(a)) (Ward 11)

- (v) Correspondence from Peter Wial
- (vi) Correspondence from Vic and Gizele Rottaris
- (vii) Correspondence from Steve Bacic
- (viii) Correspondence from Borden Ladner Gervais (on behalf of Horizon Utilities Corporation)
- (ix) Correspondence from Reno and Carmela Agostino
- (x) Correspondence from Mr. Mrs. Jim Chappel
- (xi) Correspondence from Llewellyn Smith, Helderleigh Holdings Inc.
- (xii) Correspondence from Peter and Donna Buch
- (xiii) Correspondence from Aird and Berlis LPP (on behalf of 1800615 Ontario Inc.)
- (xiv) Correspondence from Gary Pope
- (xv) Correspondence from Jerry Podrebarac
- (xvi) Correspondence from Grant Cook
- (xvii) Correspondence from Yachetti, Lanza and Restivo LLP (on behalf of Marz Homes (Fruitland) Inc., Benemar Construction Inc., Todoc Construction Ltd., NGE Land Holdings, Raffaella Marini and 1787482 Ontario Inc.)

The Agenda for the November 19, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) November 5, 2013

The Minutes of the November 5, 2013 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Jonathan Dalton respecting City Licensing and by-law enforcement

The delegation request from Jonathan Dalton respecting City Licensing and by-law enforcement, was approved for a future meeting.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 22 Green Mountain Road West (Stoney Creek) (PED13181) (Item 6.1)

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

Derrick Andreychuk, on behalf of the applicant, provided an overview of the application and advised that they are willing to put up a temporary fence.

The staff presentation respecting Report PED13181, Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 22 Green Mountain Road West (Stoney Creek), was waived.

The public meeting respecting Report PED13181, Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 22 Green Mountain Road West (Stoney Creek), was closed.

The recommendations respecting Report PED13181, Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 22 Green Mountain Road West (Stoney Creek), were amended by adding a new sub-section (d) to read as follows:

- (d) That staff meet with the developer and Hamilton Teleport to resolve outstanding issues, including the fence.

For disposition on this Item, refer to item 3.

(ii) Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(a)) (Ward 11) (Item 6.2)

- (i) Correspondence from Manfred Rudolph – Turkstra Mazza Associates – on behalf of Djeneralovic – 238/252 Jones Road
- (ii) Correspondence from Manfred Rudolph – Turkstra Mazza Associates – on behalf DalBello – 860 and 884 Barton Street
- (iii) Correspondence from Purdeep Sangha
- (iv) Correspondence from Glenn Wellings – Wellings Planning Consultants Inc. – on behalf of 783878 Ontario Inc. (Bucci Homes)
- (v) Correspondence from Peter Wial
- (vi) Correspondence from Vic and Gizele Rottaris
- (vii) Correspondence from Steve Bacic
- (viii) Correspondence from Borden Ladner Gervais (on behalf of Horizon Utilities Corporation)
- (ix) Correspondence from Reno and Carmela Agostino
- (x) Correspondence from Mr. Mrs. Jim Chappel
- (xi) Correspondence from Llewellyn Smith, Helderleigh Holdings Inc.

- (xii) Correspondence from Peter and Donna Buch
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- (xiv) Correspondence from Gary Pope
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- (xvi) Correspondence from Grant Cook
- (xvii) Correspondence from Yachetti, Lanza and Restivo LLP (on behalf of Marz Homes (Fruitland) Inc., Benemar Construction Inc., Todoc Construction Ltd., NGE Land Holdings, Raffaella Marini and 1787482 Ontario Inc.)

In accordance with the provision of the Planning Act, Chair J. Farr 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 secondary plan and official plan amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Alissa Mahood, Planner, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED13099(a), Fruitland-Winona Secondary Plan and Official Plan Amendment, was received.

Public Speakers:

1. Lisa Amberman and Steve Amberman - 12 Chianti Crescent, Hamilton, ON L8E 5W1

Mr. Amberman expressed concerns that the plan ignored concerns of citizens.

2. Chris Douglas – 205 Fruitland Road, Hamilton, ON L8E 5J7

Mr. Douglas expressed concerns to traffic, truck routes.

3. Marion Walford-Fazackerley – 746 Barton St Hamilton, ON L8E 5L8

Ms. Walford-Fazackerley expressed concerns with development and is concerned about expropriation.

4. Marion Walford-Fazackerley (on behalf of Correena Walford) – 746 Barton St Hamilton, ON L8E 5L8

Ms. Walford's concerns were respecting her struggles until her family moved to a home that accommodated her needs and is concerned about expropriation.

5. Christina Voltini (on behalf of Ken Chartrand) – no address provided

Mr. Chartrand's concerns were respecting density, development and timing of the meeting.

6. Teresa DiFalco – 243 Fruitland Rd Hamilton, ON L8E

Ms. DiFalco expressed concerns that the plan ignored concerns of citizens and the backlash has been great. She also expressed concerns with the plans and studies and where schools and parks will be located. She also expressed concerns with expropriation and the loss of the small town feel.

7. Cal DiFalco - 243 Fruitland Rd Hamilton, ON L8E

Mr. DiFalco expressed concerns respecting density, expropriation, the vision of the citizens, the by-pass, suggested to go back to the 2009 plan, which was accepted by the community. The new plan is following a different path that does not belong in the community of Winona.

8. Dennis Trinaistich (on behalf of 549367 Ontario Ltd.) – PO Box 644, Parry Sound, ON P2A 2Z1

Mr. Trinaistich spoke on behalf of his clients who are critical of the plan as they do not include the vision of citizens and the loss to the land owners.

9. Albert Voltini – No address provided.

Mr. Voltini expressed concerns with respect to expropriation.

10. Cristina Voltini – 730 Barton Street Hamilton, ON L8E 5L7

Ms. Voltini expressed concerns with respect to expropriation.

11. Janet Fair – 746 Barton Street Hamilton, ON L8E 5L8
Ms. Fair expressed concerns with respect to expropriation.
12. Marlon Palmer – 716 Barton Street Hamilton, ON L8E 5L7
Mr. Palmer expressed concerns with expropriation, schools and timing of the meeting today.
13. Stacy Avlonitis (on behalf of Maureen McPartlin) – 754 Barton Street Hamilton, ON L8E 5L8
Ms. McPartlin expressed concern with respect to traffic, schools, density, neighbourhoods, the vision of the community and previously supported Concept C.
14. Georgina Beattie – PO Box 10002, Winona, ON L8E 5R1
Ms. Beattie expressed her disapproval of the plan.
15. George Zrinscak - 89 Watershore Drive Hamilton, ON L8E 0B5
Mr. Zrinscak expressed concerns respecting the plan.
16. Cal DiFalco (on behalf of Glenn Bannister) – No address provided.
Mr. Bannister expressed concerns respecting expropriation and density.
17. Cheryl Skirving Mills
Mr. Skirving Mills expressed concerns respecting traffic and the plan.
18. Stacy Avlonitis – 70 Birch Street, Hamilton
Ms. Avlonitis expressed concerns with respect to money being spent in Fruitland-Winona
19. Heidi Hand – 315 Winona Rd Hamilton, ON L8E
Ms. Hand expressed concerns with the process.

19. Tony DiMartino – no address provided

Mr. DiMartino expressed concerns expropriation and home values.

The correspondence respecting Report PED13099(a), Fruitland-Winona Secondary Plan and Official Plan Amendment, was received.

The public presentations respecting Report PED13099(a), Fruitland-Winona Secondary Plan and Official Plan Amendment, were received.

The public meeting respecting Report PED13099(a), Fruitland-Winona Secondary Plan and Official Plan Amendment, was closed.

The Report PED13099(a), Fruitland-Winona Secondary Plan and Official Plan Amendment, was tabled to the February 4, 2014 meeting of the Planning Committee to allow for the Ward Councillor to work with staff and the residents to amend the current plan.

(f) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

- (aa) Item C: Pleasantview, Dundas, divesting of four properties (PED11052)
Current Date: November 19, 2013
New Date: TBD
- (bb) Item I: “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook)
Current Date: November 19, 2013
New Date: January 14, 2014
- (cc) Item M: City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide)
Current Date: November 19, 2013
New Date: January 14, 2014

(g) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 5:35 p.m.

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk