



PLANNING COMMITTEE

REPORT 14-006

9:30 am

Tuesday, April 15, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor T. Whitehead

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR CONSIDERATION:

1. Mandatory Septic Inspections (PED14059) (City Wide) (Item 5.1)

That Report PED14059 respecting Mandatory Septic Inspections, be received.

2. Appointment By-law under the Building Code Act (PED14070) (City Wide) (Item 5.2)

That the By-law, attached as Appendix "A" to Report PED14070 to amend City of Hamilton By-law 12-179, being a By-law for the Appointments of a Chief Building Official, Deputies and Inspectors under Section 3 of the Building Code Act, be enacted.

3. Requalification of Municipal Building Officials (PED14071) (City Wide) (Item 5.3)

That Report PED14071 respecting Requalification of Municipal Building Officials, be received.

4. Capital Projects' Status as of December 31, 2013 (PED14076) (City Wide) (Item 5.4)

That Report PED14076 respecting Capital Projects' Status as of December 31, 2013, be received.

5. Application for Amendment to Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 24 McDonald Court (PED14060) (Ward 15) (Item 6.1)

- (a) That the amended Zoning Application ZAR-12-055, by Isabel & Firmino Ferreira, Owner, for a change in zoning from the "R1-6" (Urban Residential (Single Detached)) Zone to the "R1-65" (Urban Residential (Single Detached)) Zone, to facilitate the severance of a lot for the creation of one additional single detached residential lot, on lands located at 24 McDonald Court (Flamborough), as shown on Appendix "A" to Report PED14060, be DENIED;
- (b) That in keeping with the funding source for other appeals where Council authorizes the retainer of outside consultants, the amount required to retain such experts to support the City's position before the Ontario Municipal Board be funded through the Tax Stabilization Reserve 110046.

6. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1125, 1143 and 1185 Wilson Street West (Ancaster) (PED14057) (Ward 12) (Item 6.2)

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application OPA-13-012, by Trinity Development Group Inc. (Owner), for a change in designation on Schedule E-1 – Urban Land Use Designations from the "Arterial Commercial" designation to the "District Commercial" designation on a portion of the subject lands, and to establish two Area Specific Policies to be demarcated on Volume 3: Map 1 – Area Specific Policies Key Map and Volume 3: Map A-2 – Area Specific Policies, in order to modify the permitted range of commercial land uses on the subject lands located at 1125, 1143 and 1185 Wilson Street West (Ancaster), as shown on Appendix "A" to Report PED14057, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED14057, be adopted by City Council.
- (b) That approval be given to Zoning By-law Application ZAC-13-044, by Trinity Development Group Inc. (Owner), for a change in zoning from the Holding–Shopping Centre Commercial "H-C2-629" Zone to the Shopping Centre Commercial "C2-629" Zone (Block 1); for a change in zoning from

the Holding-Shopping Centre Commercial “H-C2-629” Zone to the General Commercial “C3-656” Zone (Block 2); from the Agricultural “A” Zone to the General Commercial “C3-656” Zone (Block 3); from the Urban Commercial “C4-130” Zone to the General Commercial “C3-656” Zone (Block 4); from the Holding-Shopping Centre Commercial “H-C2-635” Zone to the General Commercial “C3-656” Zone (Block 5); from the Holding-Shopping Centre Commercial “H-C2-634” Zone to the Holding-General Commercial “H-C3-657” Zone (Block 5); and, from the Holding-Shopping Centre Commercial “H-C2-630” Zone to the Holding-General Commercial “H-C3-657” Zone (Block 6), in order to modify the permitted range of commercial land uses on the subject lands located at 1125, 1143 and 1185 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED14057, on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED14057, 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 Map 5 to Schedule “A” of By-law No. 87-57; and,
 - (iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (c) That the Draft Official Plan Amendment, attached as Appendix B to Report PED14057 be revised to prohibit a department store from both Area Specific Policy UA-__A and UA-__B and further that Area Specific Policy UA-__B be further revised to require the 13,000 square metres of district commercial uses permitted to be made up of a maximum 4,725 square metre supermarket with the remaining 8,275 square metres to be other district commercial uses (but not a department store);
- (d) That the draft Zoning By-law, attached as Appendix C to Report PED14057 be revised for the portion of the lands to be zoned C3-656 pertaining to subsection 2.0(g)(2) so that it be revised to read: “A minimum of 40% of the area of the ground floor façade facing Wilson Street West shall be composed of windows and doors except that 80 metres of façade facing the Wilson Street frontage shall be exempt from this requirement.”;
- (e) That the draft Zoning By-law, attached as Appendix C to Report PED14057 be revised for the portion of the lands to be zoned C3-657 to delete the requirement for an ‘H’ Holding Provision;

- (f) That a Cultural Heritage Impact Assessment, in accordance with the requirements of Subsection F.3.2.3 of the Urban Hamilton Official Plan, for the existing dwelling at 1143 Wilson Street West, is required to be submitted as part of a complete application for any future Site Plan Control Application that includes any portion of the lands to be zoned C3-657;
- (g) That at the Site Plan Control stage of development that staff are directed to ensure that a high quality of landscaping be provided both surrounding and within all parking areas.

7. Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook) (PED12182(c)) (Item 6.3)

- (a) That approval be given to Official Plan Amendment Application OPA-11-016, by John Bruce Robinson Construction Limited, Owner, for Amendment No. [REDACTED] to the Urban Hamilton Official Plan (UHOP), to amend Land Use Plan Map B.5.1-1 Binbrook Village Secondary Plan Land Use Plan from “Local Commercial” to “Low Density Residential 2h”, for a portion of the lands located at 139 Fall Fair Way (Glanbrook), as shown on Appendix “A” to Report PED12182(c), on the following basis:
 - (i) That the draft OPA, attached as Appendix “B” to Report PED12182(c), be adopted by Council; and,
 - (ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That approval be given to Zoning Application ZAC-11-065, by John Bruce Robinson Construction Limited, Owner, for changes in zoning to Glanbrook Zoning By-law No. 464 from the Restricted Agricultural “A2” Zone to: the Residential “R4-276” Zone, Modified, with a Special Exception (Block 1); the Residential Multiple “RM2-277” Zone, Modified, with a Special Exception (Block 2); the Residential “R4-222” Zone, Modified, with a Special Exception (Block 3); and, the Residential Multiple “RM2-161” Zone, Modified, with a Special Exception (Block 4); and from the Residential “R4-222” Zone, Modified, to the Residential Multiple “RM2-277” Zone, Modified, with a Special Exception (Block 5), to permit 113 lots for single detached dwellings, 32 lots for street townhouse dwellings, and 9 blocks for future residential to be developed in conjunction with adjacent lands, as shown on Schedule “A” to Appendix “C” of Report PED12182(c), on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED12182(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the changes in zoning will conform to the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. [REDACTED].
- (c) That approval be given to Draft Plan of Subdivision Application 25T-201109, by John Bruce Robinson Construction Limited, Owner, to establish a draft plan of subdivision, known as “Binbrook Heights Addition”, on lands at 139 Fall Fair Way, in the former Township of Glanbrook, as shown on Appendix “D” to Report PED12182(c), subject to the following conditions, all in accordance with the City’s Financial Policies for Development and Parkland Dedication By-law, as approved by Council:
 - (i) That this approval apply to “Binbrook Heights Addition”, 25T-201109, prepared by A.J. Clarke & Associates Ltd., and certified by B.J. Clarke, O.L.S., dated April 2, 2012, showing 113 lots for single detached dwellings (Lots 1-113), 32 lots for street townhouse dwellings (Lots 114-145), 9 blocks for future residential (6 single detached dwellings, 15 street townhouse dwellings, and approximately 12 townhouse units on a common elements road) to be developed in conjunction with adjacent lands (Blocks 146-154), one block for a public walkway (Block 155) and two streets (Festival Way and Fairgrounds Drive), subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions, attached as Appendix “E” to Report PED12182(c);
 - (ii) Acknowledgement that there will be no City share for any municipal works associated with this development;
 - (iii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation of 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, with the exception of Lots 114 to 145 and Blocks 146, 147 and 154, for 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 block;

With regard to Lots 1-113 and Blocks 148-153 (Single Detached Residential), a parkland dedication at a ratio of 5% shall be required;

With regard to Lots 114-145 and Blocks 146, 147 and 154 (Street Townhouses), a parkland dedication at a ratio of 1 ha. per 300 dwellings units shall be required.

8. Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(b)) (Ward 11) (Item 7.1)

- (a) That the Fruitland-Winona Secondary Plan Public Feedback Report, attached as Appendix “A” to Report PED13099(b), be received.
- (b) That the Fruitland-Winona Secondary Plan and Official Plan Amendment, attached as Appendix “B” to Report PED13099(b), be approved with the following changes:
 - 1. That the lands fronting onto Barton Street and Jones Street designated as “Community Park”, “Institutional”, and “Special Policy Area ‘C’” (municipally known as 718, 720, 722, 724, 728, 230, 734, 738, 742, 744, 746, 748, 750, 752, 754, 756, 760 Barton Street and 287, 289, 291, 293, 297 Jones Road) identified on Map B.7.4-1 of Appendix “B” to Report PED13099(b), be designated “Medium Density Residential 2”;
 - 2. That Policy 7.4.17.5 of be amended to read as follows:
 - (a) The following policy shall apply to the lands designated as “Community Park”, located on the south side of Barton Street, east of Collector Road “A”:
 - i. The City shall acquire lands for the Community Park in accordance with any Council approved acquisition policies, plans, strategies and By-laws. Notwithstanding the foregoing, however, the City shall not acquire lands for the Community Park by means of expropriation.
 - 3. That Policy 7.4.18.3 (h), (ii) – Area Specific Policy – Area C – Community Node be amended to read as follows:

A Neighbourhood Park of a minimum of 2.0 hectares in size shall be maintained and with frontage on Collector Road ‘B’. The Neighbourhood Park shall be acquired through the development/redevelopment process in accordance with Section F.1.18 – Parkland Dedication Policies.
 - 4. That the following policies be added to Section 7.4.17, Implementation Policies:

- (a) In addition to Section F.1.19.6 – Complete Application Requirements and Formal Consultation, the following study may be required:

An Air Drainage Analysis Brief, which has been prepared by a ***qualified environmental engineer with additional information being provided by a climatologist and argologist who are specialized in the field of tender fruit and grape production***, to the satisfaction of the City. The Air Drainage Analysis Brief shall include the following:

- i. A review of the existing conditions, including air photos, topography, road patterns, thermal conditions, climate and air movement down the Niagara Escarpment and towards Lake Ontario, to evaluate the effects of the proposed development on the existing microclimate and airflow.
- (b) The Zoning By-law may be amended to recognize a legal non-complying residential use as an existing use, in accordance with Policy F.1.12.8.

5. That Policy 7.4.14.1 (j), (xii), Block Servicing Strategy be amended to read as follows:

A scoped Air Drainage Analysis Brief, which has been prepared by a ***qualified environmental engineer with additional information being provided by a climatologist and argologist who are specialized in the field of tender fruit and grape production***, to the satisfaction of the City. The Air Drainage Analysis Brief shall include the following:

- i. A review of the existing conditions, including air photos, topography, road patterns, thermal conditions, climate and air movement down the Niagara Escarpment and towards Lake Ontario, to evaluate the effects of the proposed development on the existing microclimate and airflow; and,
 - ii. Where appropriate, proposed road layout and development patterns should be designed in a north/south alignment to maximize air drainage in and minimize potential negative impacts on the tender fruit area to the south.
6. That the following policy be added to Section 7.4.13, Integrated Transportation Network Policies:

- (a) Municipal Class Environmental Assessments shall be carried out for Barton Street, Fifty Road, and Highway No. 8, to determine the associated upgrades required for the Fruitland-Winona Secondary Plan area.
- 7. That the following policy be added to Section 7.4.10.16, Barton Street Pedestrian Promenade Policies:
 - (a) The required road widening for the pedestrian promenade shall not exceed 4 metres, however, widening less than 4 metres may be taken where identified through the Barton Street Environmental Assessment.
- 8. The lands municipally known as 685 Highway No. 8, identified on Map B.7.4-1, as “Local Commercial”, “Low Density Residential 2” and “Site Specific Policy Area ‘A’”, be revised such that the front half of the property (approximately 80 m.) is designated as “Local Commercial”.
 - (c) That staff be directed to report back to General Issues Committee on a strategy for the Community Park land acquisition.
 - (d) That the List of items attached as Appendix “C” to Report PED13099(b) be referred to the appropriate departments for further consideration and response.
 - (e) That the Medium Density Residential 2 Designation be amended as follows:
 - 7.4.4.6 c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum height shall be 3.5 storeys.
- 9. **Permit Fees for Farm Buildings and Greenhouses (PED14058) (City Wide) (Item 8.1)**

That Report PED14058 respecting Permit Fees for Farm Buildings and Greenhouses, be received.
- 10. **Agricultural & Rural Affairs Advisory Committee Report 14-001 (Item 8.3)**
 - (a) Road Salt Usage in the Rural Areas (Item 8.1)
and
 - (b) Culverts and Rural Road Drainage (Item 8.2)

That Roads & Maintenance staff be directed to attend the next Agricultural & Rural Affairs Advisory Committee meeting to speak to the matters of

Road Salt Usage in the Rural Areas and, Culverts and Rural Road Drainage.

11. Referral of Outstanding Business List Item

That the Planning Committee Outstanding Business List Item, Performance Review – Planning and Economic Development Directors (No copy), be referred to the April 16, 2014 meeting of the General Issues Committee.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

4.1 Delegation Request respecting item 7.1, Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(b))

- (i) Cal DiFalco
- (ii) Teresa DiFalco
- (iii) Georgina Beattie
- (iv) Danny Gabriele
- (v) Grant Cook
- (vi) Carl Turkstra
- (vii) Mark De Benedictis
- (viii) Victor Rottaris
- (ix) Janet Fair
- (x) Mary Walford-Fazackerley
- (xi) Clarence Walford
- (xii) Jesse Anderson
- (xiii) Diane Chapman
- (xiv) Amy Chapman
- (xv) Amber Chapman
- (xvi) Mary and Dody Walford
- (xvii) Correena Walford
- (xviii) Cam Hudson
- (xix) Maureen McPartlin
- (xx) Angelo Cutaia
- (xxi) Chris Douglas
- (xxii) Steve Spicer

2. CONSENT ITEMS

- 5.5 Hamilton Municipal Heritage Committee - Minutes 14-002
- 5.6 Agricultural & Rural Affairs Advisory Committee - Minutes 13-003

3. PUBLIC HEARING

- 6.1 Application for Amendment to Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 24 McDonald Court (PED14060) (Ward 15)
 - (vi) Petition from Robert Potter and 9 surrounding property owners
- 6.2 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1125, 1143 and 1185 Wilson Street West (Ancaster) (PED14057) (Ward 12)
 - (xi) Correspondence from Calloway Real Estate Investment Trust Inc. (Wood Bull LLP)

4. PRESENTATIONS

- 7.1 Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(b)) (Ward 11)
 - (i) Correspondence from Future Homes Construction Ltd., Sharon Restivo, 511437 Ontario Inc. (Jack Restivo)
 - (ii) Correspondence from Marz Homes (Fruitland) Inc., Benemar Construction Inc., Todoc Construction Ltd., NGE Land Holdings Inc., Raffaella Marini, 1787482 Ontario Inc. (Jack Restivo)
 - (iii) Correspondence from 2294643 Ontario Inc. (Jack Restivo)
 - (iv) Correspondence from 212 Fruitland Road (Matt Johnston)
 - (v) Correspondence from Horizon Utilities Corporation (May Luong)
 - (vii) Correspondence from Domenic Chiaravalle
 - (viii) Correspondence from 820 Barton Street (Tony Millington)
 - (ix) Correspondence from Multi-Area Developments Inc.
 - (x) Correspondence from De Filippis Designs (Nick and Anna DeFilippis)

5. DISCUSSION ITEMS

8.2 Hamilton Municipal Heritage Committee Report 14-003

8.3 Agricultural & Rural Affairs Advisory Committee Report 14-001

The Agenda for the April 15, 2014 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) April 1, 2014

The Minutes of the April 1, 2014 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Requests respecting item 7.1, Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(b)) (Item 4.1)

- (i) Cal DiFalco
- (ii) Teresa DiFalco
- (iii) Georgina Beattie
- (iv) Danny Gabriele
- (v) Grant Cook
- (vi) Carl Turkstra
- (vii) Mark De Benedictis
- (viii) Victor Rottaris
- (ix) Janet Fair
- (x) Mary Walford-Fazackerley
- (xi) Clarence Walford
- (xii) Jesse Anderson
- (xiii) Diane Chapman
- (xiv) Amy Chapman
- (xv) Amber Chapman
- (xvi) Mary and Dody Walford

- (xvii) Correena Walford
- (xviii) Cam Hudson
- (xix) Maureen McPartlin
- (xx) Angelo Cutaia
- (xxi) Chris Douglas
- (xxiii) Steve Spicer

The delegation requests respecting item 7.1, Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(b)), were approved.

(e) CONSENT (Item 5)

(i) Hamilton Municipal Heritage Committee - Minutes 14-002 (Item 5.5)

The Hamilton Municipal Heritage Committee Minutes 14-002, were received.

(ii) Agricultural & Rural Affairs Advisory Committee - Minutes 13-003 (Item 5.6)

The Agricultural and Rural Affairs Advisory Committee Minutes 13-003, were received.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Application for Amendment to Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 24 McDonald Court (PED14060) (Ward 15) (Item 6.1)

- (i) Petition from Robert Potter and 9 surrounding property owners

The Petition from Robert Potter and 9 surrounding property owners respecting Report PED14060, Application for Amendment to Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 24 McDonald Court, was received.

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

Daniel Barnett, Planning Technician, 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 PED14060, Application for Amendment to Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 24 McDonald Court, was received.

John Sterling, on behalf of the owner, indicated that the owner does agree with the staff recommendations.

The agent's presentation respecting Report PED14060, Application for Amendment to Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 24 McDonald Court, was received.

Speakers:

1. Jane Lee – 20 McDonald Crt. Flamborough, ON L9H 7C4

Ms. Lee expressed concerns with the aid of speaking notes. A copy of her notes has been included in the public record.

2. Bruce Tracy – 23 McDonald Crt. Flamborough, ON L9H 7C3

Mr. Tracy expressed that he opposes the amendments.

3. Wanda Potter – 21 McDonald Crt., Flamborough, ON L9H 7C3

Ms. Potter expressed that her and her husband are opposed to the amendments. The petition outlines their concerns.

The public presentations respecting Report PED14060, Application for Amendment to Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 24 McDonald Court, were received.

The public meeting respecting Report PED14060, Application for Amendment to Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 24 McDonald Court, was closed.

For disposition on this Item, refer to item 5.

(ii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1125, 1143 and 1185 Wilson Street West (Ancaster) (PED14057) (Ward 12) (Item 6.2)

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

The staff presentation respecting Report PED14057, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1125, 1143 and 1185 Wilson Street West (Ancaster), was waived.

Sergio Manchia, on behalf of the applicant, expressed that they are in agreement with staff and the Ward Councillor.

The agent's presentation respecting Report PED14057, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1125, 1143 and 1185 Wilson Street West (Ancaster), was received.

Speakers:

1. Ben Smuskowitz – 300-1550 Kingston Rd., Pickering, ON L1V 1C3

Mr. Smuskowitz, on behalf of another development in the area, expressed that they are in support of the development.

2. Vincci Wilson – 700 Applewood Cres., Vaughan, ON L4K 5X3

Ms. Wilson, agent on behalf of Smart Centres, indicated that Smart Centres agrees with the recommendations, but there are further discussions required.

The public presentations respecting Report PED14057, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1125, 1143 and 1185 Wilson Street West (Ancaster), were received.

The public meeting respecting Report PED14057, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1125, 1143 and 1185 Wilson Street West (Ancaster), was closed.

The correspondence respecting Report PED14057, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1125, 1143 and 1185 Wilson Street West (Ancaster), was received.

The staff recommendations contained in Report PED14057, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1125, 1143 and 1185 Wilson Street West (Ancaster), were amended by adding the new sub-sections as follows:

- (c) That the Draft Official Plan Amendment, attached as Appendix B to Report PED14057 be revised to prohibit a department store from both Area Specific Policy UA-__A and UA-__B and further that Area Specific Policy UA-__B be further revised to require the 13,000 square metres of district commercial uses permitted to be made up of a maximum 4,725 square metre supermarket with the remaining 8,275 square metres to be other district commercial uses (but not a department store);
- (d) That the draft Zoning By-law, attached as Appendix C to Report PED14057 be revised for the portion of the lands to be zoned C3-656 pertaining to subsection 2.0(g)(2) so that it be revised to read: "A minimum of 40% of the area of the ground floor façade facing Wilson Street West shall be composed of windows and doors except that 80 metres of façade facing the Wilson Street frontage shall be exempt from this requirement.";
- (e) That the draft Zoning By-law, attached as Appendix C to Report PED14057 be revised for the portion of the lands to be zoned C3-657 to delete the requirement for an 'H' Holding Provision;
- (f) That a Cultural Heritage Impact Assessment, in accordance with the requirements of Subsection F.3.2.3 of the Urban Hamilton Official Plan, for the existing dwelling at 1143 Wilson Street West, is required to be submitted as part of a complete application for any future Site Plan Control Application that includes any portion of the lands to be zoned C3-657;

- (g) That at the Site Plan Control stage of development that staff are directed to ensure that a high quality of landscaping be provided both surrounding and within all parking areas.

For disposition on this Item, refer to item 6.

(iii) Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook) (PED12182(c)) (Item 6.3)

In accordance with the provision of the Planning Act, 2nd Vice-Chair C. Collins 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.

Peter De Iulio, Senior Project Manager, 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 PED12182(c), Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook), was received.

Steven Fraser, on behalf of the applicant expressed that the owner is in agreement with the staff recommendations

The agent’s presentation respecting Report PED12182(c), Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook), was received.

The public meeting respecting Report PED12182(c), Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No.

464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook), was closed

For disposition on this Item, refer to item 7.

(g) PRESENTATIONS (Item 7)

(i) Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(b)) (Ward 11) (Item 7.1)

- (i) Correspondence from Future Homes Construction Ltd., Sharon Restivo, 511437 Ontario Inc. (Jack Restivo)
- (ii) Correspondence from Marz Homes (Fruitland) Inc., Benemar Construction Inc., Todoc Construction Ltd., NGE Land Holdings Inc., Raffaella Marini, 1787482 Ontario Inc. (Jack Restivo)
- (iii) Correspondence from 2294643 Ontario Inc. (Jack Restivo)
- (iv) Correspondence from 212 Fruitland Road (Matt Johnston)
- (v) Correspondence from Horizon Utilities Corporation (May Luong)
- (vi) Correspondence from Domenic Chiaravalle
- (vii) Correspondence from 820 Barton Street (Tony Millington)
- (viii) Correspondence from Multi-Area Developments Inc.
- (ix) Correspondence from De Filippis Designs (Nick and Anna DeFilippis)

Councillor Pearson clarified a conflict of interest query. Councillor Pearson has had consultations with an independent municipal solicitor and with the City of Hamilton's Integrity Commissioner and advised pursuant to the independent advice received from both that she does not have a conflict of interest with regards to the Fruitland-Winona Secondary Plan process and can deliberate and vote on all matters pertaining to the same.

Alissa Mahood, Senior Planner, provided an overview of the report and new information on this file 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(b), Fruitland-Winona Secondary Plan and Official Plan Amendment, was received.

Delegations:

1. Cal DiFalco

Mr. DiFalco addressed the Committee and expressed his concerns regarding various issues associated with the proposed development including: density, impact on tender fruit farms, expropriation and the impact increased traffic will have. Mr. DiFalco provided the Committee Clerk with a petition respecting the Fruitland-Winona Secondary Plan Official Plan Amendment. A copy of the petition has been retained for the public record.

The petition presented by Cal DiFalco, was received.

2. Teresa DiFalco

Ms. DiFalco addressed the Committee and discussed the Concept C plan respecting the Fruitland-Winona Secondary Plan Official Plan Amendment and indicated that it is the community's preferred model. Ms. DiFalco stated her objections to Report PED13099b; in particular the way in which the traffic count was conducted. Ms. DiFalco reported that the community is not in agreement with the proposed development.

3. Georgina Beattie

Ms. Beattie believes that the report fails to address major issues like Fruitland road and density of housing.

4. Danny Gabriele

Mr. Gabriele, president of Marz Homes Ltd., expressed support for the staff report and recommendations.

5. Grant Cook

Mr. Cook expressed concerns with traffic.

6. Carl Turkstra

Mr. Turkstra expressed support for the staff report and recommendations and spoke to the benefits he sees to the plan.

7. Mark De Benedictis

Mr. De Benedictis expressed support for the staff report and recommendations and spoke to the benefits he sees in the plan.

8. Victor Rottaris

Cal DiFalco read a letter on behalf of Victor Rottaris, expressing that their home is to be expropriated and is concerned.

9. Janet Fair

Mary Walford-Fazackerley read a letter on behalf of Janet Fair, expressing that she feels the City is not managing this project fairly.

10. Mary Walford-Fazackerley

Ms. Walford-Fazackerley expressed that the City is not managing this project fairly and without democracy.

Teresa DiFalco, in her presentation, spoke on behalf of the following people who registered as delegations: Clarence Walford, Jesse Anderson, Diane Chapman, Amy Chapman, Amber Chapman, Mary and Dody Walford, Correena Walford and Cam Hudson

11. Maureen McPartlin

Lillian Courtulia spoke on behalf of Ms. McPartlin, expressing that she feels her home is being taken away from her with this plan. She feels misinformed. She spoke to supporting Plan C.

12. Angelo Cutaia

Mr. Cutaia with Todoc Construction Ltd. support for the staff report and recommendations and spoke to the benefits he sees in the plan.

13. Chris Douglas

Mr. Douglas expressed concerns with various issues.

14. Steve Spicer

Mr. Spicer, on behalf of Multi-Area Developments, spoke to the status of Fruitland Rd. and encouraged that it stay open as a collector road to the neighbourhood and eliminating the truck route and implanting traffic calming techniques.

Councillor Clark read an e-mail from John Paolini which will be on the Council agenda to be formally received.

The delegations respecting Report PED13099(b), Fruitland-Winona Secondary Plan and Official Plan Amendment, were received.

(a) The lands on Barton Street are to be redesignated to Medium Density 2 – to remove the policy that indicates that the subject lands may be developed for Community Park or Industrial uses without amendment to the Secondary Plan;

(b) Recommendation (b) 2 was removed, as follows, and the remainder were renumbered accordingly:

“2. That “Area Specific Policy - Area K”, be added to the lands municipally known as 718, 720, 722, 724, 728, 230, 734, 738, 742, 744, 746, 748, 750, 752, 754, 756, 760 Barton Street and 287, 289, 291, 293, 297 Jones Road to read as follows:

(a) For the lands located at 718, 720, 722, 724, 728, 230, 734, 738, 742, 744, 746, 748, 750, 752, 754, 756, 760 Barton Street and 287, 289, 291, 293, 297 Jones Road, and as shown as “Area Specific Policy – Area K” on Map B.7.4-1 – Fruitland-Winona Secondary Plan – Land Use Plan, the following policy shall apply:

i. The subject lands may be developed for Community Park or Institutional uses in accordance with Policies 7.4.7.3, 7.4.7.2, and 7.4.8, without an amendment to this Plan.”

Recommendations (b)4(a) and (b)5 contained in Report PED13099(b), Fruitland-Winona Secondary Plan and Official Plan Amendment, were amended by deleting the words, “qualified engineer, climatologist, and/or agrologist,” after the words, “which has been prepared by a”, and replacing it with the words, “qualified environmental engineer with additional information being provided by a climatologist and agrologist who are specialized in the field of tender fruit and grape production.”

The recommendations contained in Report PED13099(b), Fruitland-Winona Secondary Plan and Official Plan Amendment, were to be amended by adding a new sub-section as follows:

(e) That the Fruitland Winona Secondary Plan be designated 50 persons and jobs per hectare.

The amendment was DEFEATED on the following vote:

Yeas: Johnson, Pasuta
Total: 2
Nays: Partridge, Collins, Farr, Pearson, Clark, Ferguson
Total: 6
Absent: Whitehead
Total: 1

The recommendations contained in Report PED13099(b), Fruitland-Winona Secondary Plan and Official Plan Amendment, were to be amended by adding a new sub-section (e) as follows:

(e) That the Medium Density Residential 2 Designation be amended as follows:

7.4.4.6 c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum height shall be 3 storeys.

The amendment was DEFEATED on the following standing recorded vote:

Yeas: Ferguson, Johnson, Pasuta, Clark
Total: 4
Nays: Collins, Farr, Partridge, Pearson
Total: 4
Absent: Whitehead
Total: 1

The recommendations contained in Report PED13099(b), Fruitland-Winona Secondary Plan and Official Plan Amendment, were amended by adding a new sub-section (e) as follows:

(e) That the Medium Density Residential 2 Designation be amended as follows:

7.4.4.6 c) Notwithstanding Policy E.3.5.8 of Volume 1, the maximum height shall be 3.5 storeys.

The amendment was CARRIED on the following standing recorded vote:

Yeas: Collins, Farr, Partridge, Ferguson, Pearson
Total: 5

Nays: Clark, Pasuta, Johnson
Total: 3
Absent: Whitehead
Total: 1

The main motion CARRIED, as amended, on the following vote:

Yeas: Collins, Farr, Partridge, Ferguson, Pearson, Clark
Total: 6
Nays: Pasuta, Johnson
Total: 2
Absent: Whitehead
Total: 1

For disposition on this Item, refer to item 8.

(h) DISCUSSION ITEMS (Item 8)

(i) Hamilton Municipal Heritage Committee Minutes 14-002 (Item 5.5)

The recommendations respecting 170 Longwood Road North, has been previously approved as part of Hamilton Municipal Heritage Committee **Report** 14-002 which formed part of Planning Report 14-004. This report was approved by Council on March 26, 2014, therefore following motions require reconsideration by Council:

3. 170 Longwood Road North, Hamilton letter

That the recommendations be amended by deleting the words, “the Hamilton Municipal Heritage Committee be authorized to” and replaced with the word, “Council”, to read as follows:

“That Council write a letter to the Ministry of Tourism, Culture & Sport, as well to the Ontario Heritage Trust, outlining concerns with limitations of the Ontario Heritage Act with respect to regulating alterations to non-designated properties that are included in the municipal Register, as demonstrated by the extent of alterations to the existing house at 170 Longwood Road North (for information see Appendix C, attached hereto).”

That Item 3, 170 Longwood Road North, Hamilton letter, be referred back to staff for a report to Planning Committee.

(i) MOTIONS (Item 9)

(i) Referral of Outstanding Business List Item

For disposition on this Item, refer to item 11.

(j) 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 O: Synergies between infrastructure Development and New School Openings (Added Item 10.1 & 9.2)
Current Due Date: April 15, 2014
Proposed Due Date: May 20, 2014

The following items were removed from the Outstanding Business List:

- (aa) Item W: PED13099(a), Fruitland-Winona Secondary Plan and Official Plan Amendment
- (bb) Item FF: Performance Review – Planning and Economic Development Directors
- (cc) Item GG: Notice of Motion - Possible Property Acquisition (In Camera - April 1, 2014)

(k) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – April 1, 2014 (Item 12.1)

- (a) The Closed Session Minutes of the April 1, 2014 meeting of the Planning Committee were approved, as presented.
- (b) The Closed Session Minutes of the April 1, 2014 meeting of the Planning Committee, are to remain confidential and restricted from public disclosure.

(l) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 3:48 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk