



## **PLANNING COMMITTEE**

### **REPORT 15-010**

**9:30 am**

**Tuesday, June 16, 2015**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

**Present:** Councillors J. Partridge (Chair), M. Pearson (2<sup>nd</sup> Vice-Chair), C. Collins, D. Conley, J. Farr, M. Green, A. Johnson, and R. Pasuta

**Absent with regrets:** B. Johnson, (1<sup>st</sup> Vice Chair), personal

### **THE PLANNING COMMITTEE PRESENTS REPORT 15-010 AND RESPECTFULLY RECOMMENDS:**

**1. Status of LIUNA and McMaster University Downtown Construction Commitments (PED15082) (Ward 2) (Item 5.1)**

That Report PED15082 respecting Status of LIUNA and McMaster University Downtown Construction Commitments, be received.

**2. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North (PED15081) (Ward 2) (Item 5.2)**

- (a) That Report PED15081 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North, be received;
- (b) That legal staff be authorized to retain outside planning consultants to support Council's position (which was approved on May 13, 2015, In Favour: 14; Opposed: 1; Absent: 1) before the OMB and that the costs be funded through the Tax Stabilization Reserve 110046.

**3. Application for Approval of a Draft Plan of Condominium (Common Elements) by Spallacci and Sons Limited (c / o Frank Spallacci) for Lands Known as 280 to 344 Rymal Road West, Hamilton (PED15068) (Ward 8) (Item 6.1)**

(a) That approval be given to Draft Plan of Condominium Application 25CDM-201503 by Spallacci and Sons Limited (c / o Frank Spallacci), to establish a Draft Plan of Condominium (common elements condominium) to create a condominium road for 31 townhouse units with 16 visitor parking spaces, three driveway accesses off of Rymal Road West and landscaped amenity areas on lands located at 280 to 344 Rymal Road West (Hamilton), as shown on Appendix "A" to Report PED15068, subject to the following conditions:

- (i) That this approval shall apply to the plan prepared by Ashenhurst Nouwens and Associated Inc., certified by Harry Kalantzakos, and dated November 25, 2014, attached as Appendix "B" to Report PED15068; and,
- (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201503 provided as Appendix "C" be endorsed by City Council.

**4 Application for Approval of Amended Draft Plan of Condominium (Common Elements), by Urban Solutions, on behalf of Sulphur Springs Development, for Lands Known as 1 Legacy Lane (Ancaster) (PED15071) (Ward 12) (Item 6.2)**

That approval be given to Amended Draft Plan of Condominium Application 25CDM-201502, by Urban Solutions (c/o Matt Johnston), Agent, on behalf of Sulphur Springs Development, Owner, to establish a Draft Plan of Condominium (common elements condominium) to create a condominium road, portions of the sidewalk on the south side of the condominium road, 13 visitor parking spaces and two layby visitor parking spaces for the cemetery in favour of 23 single detached dwellings, on lands located at 1 Legacy Lane (Ancaster), as shown on Appendix "A" to Report PED15071, subject to the following conditions:

- (a) That this approval for Draft Plan of Condominium (common elements) application 25CDM-201502 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated April 17, 2015, consisting of a common element road, a sidewalk on the south side of the condominium roadway, 13 visitor parking spaces and two layby visitor parking spaces for the cemetery attached as Appendix "B" to Report PED15071; and,
- (b) That the conditions of Draft Plan of Condominium Approval 25CDM-201502 attached as Appendix "A" to Report 15-010, **as amended by**

deleting the word “will” in subsection (v)(1) and inserting the word “may” therein, be endorsed by City Council.

5. **Application for Zoning By-law Amendment for Lands Located at 542 and 546 Old Mud Street (Hamilton) (PED15074) (Ward 6) (Item 6.3)**

**(Pearson/A. Johnson)**

That approval be given to Zoning Application ZAR-08-082 by G4 Property Group Ltd., to amend Zoning By-law No. 6593 from the “A” (Conservation, Open Space, Park and Recreation) District to the “C” (Urban Protected Residential, etc.) District, to permit the future development of three single detached dwellings on separate lots, for lands known as 542 and 546 Old Mud Street, Hamilton, as shown on Appendix “A” to Report PED15074, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED15074, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the amending By-law be added to Schedule “A”, Map No. E14 of Zoning By-law No. 6593.

**CARRIED**

6. **Coordinated Provincial Plan Review - City of Hamilton Comments (PED15078) (City Wide) (8.1)**

**(Green/Pasuta)**

- (a) That the City of Hamilton supports the Province’s general directions of the Niagara Escarpment Plan, the Greenbelt Plan and the Growth Plan for the Greater Golden Horseshoe to manage growth by strengthening the economy and population base through complete communities, strong transportation and infrastructure systems; and protecting agricultural lands and natural heritage systems. The City of Hamilton welcomes the opportunity to provide input to the Coordinated Provincial Plan Review, as follows:
  - (i) That Report PED15078, as amended by adding **Recommendation 26(a) to remove 50 Greenhill Avenue (former St. Christopher School) from the “Escarpment Protection Area”**, and Appendices “A” to “G” be the formal submission to the Ministry of Municipal Affairs and Housing. The Report contains recommended changes to the Plans to strengthen and to clarify policies; to address the inconsistency amongst the Plans and to identify tools and funding requirements by senior levels of government necessary to implement the Plans, in particular the Growth Plan for the Greater Golden Horseshoe.

- (b) That given the importance of implementation to the success of the provincial and municipal planning documents, the Province should consider the comments that it received from the City in the 2013 Land Use Planning and Appeal System Review and the future comments respecting Bill 73, as part of the City's overall comments on the Provincial Plan Review.
  - (c) That the Public Consultation Summary Report, prepared by Dillon Consulting, summarizing the comments received from the City hosted consultation events on the Coordinated Provincial Plan review and attached as Appendix "D", be forwarded to the Province to be considered as additional citizen input on the Provincial Plan Review;
  - (d) As part of the Phase 2 of the Coordinated Provincial Plan Review, the Province should allow sufficient time for municipalities to comment on the proposed amendments to the Plans as well as provide for a broad public engagement process that includes two meetings in Hamilton (one in the urban area and one in the rural area);
  - (e) That City staff consult with the Province, the public, and the development community on options for any changes to the Greenbelt boundaries that are necessary to ensure Hamilton has sufficient land to accommodate future growth, while at the same time ensuring there is no net decrease in the size of the Greenbelt in Hamilton, and ensuring that the Greenbelt's goals related to protecting agricultural lands and natural heritage are achieved; and that these options be brought forward for Council's approval, prior to submitting them to the Province for its consideration.
  - (f) That the City Clerks be requested to forward Report PED15078 to the Ministry of Municipal Affairs and Housing. This Report is considered the City of Hamilton's formal comments on the first phase of the Coordinated Provincial Plan Review.
- 7. Delegation from Sarah Knoll Senior Planner, with GSP, representing her client 1800615 Ontario Inc, the owners of land at the northwest corner of Barton Street and Fifty Road, Hamilton (former City of Stoney Creek) respecting the Coordinated Provincial Plan Review (Added 4.1)**

That staff be directed to recommend removal of the lands owned by 1800615 Ontario Inc. located at the northwest corner of Barton Street and Fifty Road, Hamilton (former City of Stoney Creek) from the Greenbelt boundary.

**8. Hamilton Municipal Heritage Committee Report 15-005 (8.2)**

**(a) Appointment of Chair and Vice-Chair**

- (i) That Alissa Denham-Robinson be appointed as Chair of the Hamilton Municipal Heritage Committee.
- (ii) That Terri Wallis be appointed as Vice Chair of the Hamilton Municipal Heritage Committee.

**(b) Introduction and Appointments to Sub-Committees/Working Groups**

- (i) That Wilf Arndt, David Beland and Mark McGaw be appointed to the Heritage Permit Review Sub-Committee.
- (ii) That Kathy Stacey be appointed to the Cross-Melville District Heritage Committee (Dundas).

**(c) Heritage Permit Application HP2015-010, Under Part V of the Ontario Heritage Act for the Erection of a Structure at 1020 Beach Boulevard, Hamilton (PED15076) (Ward 5) (Item 8.2)**

That Heritage Permit Application HP2015-010, Under Part V of the Ontario Heritage Act for the Erection of a Structure at 1020 Beach Boulevard, Hamilton (PED15076), be approved as presented.

**(d) Recommendation to Designate 77 Gage Avenue North, Hamilton (former King George School) Under Part IV of the Ontario Heritage Act (PED15077) (Ward 3)**

- (i) That the designation of 77 Gage Avenue North, Hamilton, shown in Appendix "A" of Report PED15077, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved;
- (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED15077, be approved;
- (iii) That the City Clerk be directed to take appropriate action to designate 77 Gage Avenue North, Hamilton under Part IV of the Ontario Heritage Act, in accordance with the draft Notice of Intention to Designate, attached as Appendix "C" to Report PED15077.
- (iv) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes , attached as Appendix "B" to

Report PED15077, be amended to include the interior features such as remaining historic wood windows; original flooring; baseboards and doors; and, interior room layout.

**9. Options respecting Parkland Dedication Fees (Added Item)**

That a Working Group of the Planning Committee be established with the membership consisting of Councillors Farr, Pearson and Partridge to meet with staff to discuss the various options regarding Parkland Dedication fees and report back to the next Planning Committee meeting.

**10. Urban Hamilton Official Plan: Proposed Settlement of Site Specific Appeal by DiCenzo Construction Company Limited of the Urban Hamilton Official Plan and Legal Direction (LS15013/PED15064) (Item 12.1)**

That the staff recommendations in Report LS15013/PED15064 remain confidential until Council approval.

**11. Strathcona Secondary Plan: Proposed Settlement of the Appeal of Moore Sovereign Consistory and Legal Direction (LS15014/PED15065) (Item 12.2)**

That the staff recommendations in Report LS15014/PED15065 remain confidential until Council approval.

**12. Proposed Settlement of the Appeals of Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc. et al, of Official Plan Amendment Application OPA-13-013 and Zoning By-law Amendment Application ZAC-13-045 Legal Direction (Ward 15) – LS15006(a)/PED15031(a). (Item 12.3)**

That the staff recommendations in Report LS15006(a)/PED15031(a) remain confidential until Council approval.

**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following additions to the agenda:

- 4.1 Delegation request from Sarah Knoll Senior Planner, with GSP, representing her client 1800615 Ontario Inc, the owners of land at the northwest corner of Barton Street and Fifty Road, Hamilton (former City of Stoney Creek) wishing to speak to Item 8.1 on today's agenda, the City's comments respecting the Coordinated Provincial Plan Review.
- 4.2 Delegation request from Lynda Lukasik from Environment Hamilton respecting Item 8.1 on today's agenda, the City's Comments regarding the Coordinated Provincial Plan Review.
- 5.2 Legal staff will be requesting a motion with respect to Item 5.2 at the appropriate time.
- 8.2(i) Staff memo to provide additional information respecting Item 4 of Hamilton Municipal Heritage Committee Report 15-005 which is Item 8.2 on today's agenda. Item 4 is regarding recommendation to designate 77 Gage Avenue North (former King George School).

The Agenda for the June 15, 2015 meeting of the Planning Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

None.

**(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)**

**(i) May 19, 2015 Meeting**

The Minutes of the May 19, 2015 meeting were approved.

**(d) DELEGATION REQUESTS (Item 4)**

The following delegation requests were approved to address Committee at today's meeting:

- (i) Sarah Knoll Senior Planner, with GSP, representing her client 1800615 Ontario Inc, the owners of land at the northwest corner of Barton Street and Fifty Road, Hamilton (former City of Stoney Creek) wishing to speak to Item 8.1 on today's agenda, the City's comments respecting the Coordinated Provincial Plan Review. (Added Item 4.1)

- (ii) Lynda Lukasik from Environment Hamilton respecting Item 8.1 on today's agenda, the City's Comments regarding the Coordinated Provincial Plan Review. (Added Item 4.2)

**(e) CONSENT ITEMS (Item 5)**

- (i) **Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North (PED15081) (Ward 2) (Item 5.2)**

Legal staff requested approval to use outside planning consultants to defend the City's position before the OMB and to charge the fees to the Tax Stabilization reserve.

Councillor Pearson indicated that she wishes to be recorded as OPPOSED to this Item.

See Item 2 for disposition of this matter.

Committee discussed its concerns regarding planning applications not being process in a timely manner.

Staff were directed to report back to the Planning Committee with a reporting tool that seeks to monitor applications where the 120 or the 180 day statutory timeline applies.

**(f) DELEGATIONS/PUBLIC HEARINGS (Item 6)**

- (i) **Application for Approval of a Draft Plan of Condominium (Common Elements) by Spallacci and Sons Limited (c / o Frank Spallacci) for Lands Known as 280 to 344 Rymal Road West, Hamilton (PED15068) (Ward 8) (Item 6.1)**

In accordance with the provisions of the *Planning Act*, Chair Partridge 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 makes a decision regarding the Draft Plan of Condominium, 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 members of the Public came forward.

The staff presentation was waived.

Jared Marcus of IBI Group representing the applicant was in attendance but was not required to respond to any questions.

The public meeting was closed.

For disposition of this matter refer to Item 3.

**(ii) Application for Approval of Amended Draft Plan of Condominium (Common Elements), by Urban Solutions, on behalf of Sulphur Springs Development, for Lands Known as 1 Legacy Lane (Ancaster) (PED15071) (Ward 12) (Item 6.2)**

In accordance with the provisions of the *Planning Act*, Chair Partridge 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 makes a decision regarding the Draft Plan of Condominium, 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 members of the public came forward.

The staff presentation was waived.

Sergio Manchia of Urban Solutions, agent for the applicant, addressed Committee and requested an amendment to the conditions of the Draft Plan of Condominium respecting the snow clearing due to the public cemetery within the block of the sub-division.

Subsection (v)(1) was amended by deleting the word “will” and inserting the word “may” therein to read as follows:

(v) That the owner shall include the following in all offers of purchase and sale and rental leases and in the development agreement, and any rental or lease agreements required for occupancy, to the satisfaction of the Senior Director of Growth Management:

(1) Purchasers/tenants are advised that the City of Hamilton ~~will~~ **may** not be providing maintenance or snow removal service

for the private condominium road. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors.

The presentation by the agent was received.

The public meeting was closed.

For disposition of this matter refer to Item 4.

**(iii) Application for Zoning By-law Amendment for Lands Located at 542 and 546 Old Mud Street (Hamilton) (PED15074) (Ward 6) (Item 6.3)**

In accordance with the provisions of the *Planning Act*, Chair Partridge 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 makes a decision regarding 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.

**Written comments**

**6.3(i) Written comments from Gary Labatte**

**(Pearson/Pasuta)**

The written comments from Gary Labatte were received.

No members of the public came forward.

The staff presentation was waived.

Ron Tomblin agent for the applicant was in attendance to assist Committee but was not required to respond to questions.

The public meeting was closed.

For disposition of this matter refer to Item 5.

(g) **DISCUSSION (Item 8)**

(i) **Coordinated Provincial Plan Review - City of Hamilton Comments (PED15078) (City Wide)**

Joanne Hickey–Evans, Manager of Policy Planning and Zoning By-law Reform addressed Committee with the aid of a PowerPoint presentation. Copies of the hand-out were distributed. A copy has been uploaded onto the City’s website.

She provided an overview of the report and her comments included but were not limited to the following:

- Provincial Plan Review Background
- Public Consultation
- Successes
- Challenges with all Plans
- Niagara Escarpment Plan
- Greenbelt Plan
- Growth Plan
- Implementation
- Next Steps

Joanne Hickey-Evans responded to questions from Committee.

The staff presentation was received.

1. **Sarah Knoll Senior Planner, with GSP, representing her client 1800615 Ontario Inc, the owners of land at the northwest corner of Barton Street and Fifty Road, Hamilton (former City of Stoney Creek) wishing to speak to Item 8.1 on today’s agenda, the City’s comments respecting the Coordinated Provincial Plan Review. (Added Item 4.1)**

Sarah Knoll Senior Planner, with GSP addressed Committee. She indicated that she is representing property owners Sergio Manchia and Anthony DiCenzo (1800615 Ontario Inc.)

She read from a letter and presented two slides. Copies of the letter were distributed. Copies of the letter and the slides have been uploaded onto the City’s website and are part of the public record.

Sarah Knoll asked that Council support her clients’ request to have their property, which is a site of approximately 4 acres located

northwest of the corner of Barton Street and Fifty Road, in the former City of Stoney, removed from the Greenbelt.

Staff indicated that they are not opposed to this request.

The delegation from Sarah Knoll was received.

For disposition to this matter refer to Item 7.

**2. Lynda Lukasik from Environment Hamilton respecting Item 8.1 on today's agenda, the City's Comments regarding the Coordinated Provincial Plan Review. (Added Item 4.2)**

Lynda Lukasik from Environment Hamilton addressed Committee. She indicated that Environment Hamilton has been involved in the review process and has encouraged residents to submit their comments to the Province. Environment Hamilton has also submitted comments. They firmly believe that a strong economy and protected Greenbelt go hand in hand. Their concerns with the process are with respect to the tight timelines and that the City's comments were not completed earlier so that Environment Hamilton could have been aware of them.

Her comments included but were not limited to the following with respect to the staff report:

She thanked Planning staff for consulting with the public. The Greenbelt and the Growth Plan need balance. They are pleased that the City acknowledged the impact of climate change. Food security is another concern.

She is happy there will be another opportunity to review this issue. She asked that Committee consider all those pieces in a comprehensive process. She urged them to think about the opportunities they have to grow the Greenbelt.

There exists the issue of the Whitebelt – the land sandwiched between the urban boundary and the Greenbelt. There should be public consultation with respect to this issue.

Environment Hamilton supports the staff recommendation to reduce the lot size of a farm, however, measures must be in place to ensure the land is actually farmed. Farmers need to be supported and she suggests that staff review what other municipalities are doing and what some States are doing (e.g. Main).

The ED Smith lands are good for growing produce to feed the population.

She agrees there is a lack of consistency in the wording of the various Provincial Plans.

Environment Hamilton supports higher densities and recommends obtaining public input with respect to these issues.

She will provide a copy of the detailed submission from Environment Hamilton.

The delegation from Lynda Lukasik on behalf of Environment Hamilton was received.

Committee discussed the staff report.

Staff were directed to recommend removal of 50 Greenhill Avenue, former St. Christopher School, from the Escarpment Protection Area.

For disposition of this matter refer to Item 6.

**(ii) Hamilton Municipal Heritage Committee Report 15-005 (Item 8.2)**

- (i) Staff memo to provide additional information respecting Item 4 of Hamilton Municipal Heritage Committee Report 15-005 which is Item 8.2 on today's agenda. Item 4 is regarding recommendation to designate 77 Gage Avenue North (former King George School). (Added Item 8.2(i))**

The staff memo providing additional information respecting the recommendation to designate 77 Gage Avenue North (former King George School) was received.

Item 5 of Hamilton Municipal Heritage Committee Report 15-005 entitled Policy and Design Working Group Meeting – April 8, 2015 and respecting Inclusion of 1021 Garner Road East, Hamilton to the Register of Property of Cultural Heritage Value or Interest was deferred to allow consultation with the property owner and to correct the wording of the recommendation which reads as follows:

- (1) That the three storey dwellings at 1021 Garner Road East, Hamilton be placed to the rear of the property, and,

- (2) That the applicant consider revising the location of the proposed parking area at 1021 Garner Road East, to another on site location; and,
- (3) That 1021 Garner Road East, Hamilton be added to the Register of Property of Cultural Heritage Value or Interest.

For disposition of this matter refer to Item 8.

**(h) MOTIONS**

**(i) White Star Property**

Chair Partridge noted that Councillor Farr's notice of motion respecting White Star Property which he presented at the last meeting is included on the June 17, 2015 General Issues Committee agenda as it more appropriately falls under its mandate.

**(ii) Potential Property Acquisition – 50 Greenhill Avenue, Hamilton (Ward 5) (Added Item)**

WHEREAS the property known as 50 Greenhill Avenue (former St. Christopher Catholic Elementary School) was declared surplus and sold by the Hamilton-Wentworth Catholic District School Board to Scarlett Homes Ltd.;

AND WHEREAS the property is designated in the “Escarpment Protection Area” of the Niagara Escarpment Plan, intended “to maintain the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity”;

AND WHEREAS the property is designated “Parks and General Open Space” on Schedule B – Natural Heritage System, and “Open Space” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan;

AND WHEREAS City acquisition of the property would facilitate the creation of a consistent open space frontage along the south side of Greenhill Avenue adjacent to King Forest Golf Course, and would provide opportunity to utilize the former school's existing parking area for the adjacent Rosedale Pool at 30 Greenhill Avenue;

THEREFORE BE IT RESOLVED:

That City staff in the Real Estate Section of the Planning and Economic Development Department be authorized to investigate and report back to

**Council – June 24, 2015**

Council on the potential acquisition of the 1.48 acre parcel of land at 50 Greenhill Avenue and available funding options including parkland credits.

**(i) NOTICES OF MOTIONS**

Councillor Collins introduced the following Notice of Motion:

**(i) Potential Property Acquisition – 50 Greenhill Avenue, Hamilton  
(Ward 5) (Added Item)**

WHEREAS the property known as 50 Greenhill Avenue (former St. Christopher Catholic Elementary School) was declared surplus and sold by the Hamilton-Wentworth Catholic District School Board to Scarlett Homes Ltd.;

AND WHEREAS the property is designated in the “Escarpment Protection Area” of the Niagara Escarpment Plan, intended “to maintain the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity”;

AND WHEREAS the property is designated “Parks and General Open Space” on Schedule B – Natural Heritage System, and “Open Space” on Schedule E-1 – Urban Land Use Designations, in the Urban Hamilton Official Plan;

AND WHEREAS City acquisition of the property would facilitate the creation of a consistent open space frontage along the south side of Greenhill Avenue adjacent to King Forest Golf Course, and would provide opportunity to utilize the former school’s existing parking area for the adjacent Rosedale Pool at 30 Greenhill Avenue;

THEREFORE BE IT RESOLVED:

That City staff in the Real Estate Section of the Planning and Economic Development Department be authorized to investigate and report back to Council on the potential acquisition of the 1.48 acre parcel of land at 50 Greenhill Avenue and available funding options including parkland credits.

The rules were waived in order to introduce a motion respecting Potential Property Acquisition – 50 Greenhill Avenue, Hamilton (Ward 5)

For disposition of this matter refer to Information Item (h)(ii).

Councillor Farr introduced the following Notice of Motion:

**(ii) Options respecting Parkland Dedication Fees (Added Item)**

That a Working Group of the Planning Committee be established with the membership consisting of Councillors Farr, Pearson and Partridge to meet with staff to discuss the various options regarding Parkland Dedication fees and report back to the next Planning Committee meeting.

The rules were waived in order to introduce a motion respecting Parkland Dedication Fees.

For disposition of this matter refer to Item 9.

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

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

(a) The following new due dates were approved:

Item "I" – Parked Facing the Wrong Way(PED13109) (City Wide)  
Due Date: June 2, 105  
Proposed New Due Date: September 15, 2015

Item "S" Correspondence from Bill Grahlman CD, President, 447 Wing Royal Canadian Air Force Association, respecting possible property acquisition by the City of Hamilton  
Due Date: June 16, 2015  
Proposed New Due Date: July 7, 2015

(b) The following Item was removed:

Item "NN" - That staff report back respecting status of LIUNA and McMaster second building in downtown core. (See Item 5.1 on this agenda)

**(k) PRIVATE AND CONFIDENTIAL**

As Committee determined that no discussion respecting the Private and Confidential Reports was required, the following was approved in Open Session:

12.1 Urban Hamilton Official Plan: Proposed Settlement of Site Specific Appeal by DiCenzo Construction Company Limited of the Urban Hamilton Official Plan and Legal Direction (LS15013/PED15064)



*This matter is proposed for consideration in Closed Session pursuant to Sub-sections 8.1 (e) and 8.1(f) of the City's Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege.*

For disposition of this Item refer to Item 10.

- 12.2 Strathcona Secondary Plan: Proposed Settlement of the Appeal of Moore Sovereign Consistory and Legal Direction (LS15014/PED15065)

*This matter is proposed for consideration in Closed Session pursuant to Sub-sections 8.1 (e) and 8.1(f) of the City's Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege.*

For disposition of this Item refer to Item 11.

- 12.3 Proposed Settlement of the Appeals of Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc. et al, of Official Plan Amendment Application OPA-13-013 and Zoning By-law Amendment Application ZAC-13-045 Legal Direction (Ward 15) – LS15006(a)/PED15031(a).

*This matter is proposed for consideration in Closed Session pursuant to Sub-sections 8.1 (e) and 8.1(f) of the City's Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege.*

For disposition of this Item refer to Item 12.

**(I) ADJOURNMENT (Item 12)**

There being no further business, the Planning Committee adjourned at 11:59 a.m.

Respectfully submitted,

Councillor J. Partridge  
Chair, Planning Committee

Ida Bedioui  
Legislative Co-ordinator  
Office of the City Clerk

Recommended Conditions of Draft Plan Approval for  
Draft Plan of Condominium (Common Elements) 25CDM-201502

That this approval for Draft Plan of Condominium (common elements), 25CDM-201502, prepared by A.T. McLaren Limited, and certified by S. D. McLaren, and dated April 17, 2015, consisting of a common element road, a sidewalk on the south side of the condominium roadway, thirteen (13) visitors parking spaces, and two (2) layby visitor parking spaces, be received and endorsed by City Council with the following special conditions, **as amended**:

Development Planning

- (i) That the final Plan of Condominium shall comply with all of the applicable provisions of Zoning By-law No. 87-57 in the event Zoning By-law No.87-57 has been repealed in its entirety, or those provisions applicable to the subject lands, then the final Plan of Condominium shall comply with any and all applicable City of Hamilton Zoning By-law provisions;
- (ii) That the owner shall receive final approval of Site Plan Control Application No. MDA-14-093, to which the Plan of Condominium shall comply, in all respects, where applicable, to the satisfaction of the Director of Planning and Chief Planner;
- (iii) That the owner shall receive final approval of Part Lot Control Application PLC-15-013, including the enactment and registration on title of the Part Lot Control Exemption By-law, to the satisfaction of the Director of Planning and Chief Planner;
- (iv) That the owner shall enter into a Development Agreement to ensure that the tenure of each of the proposed freehold single detached dwellings having frontage on the condominium road has legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor;
- (v) That the owner shall include the following in all offers of purchase and sale and rental leases and in the development agreement, and any rental or lease agreements required for occupancy, to the satisfaction of the Senior Director of Growth Management:
  - (1) Purchasers/tenants are advised that the City of Hamilton **will may** not be providing maintenance or snow removal service for the private condominium road. In addition, City Waste Management services may not be available to residents and that the provision of such services may require agreements with private contractors.

- (2) Purchasers/tenants are advised that garages are provided for the purpose of parking a vehicle. It is the responsibility of the owner/tenant to ensure that their parking needs (including those of visitors) can be accommodated on-site. On-street, overflow parking may not be available and cannot be guaranteed in perpetuity;
  - (3) Purchasers/tenants are advised that this property is eligible for weekly collection of garbage, recycling, organics and leaf and yard waste through the City of Hamilton subject to compliance with specifications indicated by the Public Works Department and subject to compliance with the City's Solid Waste Management By-law 09-067.
  - (4) That the owner/developer and/or purchasers/tenants are advised of the annual amount of \$28.00 for sanitary sewer local improvement charges expiring on December 31, 2015.
  - (5) Purchasers/tenants are advised that the home/business mail delivery will be from a designated centralized mailbox.
  - (6) That the owner will be responsible for officially notifying the purchasers of the exact centralized mailbox locations, prior to the closing of any home sales.
  - (7) Purchasers/tenants are advised that students from this development are likely to be redirected to schools outside of the area with available capacity and that students may be transported as governed by the Board Transportation Policy.
  - (8) Purchasers/tenants are advised that despite the fact the City has ownership of the Cooley Cemetery archaeological site AhGx-567, City maintenance of this site will be at a minimum, and grass will be cut, potentially interfering with some activities of the abutting land owners.
  - (9) Purchasers/tenants are advised that the sidewalk on the south side of the common element road will provide public access to the cemetery. The Owners will be required to permit the general public access to the cemetery.
- (vi) That the owner shall satisfy all conditions, financial or otherwise, of the City of Hamilton.

Development Engineering

- (vii) The Owner shall agree to include in all offers of Purchase and Sale a statement that advises the prospective purchaser that there is an approved grading plan and that the purchaser agrees not to alter the approved grading plan without approval from the City of Hamilton. Additionally, no grade alteration within 0.45 metres of the property line will be permitted including retaining walls, walkways, curbs, etc.
- (viii) The Owner shall submit to the City's Legal Department the necessary transfer deeds to convey any required easements for municipal services, including public access that may be necessary through Block 20 – 22 of "Legacy" Plan of Subdivision (62M-1212) to the City of Hamilton to the satisfaction of the Senior Director of Growth Management.
- (ix) The Owner shall prepare and submit a stewardship brochure for distribution to all future homeowners within the condominium which describes the importance of the Environmentally Significant Area (ESA) and the Niagara Escarpment and which details good stewardship practices for landowners adjacent to the ESA to the satisfaction of the Director of Planning and the Hamilton Conservation Authority. The Owner further agrees to include a copy of this stewardship brochure in all offers of purchase and sale for the lands adjacent to the Environmentally Significant Areas.
- (x) The Owner include in the engineering design drawings and cost estimate schedules, the construction of a minimum 1.5m sidewalk within Block 20 from Highvalley Road to permit public pedestrian access to the cemetery and provide an easement over the sidewalk to the City to the satisfaction of the Director of Development Engineering and the Director of Planning. The Owner further agrees to advise all potential purchasers in all agreements of purchase and sale that under the Draft Plan of Condominium, the Owners will be required to permit the general public access to the cemetery.
- (xi) The Owner shall submit a typical cross section of the common element road showing all utilities to determine if the easement shown on the Draft Plan of Condominium is of sufficient size to accommodate all the necessary utilities, to the satisfaction of the Senior Director of Growth Management.

Geomatics and Corridor Management Section (Public Works Department)

- (xii) That a stop sign (Ra-1) and painted stop bar shall be installed at the driveway limits angled internally towards the condo driveway. The sign must be designed, installed and maintained in accordance with the Manual of Uniform Traffic Control Devices of Canada, to the satisfaction of the Senior Project Manager, Geomatics and Corridor Management Section, Public Works Department.

Canada Post

- (xiii) That the owner/developer shall provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin, along with the expected installation date(s) for the CMB(s), to the satisfaction of Canada Post and the Senior Director of Growth Management.

NOTES TO DRAFT PLAN APPROVAL

**NOTE:** Pursuant to Section 51(32) of the *Planning Act*, draft approval shall lapse if the plan is not given final approval within 3 years. However, extensions will be considered if a written request is received before the draft approval lapses.