



PLANNING COMMITTEE

MINUTES 16-004

9:30 am

Tuesday, March 1, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Johnson (Chair), M. Pearson (1st Vice-Chair), A. Johnson (2nd Vice Chair), C. Collins, D. Conley, J. Farr, M. Green, R. Pasuta and J. Partridge

THE FOLLOWING ITEMS WERE REPORTED FOR THE CONSIDERATION OF COUNCIL:

1. Application for Approval of Draft Plan of Condominium (Common Elements), for Lands Known as 311 and 321 Frances Avenue (Stoney Creek) (PED16056) (Ward 10) (Item 6.1)

(Pearson/Conley)

- (a) That approval be given to Draft Plan of Condominium Application 25CDM-201520, by New Horizons Development Group (Waterfront Trails) Inc., Owner, to establish a Draft Plan of Condominium (common elements condominium) to create condominium roads, internal sidewalks, landscaped areas and visitors parking areas, in favour of 207 residential units, comprised of 40 townhouse dwellings; 38 back to back freehold townhouse units; and, 129 residential units within the Standard Condominium Apartment Building, on lands located at 311 and 321 Frances Avenue (Stoney Creek), as shown on Appendix "A" to Report PED16056, subject to the following conditions:
- (i) That this approval for Draft Plan of Condominium (common elements) application 25CDM-201520 applies to the plan prepared by A.T. McLaren Limited, certified by S. D. McLaren, and dated August 27, 2015, consisting of a common element road, internal sidewalks, landscaped areas, and parking areas, attached as Appendix "B" to Report PED16056; and,
 - (ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201520, **as amended**, attached as Appendix "D" to Report PED16056 be approved by City Council.

CARRIED

2. Applications to Amend the Urban Hamilton Official Plan (UHOP) and Glanbrook Zoning By-law No. 464, and for Approval of a Draft Plan of Subdivision, “Summit Park Swayze Lands”, for Lands Located at Swayze Road and Bellagio Avenue (Glanbrook) (PED16047) (Ward 11) (Item 6.2)

(B. Johnson/Pearson)

- (a) That approval be given to Amended Urban Hamilton Official Plan Amendment Application UHOPA-15-20, by 1356715 Ontario Inc., Owner, to amend the Rymal Road Secondary Plan to: redesignate lands from “Low Density Residential 2g”, “Institutional”, “Neighbourhood Park” and “Parkette” to “Low Density Residential 2h”; redesignate lands from “Low Density Residential 2h”, “Institutional” and “Utility” to “Medium Density Residential 2b”; redesignate lands from “Low Density Residential 2h” to “Local Commercial”; redesignate lands from “Low Density Residential 2g” to “Parkette”; redesignate lands from “Low Density Residential 2g,” “Low Density Residential 2h,” and “Institutional” to “Utility (Storm Water Management)”; permit “Local Commercial” uses on the ground floor of apartment buildings for lands designated “Medium Density Residential 2b”; broaden the range of permitted uses within the “Local Commercial” designation; remove a component of the lands from Schedule “B” – Natural Heritage System; and, remove a component of the lands from Schedule “B-4” – Detailed Natural Heritage Features Key Natural Heritage Feature and Key Hydrologic Feature Wetlands on a portion of the lands located at Swayze Road and Bellagio Avenue (Glanbrook), as shown on Appendix “A” to Report PED16047, on the following basis:
- (i) That the draft Urban Hamilton Official Plan Amendment (UHOPA), attached as Appendix “B” to Report PED16047, be adopted by City Council; and,
 - (ii) That the proposed Official Plan Amendment (OPA) is consistent with the Provincial Policy Statement (PPS), and conforms to the Places to Grow Plan;
- (b) That approval be given to Amended Zoning By-law Amendment Application ZAC-13-059 by 1356715 Ontario Inc., Owner, for changes in zoning from the Institutional “I-175” Zone, Residential “R4-173(B)” Zone, and General Agricultural “A1” Zone, to Residential Multiple RM4-289” Zone, Modified; from the General Agricultural “A1” Zone to the Residential Multiple “RM4-289” Zone, Modified; from the Open Space “OS2” Zone, Institutional “I-175” Zone, Residential “R4-173(B)” Zone, and General Agricultural “A1” Zone to the Residential Multiple “RM3-173(B)” Zone, Modified; from the General Agricultural “A1” Zone to the Neighbourhood Commercial “C1-173” Zone, Modified; from the Residential “R4-173(B)” Zone and the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone, Modified; from the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone, Modified; and, from the General Agricultural “A1” Zone to the Public Open Space “OS2-173” Zone,

Modified; and for changes in zoning, as shown in Appendix “F”, from the General Agricultural “A1” and Public Open Space “OS2” Zone to the Open Space “P4” Zone in the Hamilton Zoning By-law No. 05-200, for lands located at Swayze Road and Bellagio Avenue (Glanbrook), as shown on Appendix “A” to Report PED16047, on the following basis:

- (i) That the draft By-law, **as amended**, attached as Appendix “C” to Report PED16047, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - (ii) That the proposed changes in zoning are consistent with the Provincial Policy Statement (2014), conform to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. ___;
- (c) That approval be given to Revised Draft Plan of Subdivision Application 25T-201309 by 1356715 Ontario Inc., Owner, to establish a Draft Plan of Subdivision known as “Summit Park (Swayze Lands)”, on lands known as Swayze Road and Bellagio Avenue (Glanbrook), as shown on Appendix “A” to Report PED16047, subject to the following conditions:
- (i) That this approval apply to “Summit Park (Swayze Lands)”, 25T-201309, as revised, prepared by A.J. Clarke and Associates Ltd., and certified by B. J. Clarke, O.L.S., dated April 22, 2015, showing 4 blocks for medium density residential purposes (Block 1, Block 27, Block 29, and Block 36), 28 blocks for low density residential purposes (Blocks 2 - 6, Blocks 8 - 26, and Block 30 – 33), 1 block for local commercial purposes (Block 28), 1 block for a parkette (Block 34), and 2 blocks for storm water management ponds (Blocks 7 and 35), proposed Street “A”, Street “B”, Street “C”, Street “D”, Street “E”, Street “F”, Street “G”, Street “H”, and Street “I”, and the extension of Terryberry Road, attached as Appendix “D” to Report PED16047, 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 PED16047;
 - (ii) Acknowledgement that there will be a City share of costs for the installation of the proposed stormwater management facilities, land, and construction costs, within the draft plan lands, as identified in the current Development Charges Study;
 - (iii) Acknowledgement that there is a City share for the costs of the underground and above ground road works adjacent to Block 34 (parkette), in accordance with the City’s current Financial Policy;

- (iv) Acknowledgement that the urbanization and upgrade of Regional Road #56 from Rymal Road East to Terryberry Road, excluding the cost for installation of the intersection and traffic control works, as identified in the Development Charges Study, be at 100% City cost;
- (v) Acknowledgement that the City's proportional share of servicing costs adjacent to the Storm Water Management facility is to be based upon land requirements to establish the most appropriate size and frontage to meet the City's needs;
- (vi) That Payment of Cash-in-Lieu of Parkland will not be required for the development prior to the issuance of each building permit for the lots within the plan.

CARRIED

3. Application for a Zoning By-law Amendment for Lands Located at 311 Hamilton Drive (Ancaster) (PED16054) (Ward 12) (Item 6.3)

(Partridge/Conley)

That approval be given to Zoning Application ZAR-15-043, by Angela Maddern, Owner, for a change in zoning from the Deferred Development "D" Zone to the Residential "R3-671" Zone, Modified, to facilitate the future severance of the property in order to establish two single detached dwellings on lands located at 311 Hamilton Drive (Ancaster), as shown on Appendix "A" to Report PED16054, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED16054, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan.

CARRIED

4. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068) (Ward 11) (Item 6.4)

(B. Johnson/Collins)

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-019, by John Bruce Robinson Construction Limited, Owner, to amend the Urban Hamilton Official Plan (UHOP) in order to establish a site specific policy within the Binbrook Village Secondary Plan to permit residential uses within a portion of the ground floor, in conjunction with commercial uses, in a mixed-use building within

the "Mixed Use - Medium Density - Pedestrian Predominant" designation, at 2605 Binbrook Road East (Glanbrook), as shown on Appendix "A" to Report PED16068, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED16068, be adopted by City Council.
- (b) That approval be given to Zoning By-law Amendment Application ZAC-15-038 by John Bruce Robinson Construction Limited, Owner, for a change in zoning from the Existing Residential "ER" Zone and the Deferred Development "DD" Zone to the General Commercial "C3-287" Zone, Modified, with a Special Exception, to permit a mixed use building containing ground floor commercial and residential uses and residential apartments on the upper storeys, at 2605 Binbrook Road East (Glanbrook), as shown on Appendix "A" to Report PED16068, on the following basis:
 - (i) That the draft By-law, attached as Appendix "C" to Report PED16068, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and is in conformity with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. [REDACTED].

CARRIED

5. Hamilton Municipal Heritage Committee Report 16-002 (Added Item 8.1)

- (a) **Heritage Permit Application HP2015-044 to Demolish 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act (PED16057) (Ward 2) (Item 8.1)**

(Farr/Pearson)

- (i) That Heritage Permit application HP2015-044 to demolish the building located at 1 St. James Place, Hamilton, under Section 34 of the Ontario Heritage Act, be refused.
- (ii) That appropriate notice of the Council decision be served on the owner of 1 St. James Place, Hamilton, and the Ontario Heritage Trust, as required under Section 34 of the Ontario Heritage Act.

CARRIED

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

AMENDED BY-LAW

- 6.2 At the request of the applicant and staff, the proposed Zoning By-law attached as Appendix "C" to Report PED16047 has been amended and a copy of the amended By-law which will replace the one printed in the agenda has been circulated.

ADDED WRITTEN COMMENTS:

- 6.3(i) Angelo Sferrazza, 335 Cavendish Drive, respecting Application for a Zoning By-law Amendment for Lands Located at 311 Hamilton Drive (Ancaster) (PED16054)
- 6.4(i) Jim White, 24 Wills Crescent, Binbrook, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068)
- 6.4(ii) James Smilsky, agent and Property Manager for WCC #343, 801 Mohawk Road West, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068)
- 6.4(iii) Shawn Blaj, Tanglewood Drive, Binbrook, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068)
- 6.4(iv) Troy Walker, 57 Tanglewood Drive, Binbrook, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068)
- 6.4(v) John Caruso, 37 Tanglewood Drive, Binbrook, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068)

ADDED DISCUSSION ITEM

- 8.1 Hamilton Municipal Heritage Committee Report 16-002

ADDED NOTICE OF MOTION

- 10.1 Farm Business Registration Number to be Submitted with Agriculture Building Permits

(Collins/Green)

That the agenda for the March 1, 2016 meeting be approved as amended.

CARRIED

(b) DECLARATIONS OF INTEREST (Item 2)

None.

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

- (i) February 16, 2016 Meeting (Item 3.1)**

(Farr/Pasuta)

That the Minutes of the February 16, 2016 meeting be approved.

CARRIED

(d) DELEGATIONS/PUBLIC HEARING (Item 6)

- (i) Application for Approval of Draft Plan of Condominium (Common Elements), for Lands Known as 311 and 321 Frances Avenue (Stoney Creek) (PED16056) (Ward 10) (Item 6.1)**

In accordance with the provisions 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 makes a decision regarding the Draft Plan of Condominium (Common Elements) 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.

Matt Johnston of UrbanSolutions Planning and Land Development Consultants, agent for the applicant was in attendance and addressed Committee indicating that Condition 6 of the Draft Plan of Condominium has been satisfied and requested that it be changed to the more standard condition.

(Green/Pearson)

That the agent's presentation be received.

CARRIED

Staff confirmed Condition 6 will be changed to the more standard condition, now that the condition has been satisfied.

(Pearson/Partridge)

That the public meeting be closed.

CARRIED

(Pearson/Conley)

That the staff report with the amendment to Condition 6 of the Draft Plan of Condominium be approved.

CARRIED

For disposition of this matter refer to Item 1.

(ii) Applications to Amend the Urban Hamilton Official Plan (UHOP) and Glanbrook Zoning By-law No. 464, and for Approval of a Draft Plan of Subdivision, "Summit Park Swayze Lands", for Lands Located at Swayze Road and Bellagio Avenue (Glanbrook) (PED16047) (Ward 11) (Item 6.2)

In accordance with the provisions 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 makes a decision regarding the Urban Hamilton Official Plan and Glanbrook Zoning By-law Amendments and Draft Plan of Subdivision the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

Yvette Rybensky, Senior Project Manager-Suburban, explained the changes to the Zoning By-law which replaces Appendix C printed in the agenda.

No members of the public came forward.

(Pearson/Pasuta)

That the staff presentation be waived

CARRIED

Stephen Fraser of A.J. Clarke and Associates, agent for the applicant was in attendance and indicated that they are in support of the staff report and the amended by-law.

(Conley/Pasuta)

That the public meeting be closed.

CARRIED

Chair B. Johnson relinquished the Chair to Vice Chair Pearson to move this Item.

For disposition of this matter refer to Item 2.

Chair B. Johnson assumed the Chair.

(iii) Application for a Zoning By-law Amendment for Lands Located at 311 Hamilton Drive (Ancaster) (PED16054) (Ward 12) (Item 6.3)

In accordance with the provisions 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 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) Angelo Sferrazza, 335 Cavendish Drive

(Partridge/Pasuta)

That the written comments from Angelo Sferrazza be received.

CARRIED

No members of the public came forward.

(Pasuta/A. Johnson)

That the public meeting be closed.

CARRIED

(Pearson/Pasuta)

That the staff presentation be waived.

CARRIED

Dasha Page from Matthews, Cameron, Heywood - Kerry T. Howe Surveying Limited, was in attendance and indicated that they are in support of the staff report.

For disposition of this matter refer to Item 3.

Chair B. Johnson relinquished the Chair to Vice Chair Pearson prior to consideration of the following Item:

(iv) Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 2605 Binbrook Road East (Glanbrook) (PED16068) (Ward 11) (Item 6.4)

In accordance with the provisions of the *Planning Act*, Vice-Chair Pearson 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 Urban Hamilton Official Plan Amendment and 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

6.4(i) Jim White, 24 Wills Crescent, Binbrook

6.4(ii) James Smilsky, agent and Property Manager for WCC #343, 801 Mohawk Road West

6.4(iii) Shawn Blaj, Tanglewood Drive, Binbrook

6.4(iv) Troy Walker, 57 Tanglewood Drive, Binbrook

6.4(v) John Caruso, 37 Tanglewood Drive, Binbrook

(B. Johnson/Partridge)

That the added written comments, Items 6.4(i) to 6.4(v), be received.

CARRIED

Greg Macdonald, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation and responded to questions from Committee. A copy of his presentation has been uploaded onto the City's website.

Copies of a Public Notice which was issued yesterday advising that the City will be installing temporary speed bumps along Tanglewood Drive were distributed and Councillor B. Johnson referred to the notice as an added measure which is being undertaken by the City to appease the concerns of residents.

(Conley/Farr)

That the staff presentation be received.

CARRIED

Franz Kloibhofer of A. J. Clark and Associates, the agent for the owner was in attendance and briefly addressed Committee explaining how the proposal has matured over the last couple of weeks. He referred to the new site plan and showed a slide illustrating how the development will look upon completion and responded to questions from Committee.

(B. Johnson/Conley)

That the agent's presentation be received.

CARRIED

No members of the public came forward.

(Farr/Collins)

That the public meeting be closed.

CARRIED

For disposition of this matter refer to Item 4.

Councillor B. Johnson assumed the Chair.

(e) MOTIONS (Item 9)

(i) Laneway Housing in Hamilton

(Collins/Farr)

That Planning staff prepare a report and presentation to Committee on the current inventory and policies related to 'Laneway Housing' in Hamilton.

CARRIED

(ii) Farm Business Registration Number to be Submitted with Agriculture Building Permits

(B. Johnson/Pasuta)

That staff be directed to examine the feasibility of requesting applicants for an agriculture building permit to provide a Farm Business Registration Number so that eligibility for a discount on the development charges on agriculture buildings, as prescribed under the City of Hamilton's Development Charges By-Law, can be confirmed.

CARRIED

(iii) Urban Design Study for Piers 7 and 8

(Farr/Collins)

WHEREAS, there are currently consultants working on Urban Design for Piers 7 and 8;

THEREFORE BE IT RESOLVED:

That the appropriate staff report back to the next Planning Committee on the timing of the Urban Design Study for Piers 7 and 8 and when we may engage the public accordingly.

CARRIED

(f) NOTICES OF MOTION (Item 10)

Councillor Collins presented the following notice of motion:

(i) Laneway Housing in Hamilton (Added Item)

That Planning staff prepare a report and presentation to Committee on the current inventory and policies related to 'Laneway Housing' in Hamilton.

(Green/Partridge)

That the rules of order be waived in order to allow for the introduction of a motion respecting Laneway Housing in Hamilton.

CARRIED

For disposition of this Item refer to Information Item (e)(i).

Chair B. Johnson relinquished the Chair to Vice Chair Pearson and presented the following Notice of Motion:

(ii) Farm Business Registration Number to be Submitted with Agriculture Building Permits (Added 10.1)

That staff be directed to examine the feasibility of requesting applicants for an agriculture building permit to provide a Farm Business Registration Number so that eligibility for a discount on the development charges on agriculture buildings, as prescribed under the City of Hamilton's Development Charges By-Law, can be confirmed.

(Partridge/Green)

That the rules of order be waived in order to allow for the introduction of a motion respecting Farm Business Registration Number to be Submitted with Agriculture Building Permits.

CARRIED

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

Chair B. Johnson assumed the Chair.

Councillor Farr presented the following Notice of Motion:

(iii) Urban Design Study for Piers 7 and 8 (Added Item)

WHEREAS, there are currently consultants working on Urban Design for Piers 7 and 8;

THEREFORE BE IT RESOLVED:

That the appropriate staff report back to the next Planning Committee on the timing of the Urban Design Study for Piers 7 and 8 and when we may engage the public accordingly.

(Farr/Collins)

That the rules of order be waived in order to allow for the introduction of a motion respecting the Urban Design Study for Piers 7 and 8.

CARRIED

For disposition of this Item refer to Information Item (e)(iii).

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(Pearson/A. Johnson)

(a) That the following new due dates be approved:

Item "C" - Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Limeridge Rd
Due Date: March 1, 2016
Proposed New Due Date: June 14, 2016

Item "D" - City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide)
Due Date: March 1, 2016
Proposed New Due Date: April 19, 2016

CARRIED

(h) ADJOURNMENT (Item 13)

(Collins/Pearson)

There being no further business, that the Planning Committee be adjourned at 10:58 a.m.

CARRIED

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk