



PLANNING COMMITTEE

REPORT 16-013

9:30 a.m.

Tuesday, July 5, 2016

Council Chambers

Hamilton City Hall

71 Main Street West

Present:	Councillors B. Johnson (Chair), M. Pearson (1 st Vice-Chair), A. Johnson (2 nd Vice Chair), J. Farr, C. Collins, D. Conley M. Green, J. Partridge and D. Skelly.
Absent with regrets:	Councillor R. Pasuta, City Business
Also Present	Councillors T. Jackson and L. Ferguson

THE PLANNING COMMITTEE PRESENTS REPORT 16-013 AND RESPECTFULLY RECOMMENDS:

1. AMANDA Improvement Initiatives (PED16156) (City Wide) (Item 5.1)

That Report PED16156 respecting AMANDA Improvement Initiatives (PED16156) (City Wide) be received.

2. Update on Proposal from the Nikola Tesla Educational Corporation to Change the Street Name for a Portion of Burlington Street East to Nikola Tesla Boulevard (PED15145(a) (Wards 4 and 5) (Outstanding Business List Item) (Item 5.2)

- (a) That Report PED15145(a) be received;
- (b) That the by-law attached as Appendix "A" to Report PED15145(a) be enacted by Council.

3. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 383 Dundas Street East and 4 First Street (Waterdown) (PED16139) (Ward 15) (Item 5.3)

WHEREAS, an application has been made by Mikmada Development Group Inc. (the "Applicant") to rezone the lands located at 383 Dundas Street East and 4 First Street (Waterdown) from Highway Commercial HC-2 to a site specific Medium Density Residential (R6) zone to permit the development 81 townhouse units (the "Application");

WHEREAS, the Applicant appealed the City of Hamilton's refusal or neglect to approve the Application;

WHEREAS, neighbouring residents and adjacent developers have identified concerns regarding the density of the proposed development, traffic safety impacts and traffic generation/volume impacts, stormwater management, servicing and grading elevation of the proposed development but have not had the opportunity to make submissions to City Council regarding their concerns; and

WHEREAS, City Council desires to receive the input of the public regarding the Application;

THEREFORE BE IT RESOLVED:

- (a) That Legal staff be instructed to oppose the Applicant's appeal of the Application until the public is given the opportunity to make submissions to City Council through the City's Planning Committee at its meeting of September 6, 2016 and Council provides further instructions in respect of its position in regards to the Applicant's appeal;
- (b) That members of the public be informed through the Ward 15 Councillor's office of the September 6, 2016 date of Planning Committee's consideration of the appeal of the Application so that members of the public have the opportunity to appear as a delegation before Planning Committee;
- (c) That Report PED16139 respecting Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 383 Dundas Street East and 4 First Street (Waterdown) be referred to the September 6, 2016 meeting.

4. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3017 Homestead Drive, Glanbrook (PED16127) (Ward 11) (Item 6.1)

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-025 by Edmond Ciardullo (owner), for a Site Specific Policy amendment to the Mount Hope Secondary Plan to permit a Garden Centre as a primary use and an existing single detached dwelling as an additional use, for lands located at 3017 Homestead Drive, Glanbrook, as shown on Appendix “A” to Report PED16127, on the following basis:
 - (i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED16127, which has been prepared in a form satisfactory to the City Solicitor, be adopted by City Council.
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan.
- (b) That approval be given to Zoning By-law Amendment Application ZAR-15-054, by Edmond Ciardullo (owner), for a change in zoning from the Existing Residential “ER” and Deferred Development “DD” Zones, to the General Commercial “C3-300” Zone, Modified, for the lands located at 3017 Homestead Glanbrook as shown on Appendix “A” to Report PED16127, on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED16127, 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 (PPS) and conforms to the Places to Grow Plan; and,
 - (iii) That the proposed change in zoning will comply with the Urban Hamilton Official Plan upon finalization of the Urban Hamilton Official Plan Amendment No. XX.
- (c) That no submissions were submitted by the public.

5. Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision “Ancaster Glen Phase 2” for Lands Located at 435 Garner Road East (Ancaster) (PED16147) (Ward 12) (Item 6.2)

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-008, by Losani Homes (1998) Limited (Owner), for a change in designation in the Garner Neighbourhood Secondary Plan Land Use Plan from “Low Density Residential 1” to “Low Density Residential 2c” for a portion of the subject lands in order to permit block townhouses, and to establish a Site Specific Policy Area on another portion of the subject lands, in order to permit block townhouses and maisonettes, for lands located at 435 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED16147, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16147, be adopted by City Council; and,
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow).
- (b) That approval be given to Revised Zoning By-law Amendment Application ZAC-12-068(R), by Losani Homes (1998) Limited (Owner), for a change in zoning from the Agricultural “A-216” Zone, Modified, to the Multiple Residential “RM5-677” Zone (Block 1) and from the Holding – Multiple Residential “H-RM6-603” Zone, Modified to the Multiple Residential “RM5-678” Zone, Modified (Block 2), in order to permit block townhouses, maisonettes, stacked townhouses and multiplexes, for lands located at 435 Garner Road East (Ancaster), as shown on Appendix “A” to Report PED16147, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED16147, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule “B”, Map No. 1 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. ..
- (c) That approval be given to the application to Revise the Draft Plan of Subdivision “Ancaster Glen Phase 2”, 25T-200725(R), by Losani Homes (1998) Limited, Owner, subject to the following conditions:

- (i) That this approval apply to the draft plan of Subdivision, located at 435 Garner Road East, and known as “Ancaster Glen Phase 2”, 25T-200725(R), prepared by Losani Homes and certified by S.D. McLaren, O.L.S., dated October 2012 and revised May 15, 2015, showing the addition of a block for townhouses and maisonettes (Block 180) and two blocks for road widenings (Blocks 181 and 182), attached as Appendix “D” to Report PED16147, subject to the owner entering into an amendment agreement to revise the Registered Subdivision Agreement to reflect the revised Draft Plan of Subdivision (attached as Appendix “D” to Report PED16147) and with the revised Special Conditions of Draft Approval, attached as Appendix “E” to Report PED16147,
- (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the registration of the plan of subdivision.

With regard to Block 166 and 180 (Medium Density Residential Uses), a parkland dedication at a ratio of 0.6 ha of the net land area for each 300 dwelling units proposed will be required.

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

- (d) That no submissions were submitted by the public.

6. Applications for Amendment to the Urban Hamilton Official Plan and for Amendment to the Town of Glanbrook Zoning By-law No. 464 for Lands Located at 21 and 31 Trinity Church Road and 1816 Rymal Road East, Glanbrook (PED16151) (Ward 11) (Item 6.4)

- (a) That approval be given to Urban Hamilton Official Plan Amendment Application UHOPA-15-028, by Multi-Area Development Inc. (c/o. Aldo & David DeSantis) Owners, for OPA No. _____, to establish a site specific policy area, to permit a Motor Vehicle Gasoline Bar, with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant to be added to the list of permitted uses and to increase the maximum permitted commercial floor area, within the Local Commercial Designation, for lands located at 21 and 31 Trinity Church Road and 1816 Rymal Road East, as shown on Appendix “A” to Report PED16151, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED16151, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (PPS) and conforms to the Places to Grow Plan.

- (b) That approval be given to Town of Glanbrook Zoning By-law Amendment Application ZAC-15-061, by Multi-Area Development Inc. (c/o. Aldo & David DeSantis) Owners, for a change from the General Commercial “C3-249” Zone, Modified to the General Commercial “C3-293” Zone, Modified, in order to add the use of a Motor Vehicle Gasoline Bar with an accessory Motor Vehicle Washing Establishment and Drive Thru Restaurant to be added as permitted uses, for lands located at 21 and 31 Trinity Church Road and 1816 Rymal Road East, as shown on Appendix “A” to Report PED16151, on the following basis:
 - (i) That the draft By-law, attached as Appendix “A” to Report 16-013, which has been prepared in a form satisfactory to the City Solicitor, as amended to include a minimum set back requirement of 25 metres from Trinity Church Road for any buildings or structures related to the Motor Vehicle Gasoline Bar be enacted by City Council.
 - (ii) That the amending By-law be added to Map 1548 and 1593 of Schedule “A” of the Town of Glanbrook Zoning By-law No. 464.
 - (iii) That this By-law is in conformity with the Urban Hamilton Official Plan, upon approval of Urban Hamilton Official Plan Amendment No. ;

- (c) That, at the Site Plan approval stage, staff be directed to look at the feasibility of implementing a right-in / right-out access to the Rymal Road location, as well as traffic calming options for Trinity Church Road in consultation with the Councillors for Wards 6, 9 and 11;

- (d) That submissions were made regarding this matter affecting the decision by supporting the granting of the Application, with amendments.

7. Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 97, 105 & 111 Wilson Street East (Ancaster) (PED16145) (Ward 12) (Item 6.5)

- (a) That approval be given to Zoning By-law Amendment Application ZAC-15-030 by 2302495 Ontario Inc. (Owner), for a change in zoning from the Existing Residential “ER” Zone (Block 1) and Residential “R2” Zone (Block 2) to the Residential Multiple “RM4-676” Zone, Modified, in order to permit the development of ten townhouse units on lands located at 97, 105 & 111 Wilson Street East (Ancaster), as shown on Appendix “A” to Report PED16145 on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED16145, 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 1-B of Schedule “A” of the Town of Ancaster Zoning By-law No. 87-57.
 - (iii) 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;
- (b) That the Ward Councillor be consulted during the Site Plan meeting;
- (c) That the submissions made regarding this matter did not affect the decision.

8. Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 144 Wilson Street East (Ancaster) (PED16146) (Ward 12) (Item 6.6)

- (a) That approval be given to Zoning By-law Amendment Application ZAC-15-029 by Staibano & Associates (Owner), for a change in zoning from the Existing Residential “ER” Zone to the General Commercial “C3-674” Zone, Modified, in order to permit the conversion of the existing single detached dwelling for a medical office for lands located at 144 Wilson Street East (Ancaster), as show on Appendix “A” to Report PED16146 on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED16146, 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 1-B of Schedule “A” of the Town of Ancaster Zoning By-law No. 87-57;
 - (iii) 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;
- (b) That the Ward Councillor be invited to the Site Plan meeting;
- (c) That submissions were made regarding this matter affecting the decision by supporting the granting of the Application, with amendments.

9. Bill 73 – *Smart Growth for Our Communities Act, 2015* – Changes to the *Planning Act* (PED16152) (City Wide) (Item 8.2)

- (a) That staff be directed to exempt minor variance applications to further amend a site specific zoning by-law applied for within two years of the day in which the site specific by-law came into effect for only those circumstances where the minor variance application is, in the opinion of the Director of Planning and Chief Planner, in consultation with the Director of Building, required as a result of an administrative error by City staff;
- (b) That the City of Hamilton's existing advisory committees that deal with land use planning matters and which include at least one resident who is neither a member of Council nor an employee of the municipality shall be deemed to be the City of Hamilton's planning advisory committee;
- (c) That until the Parkland Dedication By-law is updated, that staff be directed to apply a rate of 1 hectare of Net land area for each 500 dwelling units proposed with respect to Section 4. a. ii. of the By-law,
- (d) That the Province be requested to expand the scope of its review of the Ontario Municipal Board (OMB) to include a review of the OMB's operations, practices and procedures, as well as alternatives to the OMB.

10. Outdoor Entertainment on Restaurant/Bar Patios (PED16155) (Item 8.3)

That Planning Division staff be directed to hold a statutory Public Meeting in October 2016 for the purposes of hearing public submissions on potential changes to the Zoning By-law, identified in Appendix "A" to Report PED16155, respecting live and recorded music and dance facilities on outdoor commercial patios.

11. Update on Rural Zoning By-law Appeals (LS160017) (City Wide) (Item 12.1)

- (a) That Report LS160017 respecting Update on Rural Zoning By-law Appeals be received;
- (b) That Report LS160017 respecting Update on Rural Zoning By-law Appeals remain private and confidential and restricted from public disclosure.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED WRITTEN COMMENTS

- 6.3(i) Alfred Mazereeuw, Director of Physical Plant & Security at Redeemer University College, 777 Garner Rd East, Ancaster, respecting Item 6.3 Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as "Springbrook Meadows West Extension", for Lands Located at 296, 304, and 312 Springbrook Avenue (Ancaster) (PED16153) (Ward 12).

AMENDED APPENDIX "D"

- 6.3 Amended Appendix "D" to Report PED16153 – as a result of the comments from Redeemer University College staff have amended the Special Conditions to the Draft Plan of Sub-Division

ADDED WRITTEN COMMENTS

- 6.6(i) Carmen Chiaravalle, Sonomahomes, respecting Item 6.6 Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 144 Wilson Street East (Ancaster) (PED16146) (Ward 12). (Copy attached)

CHANGE TO THE ORDER OF THE ITEMS

Item 8.2 respecting Bill 73 and the Changes to the *Planning Act* will be considered after the Consent Items and before the Public Meeting as Committee needs to be aware of the changes which affect this meeting.

Joanna Wice, Solicitor from Legal Services will also be addressing Committee regarding this matter.

The agenda for the July 5, 2016 meeting was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None declared.

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

(i) June 14, 2016 (Item 3.1)

The Minutes of the June 14, 2016 meeting were approved.

(d) CONSENT ITEMS (Item 5)

(i) Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 383 Dundas Street East and 4 First Street (Waterdown) (PED16139) (Ward 15) (Item 5.3)

Councillor Partridge introduced a motion regarding this information report which was approved and is outlined in Item 3.

(e) DELEGATIONS/PUBLIC HEARING (Item 6)

Chair B. Johnson relinquished the Chair to Vice-Chair Pearson prior to consideration of the next Item.

(i) Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 3017 Homestead Drive, Glanbrook (PED16127) (Ward 11) (Item 6.1)

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 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 members of the public came forward.

The staff presentation was waived.

Paul Mallard, of Paul Mallard Consulting, representing the owner, was in attendance and he indicated that they are in support of the staff report.

The public meeting was closed.

The staff recommendations were amended to add that no submissions were received.

For disposition of this matter refer to Item 4.

Chair B. Johnson resumed the chair.

(ii) Applications for an Urban Hamilton Official Plan Amendment, Zoning By-law Amendment and Revisions to a Draft Plan of Subdivision “Ancaster Glen Phase 2” for Lands Located at 435 Garner Road East (Ancaster) (PED16147) (Ward 12) (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 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.

No members of the public came forward.

The staff presentation was waived.

The public meeting was closed.

James Webb of WEBB Planning representing the applicant was in attendance to respond to any questions. He indicated that they are in support of the staff report.

The staff recommendations were amended to add that no submissions were received.

For disposition of this matter refer to Item 5.

(iii) Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as “Springbrook Meadows West Extension”, for Lands Located at 296, 304, and 312 Springbrook Avenue (Ancaster) (PED16153) (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 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.

Written Comments

6.3(i) Alfred Mazereeuw, Director of Physical Plant & Security at Redeemer University College, 777 Garner Rd East, Ancaster

Item 6.3(i), the added written comments, was received.

No members of the public came forward.

The public meeting was closed.

The following motion was approved:

That Item 6.3 respecting Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision known as “Springbrook Meadows West Extension”, for Lands Located at 296, 304, and 312 Springbrook Avenue (Ancaster) be deferred to the August 9, 2016 Planning Committee meeting to allow the Ward Councillor further dialogue with the applicant and staff regarding the Special Conditions.

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

(iv) Applications for Amendment to the Urban Hamilton Official Plan and for Amendment to the Town of Glanbrook Zoning By-law No. 464 for Lands Located at 21 and 31 Trinity Church Road and 1816 Rymal Road East, Glanbrook (PED16151) (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 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.

David Barnett, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

The staff presentation was received.

Franz Kloibhofer, of A. J. Clarke and Associates Ltd, representing the owner, was in attendance and he responded to questions from Committee.

The agent's comments were received.

Speakers

1. Jerry Oltean, 42 Trinity Church Road

Jerry Oltean addressed Committee and his comments included but were not limited to the following:

- This is a very busy corner;
- The Binbrook residents also use Trinity Church Road;
- He has seen three accidents at this location;
- The distance between Trinity Church Road to Bishop Ryan High School located on Rymal Road is only a three minute walk;
- He does not understand why the Church or the School are not expressing concerns with the proposed gas station;
- Trucks will not be able to make a turn;
- He is not opposed to the development only the gas station.

2. Denise Oltean, 42 Trinity Church Road

Denise Oltean addressed Committee and her comments included but were not limited to the following:

- She has lived at this address for 44 years;
- She can't believe that they would put a gas station, with trucks coming in to fill the tanks with our children at the school;
- The trucks transporting gas are dangerous;
- It is not safe.

The delegations were received.

The public meeting was closed.

The following amendments were approved:

- (a) That the zoning by-law be amended to require a minimum set back of 25 metres from Trinity Church Road for any buildings or structures related to the Motor Vehicle Gasoline Bar use;
- (b) That, at the Site Plan approval stage, staff be directed to look at the feasibility of implementing a right-in / right-out access to the Rymal Road location, as well as traffic calming options for Trinity Church Road in consultation with the Councillors for Wards 6, 9 and 11;
- (c) That submissions were made regarding this matter affecting the decision by supporting the granting of the Application, with amendments.

For disposition of this matter refer to Item 6.

(v) Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 97, 105 & 111 Wilson Street East (Ancaster) (PED16145) (Ward 12) (Item 6.5)

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 Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a

party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No members of the public came forward.

The staff presentation was waived.

Matt Johnston and Victoria Coates, of UrbanSolutions Planning & Land Development Inc., representing the owner, were in attendance should Committee have any questions. They indicated that they are in support of the staff report.

The public meeting was closed.

The following amendments were approved:

- (a) That the Ward Councillor be consulted during the Site Plan meeting;
- (b) That the submissions made regarding this matter did not affect the decision.

For disposition of this matter refer to Item 7.

(vi) Application to Amend the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 144 Wilson Street East (Ancaster) (PED16146) (Ward 12) (Item 6.6)

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 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

6.6(i) Carmen Chiaravalle, Sonomahomes

The added written comments, Item 6.6(i), were received.

Melanie Schneider provided an overview of the report with the aid of a PowerPoint presentation. A copy is available for viewing on the City's website.

Matt Johnston and Victoria Coates, of UrbanSolutions Planning & Land Development Inc., representing the owner, were in attendance to respond to any questions.

Matt Johnston addressed Committee and confirmed that the building will remain as is and is a retrofit for a dental practice with 20 parking spaces. There will be some modifications to the landscaping to accommodate the parking area which will have no adverse impacts on the abutting property owners. The proposal is a good fit with the Ancaster Secondary Plan objectives.

The agent's comments were received.

Speakers

1. Marilyn McHarg, 42 Mercer Street Dundas and Paul McHarg, 22 Tally Ho Road, Dundas

Marilyn McHarg addressed Committee and indicated that she and her brother are representing their mother who lives at 154 Wilson Street which is the property east of the proposal. Her comments included but were not limited to the following:

- Requested confirmation that there will be five practitioners and that a dentist office has the same requirements as a doctor's office regarding parking;
- Her first concern is with the trees on the east border of the property located at 154 Wilson which are 60 years old and the branches extend over the property line – the roots will be damaged with the construction of the parking lot;
- Concerned with the impact on the existing swale which drains water from both properties;
- Will 20 parking spaces for five practitioners be enough?
- Where would the overflow go?
- There are only two lanes of traffic at this location and it is a struggle to get on and out of their mother's property;
- Concerned with the impact that this development will have on the traffic which continues to get heavier and heavier.

The delegations were received.

The public meeting was closed.

The following amendments were approved:

- (a) That the Ward Councilor be invited to the site plan meeting;

- (b) That submissions were made regarding this matter affecting the decision by supporting the granting of the Application, with amendments.

For disposition of this matter refer to Item 8.

Chair B. Johnson assumed the chair.

(f) DISCUSSION (Item 8)

(i) Urban Hamilton Official Plan Housekeeping Amendment (PED16060) (City Wide) (TABLED May 31, 2016) (Item 8.1)

Staff advised that they were unable to meet with the stakeholders and requested the report remain TABLED.

Item 8.1 respecting Urban Hamilton Official Plan Housekeeping Amendment was TABLED until the August 9, 2016 meeting.

(ii) Bill 73 – *Smart Growth for Our Communities Act, 2015* – Changes to the *Planning Act* (PED16152) (City Wide) (Item 8.2)

This Item was considered after the Consent Items and before the Public Meetings as indicated under changes to the agenda.

Joanne Wice, Solicitor with Legal Services, provided a verbal update of what is now required from Committee with respect to submitted written or verbal comments received from the public.

Anita Fabac provided a verbal overview of the staff report.

Staff responded to questions from Committee.

For disposition of this matter refer to Item 9.

(iii) Outdoor Entertainment on Restaurant/Bar Patios (PED16155) (Item 8.3)

Councillors Collins and B. Johnson indicated that they wished to be recorded as OPPOSED to this Item.

For disposition of this matter refer to Item 10.

(g) NOTICES OF MOTION (Item 10)

Councillor Farr introduced the following Notice of Motion:

That the Manager of Development Planning, Heritage and Design be authorized to waive the application fee required for a one year extension to Site Plan Approval for Site Plan Application DA-09-118 (179, 181, 183 and 188 ½ James Street North, Hamilton)

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

(i) Outstanding Business List (Item 11.1)

(a) The following Items were removed:

Item "AA" - Nikola Tesla Boulevard By-law (Item 5.2 on this agenda)

Item "GG" - Correspondence from Town Clerk of Aurora, respecting a motion regarding OMB Jurisdiction referred to GM of P & Ec Dev for info report to Planning Committee.(Item 8.2 on this agenda.)

Item "LL" - Pilot Program for the (BIAs) –Establishing Temporary, Seasonal Patios and Seating Areas Utilizing On-Street Parking Spaces

(b) The following new due date was approved:

Item "R" - Investigate & report back on how other major cities address outdoor entertainment on restaurant/bar patios in waterfront areas adjacent to residential neighbourhoods.

Due Date: July 5, 2016

New Due Date: October 2016

(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Update on Rural Zoning By-law Appeals (LS160017) (City Wide) (Item 12.1.)

Committee did not move into Closed Session to discuss this Report.

For disposition of this matter refer to Item 11.

(j) ADJOURNMENT (Item 13)

There being no further business, the Planning Committee adjourned at 1:36 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Ida Bedioui
Legislative Co-ordinator
Office of the City Clerk

Authority Item [REDACTED]
:
Planning Committee
Report 16-[REDACTED] (PED16XXX)
CM: [REDACTED]

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To Amend Zoning By-law No. 464 (Glanbrook) and By-law Nos. 08-264 and 10-088, Respecting Lands Located at 21 and 31 Trinity Church Road and 1816 Rymal Road East, in the former Township of Glanbrook, now in the City of Hamilton

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City Of Hamilton";

AND WHEREAS the City Of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the *City Of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS the Council of the City of Hamilton, in adopting Item [REDACTED] of Report 16- [REDACTED] of the Planning Committee, at its meeting held on the [REDACTED] day of [REDACTED], 2016, recommended that Zoning By-law No. 464 (Glanbrook), be amended as hereinafter provided;

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No. [REDACTED].

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Zoning Maps 1548 and 1593 appended to and forming part of Zoning By-law No. 464 (Glanbrook), as amended, is hereby further amended as follows:

- (a) That the land be rezoned from the General Commercial "C3-249" Zone to the General Commercial "C3-293" Zone, Modified, for the lands comprised of the subject lands.
2. That Section 44, "Exceptions to the Provisions of the By-law", as amended, of Zoning By-law No. 464, is hereby further amended by adding the following Sub-sections:

C3-293

- (a) Notwithstanding the range of uses outlined in the General Commercial "C3-249" Zone the following additional uses shall also apply:

PERMITTED USES

- (i) Motor Vehicle Gasoline Bar, and a Drive Thru Restaurant accessory to a Motor Vehicle Gasoline Bar.
- (b) Notwithstanding the provisions outlined in the General Commercial "C3-249" Zone the following provisions shall apply:

REGULATIONS

- (i) For the purpose of this By-law a Motor Vehicle Gasoline Bar shall be defined as "a place with one or more pump islands consisting of one or more fuel pumps for the sale of fuel, liquids and small accessories essential for the operation of motor vehicles, and may include a shelter and a Motor Vehicle Washing Establishment accessory to a Motor Vehicle Gasoline Bar, but does not include motor vehicle repairs, oil changes or greasing.
- (ii)

Maximum Gross Leasable Floor Area of Any Individual Commercial Establishment:	Not more than half of the total leasable area floor provide on the site.
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- (iii)

Maximum Gross Leasable Floor of any Group of Local Commercial Uses:	2,500 sq m
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- (iv)

Maximum Gross Leasable Floor of any Group of Medical Centre Uses:	210 sq m
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- (v) For the purpose of this By-law a Professional Office will be defined as "any office where professionally qualified persons, technical assistants and clerical staff are employed and where

clients receive advise, but does not include a medical centre or personal service shop.”

(vi) For the purpose of this By-law a Medical Centre will be defined as “a building or part thereof used by qualified medical practitioner(s), dentist(s), chiropractor(s), physiotherapist(s), osteopath(s) or other drugless practitioner(s), for public or private medical, surgical physio-therapeutic or other human health purposes, except when included within or accessory to a private or public hospital.”

(vii) Minimum Front Yard 1.3 m

(viii) Minimum Side Yard (Easterly) 4.5 m

(ix) Minimum Side Yard (Westerly) 3.7 m (except for a Motor Vehicle Gasoline Bar and accessory uses to a Motor Vehicle Gasoline Bar, a Minimum Westerly Side Yard of 25 m is required)

(x) Minimum Rear Yard 1.5 m

(xi) Minimum Number of Parking Spaces:

The number of on-site Parking Spaces shall be provided in accordance with the following regulations:

(a) A minimum of one parking space for every 25.5 sq m of gross floor area for the uses outlined 2 (a) of By-law 16-XXX.

(xii) Parking Space Requirements:

(a) A Drive Thru Lane shall have a minimum width of 4 m.

(b) The Access driveway located between the canopy of an Motor Vehicle Services Station and a Drive Thru lane shall have a minimum width of 4.2 m.

(c) Each parking space for 90° perpendicular parking shall have a minimum size of 2.6 m in width and 5.5 m in length, with the exception of parking spaces for the physically handicapped which shall have a minimum width of 4.4 m in width and 5.5 m in length.

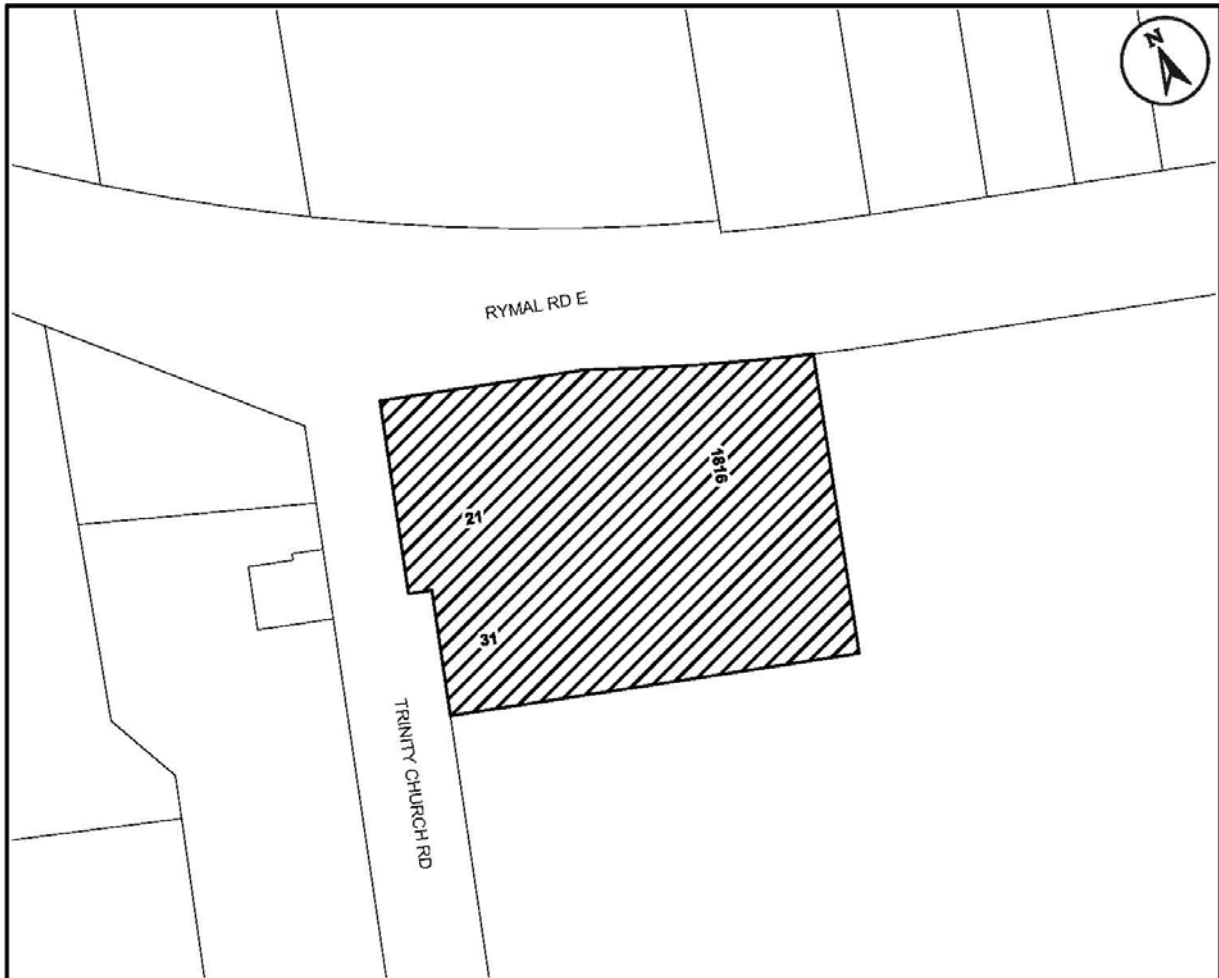
- (d) A landscaped area along Rymal Road East with a minimum average width of 2 m but not less than 1.3 m shall be provided and thereafter maintained along the street line, and it shall be continuous except for driveways required for access to such parking area.
 - (e) A landscaped area along Trinity Church Road with a minimum width of 3 m shall be provided and thereafter maintained along the street line, and it shall be continuous except for driveways required for access to such parking area.
 - (xiii) Loading Space Requirements: No on-site Loading Spaces are required.
 - (xiv) Minimum Landscaping Requirements:
 - (a) A landscape area in the form of a planting strip having a minimum width of 4.5 m and a fence having a minimum height of 1.8 m shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a Residential Zone or any Zone where the adjoining land is used for residential purposes.
 - (b) A landscaped area along Rymal Road East having a minimum average width of 2 m but not less than 1.3 m shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street, and such landscaped area shall be continuous except for the required driveway(s).
 - (c) A landscaped area along Trinity Church Road having a minimum width of 3 m shall be provided and thereafter maintained adjacent to every portion of any lot line that abuts a street, and such landscaped area shall be continuous except for the required driveway(s).
 - (xv) Outdoor display areas shall be permitted in accordance with provisions of the General Commercial "C3-249" Zone but no outside storage of goods and materials shall be permitted.
 - (xvi) All other provisions of the General Commercial "C3-249" Zone shall apply.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED and ENACTED this [REDACTED] day of [REDACTED], 2016.

F. Eisenberger
Mayor

R. Caterini
Clerk

ZAC-15-061



This is Schedule "A" to By-law No. 16- Passed the day of, 2016	----- Mayor ----- Clerk
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<h2 style="margin: 0;">Schedule "A"</h2> <h3 style="margin: 0;">Map Forming Part of By-law No. 16-_____</h3> <h3 style="margin: 0;">to Amend By-law No. 464</h3>	Subject Property 21 & 31 Trinity Church Road and 1816 Rymal Road East Change in Zoning from the General Commercial "C3-249" Zone, Modified to the General Commercial "C3-293" Zone, Modified
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Scale: N.T.S.	File Name/Number: ZAC-15-061	
Date: May 4, 2016	Planner/Technician: DB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		